April 1, 2011

ENGROSSED
HOUSE BILL No. 1242

DIGEST OF HB 1242 (Updated March 30, 2011 11:08 am - DI 102)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13; IC 3-14; IC 5-9; IC 9-24; IC 20-23; IC 36-2; noncode.

Synopsis: Various election law matters. Makes the following changes to the election law: (1) Specifies the contents of statewide voter registration system reports. (2) Specifies certain procedures in connection with voter list maintenance, and updates procedures for address changes of voter registration records in the statewide voter registration system. (3) Permits a county voter registration office to return to a candidate for President of the United States, United States Senator, or governor, after the petition is certified, an original petition that accompanies a declaration of candidacy. (4) Changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates. (5) Permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee, and specifies that the chairman or treasurer of the committee remains liable for any committee debts. (6) Requires that county voter registration records be

(Continued next page)

Effective: Upon passage; December 31, 2010 (retroactive); July 1, 2011.

Richardson, Behning, Ellspermann, DeLaney, Koch

(SENATE SPONSORS — LANDSKE, LAWSON C, LANANE)

January 12, 2011, read first time and referred to Committee on Elections and Apportionment.
January 27, 2011, amended, reported — Do Pass.
February 3, 2011, read second time, ordered engrossed. Engrossed.
February 7, 2011, read third time, passed. Yeas 83, nays 13.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Elections.
March 31, 2011, reported favorably — Do Pass.

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updated not later than 60 days after election day or after completion of a recount or contest. (7) Provides that if a proposed precinct boundary splits a census block, the precinct establishment order must include a description of the precinct boundary in metes and bounds or one or more aerial photographs that depict each census block that is split and the boundary of the precinct that splits each census block. Makes other technical changes to precinct boundary change procedures. (8) Requires a certificate of nomination in a special election called by the governor to be filed not later than noon 74 days (rather than noon 50 days) before the date of the election. (9) Specifies that notice of a meeting to fill an early candidate vacancy must be filed not later than noon ten days before the meeting with the public official required to receive these notices. (10) Specifies that a certificate to fill certain early candidate vacancies must be filed not later than noon three days after the selection of the candidates. (11) Permits a county chairman of a political party to designate a person to preside over a meeting to fill an early candidate vacancy or a vacancy in a local office. (12) Makes other changes relating to filling candidate vacancies. (13) Amends the definition of "active voter". (14) Establishes a procedure for a county executive to appoint a chief clerk from a list of three names recommended by the county chairman of a political party. (15) Provides that a voter registration application received in person or by mail by the election division, or an absentee ballot application received by the election division, is timely filed if the election division receives the application before the deadline established for a county to receive the application. Requires the election division to forward the application promptly to the county where the applicant resides. (16) Provides that an absentee ballot application received from an absent uniformed services voter, an overseas voter, or an address confidentiality program participant is valid for the period that ends on December 31 after the filing of the application (rather than 12 months after the date of the application). (17) Provides that uncontested municipal offices are not required to appear on the ballot in a municipal or general election. (18) Provides that a voter who casts an absentee ballot before election day may not vote in person on election day. (19) Provides that one location of the office of the circuit court clerk (clerk) designated by the clerk is the location at which a voter is entitled to cast an absentee ballot before an absentee voter board. Establishes the office of the board of elections and registration in Lake County as the location at which a voter is entitled to cast an absentee ballot before an absentee voter board. Provides that all other locations at which the clerk or the board of elections and registration has an office must be established as satellite offices in order to be used as locations at which a voter is entitled to cast an absentee ballot before an absentee voter board. (20) Requires a vote center plan to: (A) include the total number and locations of satellite offices to be established at vote center locations; and (B) provide for at least one vote center to be established as a satellite office on the two Saturdays immediately preceding an election day. (21) Provides for the election rather than the appointment of the members of the school board for the city of East Chicago and adds certain other provisions concerning the composition and organization of the school board. (22) Establishes a civil penalty of not more than $1,000 for each communication circulated or published (but not for the number of copies of the communication actually circulated or published) for a person who makes certain campaign communications that contain a disclaimer that is difficult to read or whose placement is easily overlooked. Specifies the type size and color contrast for a disclaimer that meets the statutory requirements. Provides that a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer is not liable for a disclaimer that violates the statute. (23)

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Digest Continued

Allows a member of a county executive or a county fiscal body: (A) who is elected from and must reside within a district; and (B) who is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use after the member has begun a term of office; to complete the member's term of office as long as the member remains a resident of the county that contains the member's district. (24) Moves up the starting date of the period for a candidate to file a declaration of candidacy for a primary election from 104 days before the primary election (approximately January 20) to 118 days before the primary election (approximately January 6). Continues the current 30 day window for primary candidate filings. Makes conforming changes for pre-primary candidate withdrawal, challenge, and challenge determination deadlines. (25) Provides that a town political party convention must be conducted not later than August 21 (rather than before August 21). (26) Specifies that an individual who signs a petition of nomination for an independent candidate must be a registered voter at the time the county voter registration office checks the validity of the signatures on the petition. (27) Specifies that provisional ballots must be counted by a county election board not later than 3 p.m. (rather than noon) 10 days after the election. (28) Provides that the state recount commission must complete certain recount and contest proceedings not later than December 20 (rather than before December 20) after a general election.(29) Repeals provisions that: (A) have been superseded concerning: (i) an absentee ballot application filed by an absent uniformed services voter or an overseas voter, or (ii) the establishment of boards of registration based on a population parameter; (B) allow voters who cast an absentee ballot to vote in person under certain circumstances on election day; and (C) are obsolete concerning voting instructions, paper ballots, ballots formerly printed by the election division, and special polling places. (30) Makes conforming amendments and technical corrections.

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April 1, 2011

First Regular Session 117th General Assembly (2011)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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ENGROSSED
HOUSE BILL No. 1242

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

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

SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.7. "Active voter" **means the following:**

(1) For purposes of IC 3-11-1.5, refers to a voter who satisfies either of the following:

~~(1)~~ **(A)** The voter has registered or voted in any election during the preceding four (4) years at the address indicated on the voter's registration record.

~~(2)~~ **(B)** The voter has not voted in any election during the preceding four (4) years at the address indicated on the voter's registration record and has responded in writing to an address confirmation notice sent under IC 3-7 not later than thirty (30) days after the notice was sent.

(2) For purposes of IC 3-11-18.1, has the meaning set forth in IC 3-11-18.1-2.

SECTION 2. IC 3-5-2-16.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16.2. "County voter

registration office" means the following:

(1) A board of registration established ~~under IC 3-7-12 or~~ by a county executive acting under IC 3-7-12.

(2) A board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

(3) The office of the circuit court clerk, in a county in which a board has not been established under subdivision (1) or (2).

SECTION 3. IC 3-5-4-1.9, AS ADDED BY P.L.164-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.9. **(a) This section does not apply to a delinquent campaign finance filing received under IC 3-9.**

(b) This section does not apply to an application for voter registration received while registration is closed under IC 3-7.

(c) Except as otherwise provided in this title, the election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title may not receive a filing that is offered to be filed after a deadline for the filing provided by this title.

SECTION 4. IC 3-5-4-7, AS AMENDED BY P.L.230-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, ~~2005.~~ **2011.**

SECTION 5. IC 3-6-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) After the state chairman of a political party files a statement with the election division certifying that the party's name has been changed in accordance with all applicable party rules, a political party shall be known by the political party's new name, and the party has all the rights it had under its former name.

(b) If the state chairman of a political party files a statement under subsection (a) after the printing of ballots for use at an election conducted under this title has begun, ~~the election division or~~ the election board responsible for printing the ballots is not required to alter the ballots to state the new name of the political party.

SECTION 6. IC 3-6-6-39, AS AMENDED BY P.L.230-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not

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~~more than seventeen (17)~~ **eighteen (18)** years of age **or older.**

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter.

(b) An individual appointed to a precinct election office or assistant under this section:

(1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and

(2) while serving as a precinct election officer or assistant:

(A) is not required to obtain an employment certificate under IC 20-33-3; and

(B) is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 7. IC 3-7-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This section does not apply to the following counties:

(1) A county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4.

(2) A county in which a board of registration is established **after June 30, 2011,**

~~(A) by this chapter; or~~

~~(B)~~ by a county acting under this chapter.

(3) A county in which a board of registration was established before July 1, 2011, under this chapter.

(b) The circuit court clerk:

(1) is the voter registration officer of each county; and

(2) shall supervise the registration of voters of the county.

SECTION 8. IC 3-7-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. **(a) This section does not apply to:**

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(1) a county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4; or

(2) a county containing a consolidated city.

(b) After June 30, 2011, the county executive ~~of a county not described in section 2 or 3 of this chapter~~ may adopt an order to establish a board of registration.

(c) A board of registration established before July 1, 2011, continues in existence after June 30, 2011.

SECTION 9. IC 3-7-12-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. ~~In~~ **(a) Except as provided in subsection (b), this section applies after June 30, 2011, to the appointment of a chief clerk in** a county having a population of at least four hundred thousand (400,000) **that:**

(1) after June 30, 2011, establishes a board of registration; or

(2) continues a board of registration established before July 1, 2011.

(b) This section does not apply to:

(1) a county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4; or

(2) a county containing a consolidated city.

(c) The board of registration shall ~~appoint~~ **employ** two (2) chief clerks who are members of different political parties.

(d) When a vacancy in the chief clerk position occurs, the county executive shall notify the county chairman of the political party of which the individual vacating the position is a member.

(e) Within thirty (30) days after receiving the notice, the county chairman shall submit to the county executive in writing the names of three (3) individuals recommended to fill the vacancy.

(f) The county executive shall appoint a chief clerk from the list of names submitted under subsection (e).

(g) If the county chairman fails to submit in writing the names of three (3) individuals within the thirty (30) day period, the county executive shall appoint an individual of the same political party as the county chairman to fill the vacancy.

SECTION 10. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. **(a)** The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29. ~~However,~~

(b) Except as otherwise provided in this section, the parts and reports provided under this section may not include information described under section 8 of this chapter.

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(c) The parts and reports may contain the information described in section 8 of this chapter if:

(1) the part or report is to be provided to an entity that:

(A) is described in section 6 of this chapter; and

(B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or

(2) the part or report is a purely statistical compilation that:

(A) includes the information described in section 8 of this chapter; and

(B) does not include any information:

(i) concerning an individual voter; or

(ii) that would permit the identification of an individual voter as a result of providing the compilation.

(d) The parts and reports provided under this section may not include the complete Social Security number of any individual.

SECTION 11. IC 3-7-27-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) As required under 42 U.S.C. 1973gg-6(i), a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the following:

(1) Lists of names and addresses of voters who were sent notices under the voter list maintenance program.

(2) Information concerning whether a voter has responded to a notice described by subdivision (1) as of the date the inspection of the record is made.

(b) The county voter registration office shall retain the records described by this section for at least two (2) years. Except for records concerning declinations to register to vote or that indicate the identity of a voter registration agency where a person registered, the county voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.

(c) In accordance with ~~IC 5-14-3-3(g)~~ **IC 5-14-3-3(h)** and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer tape, computer disc, microfilm, or other

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similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information.

(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that the person will not:

(1) use the information to solicit merchandise, goods, services, or subscriptions; or

(2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;

for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

SECTION 12. IC 3-7-28-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. ~~Not later than thirty (30) days after receipt of the reports of deceased individuals required under this article,~~ **(a)** Each ~~circuit court clerk or board of~~ **county voter** registration **office** shall send a list of the deceased persons whose registrations have been canceled to the following upon request:

(1) The county chairman of each major political party of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next election to be conducted in the county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 13. IC 3-7-28-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. ~~Not later than thirty (30) days after preparation of a list of disfranchised voters under this article, the circuit court clerk or board of~~ **(a) Each county voter** registration **office** shall send a ~~notice~~ **list of disfranchised voters whose registrations have been canceled** to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is

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on the ballot for the next general election to be conducted in the county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 14. IC 3-7-28-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. ~~The circuit court clerk or board of~~ **(a) Each county voter** registration **office** shall provide a list of the names and addresses of all voters whose registrations have been canceled under this article ~~not later than sixty (60) days before election day~~ to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee participating in a primary, general, or municipal election.

After that date, upon request the ~~clerk or board~~ **county voter registration office** shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 15. IC 3-7-33-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.7. (a) This section applies to a voter registration application submitted to the election division in person or by mail.**

(b) An eligible applicant:

(1) who submits a completed application; or

(2) on whose behalf a completed application is submitted;

in person to the election division not later than 5 p.m. on the twenty-ninth day before an election shall be registered to vote in the election.

(c) An eligible applicant:

(1) who submits a completed application; or

(2) on whose behalf a completed application is submitted;

by mail to the election division shall be registered to vote in the election, if the application is postmarked not later than the twenty-ninth day before the election. If a postmark on an application submitted by mail is missing or illegible, an eligible

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applicant shall be registered to vote in the election, if the application is received by the election division not later than the Monday following the close of the registration period.

(d) The election division shall promptly forward an application received under this section to the county voter registration office of the county where the applicant resides.

SECTION 16. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if ~~a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26.3 and 42 U.S.C. 15483 on the date~~ the application ~~is~~ **was** received by the county voter registration office **after December 31, 2002, and before January 1, 2006.**

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

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes:

(A) the individual's Indiana driver's license number; or

(B) the last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or

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overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

(1) is not required to submit additional documentation under this section; or

(2) has provided the documentation required under this section;

the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

SECTION 17. IC 3-7-34-7, AS AMENDED BY P.L.81-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) The county voter registration office shall certify to the NVRA official on an expedited basis a list of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor vehicles commission or a voter registration agency.

(b) The NVRA official shall notify the commission or agency that the commission or agency is required to supply the omitted information on an expedited basis to the county voter registration office. ~~following receipt of notice from the NVRA official.~~

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SECTION 18. IC 3-7-36-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. **(a)** The ~~circuit court clerk or board of~~ **county voter** registration **office** shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the ~~date that the clerk or board prepares the certified list under IC 3-7-29-1.~~ **tenth day before the election.**

(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.

SECTION 19. IC 3-7-40-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The local public officials (or plan commission under IC 36-7-4-405) responsible for:

(1) naming or renaming streets;

(2) numbering or renumbering lots or structures; and

(3) converting rural route addresses to numbered addresses;

shall report the changes to the ~~circuit court clerk or board of~~ **county voter** registration **office** not later than the last day of the month following the month in which the change was made.

SECTION 20. IC 3-7-40-6, AS AMENDED BY P.L.164-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend

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

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

SECTION 21. IC 3-8-2-2.2, AS AMENDED BY P.L.1-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.2. (a) A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23-12, IC 20-23-14, **IC 20-23-17,** or IC 20-23-4. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

(b) A candidate for a school board office is not required to file a

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statement of organization for the candidate's principal committee by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5.

SECTION 22. IC 3-8-2-2.6, AS ADDED BY P.L.164-2006, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.6. (a) This section applies to a write-in candidate for a school board office to be elected on the same election day that a primary election is conducted.

(b) A:

(1) declaration of intent to be a write-in candidate; or

(2) withdrawal of a declaration;

must be subscribed and sworn to before an individual authorized to administer oaths.

(c) A declaration of intent to be a write-in candidate for a school board office must be filed:

(1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and

(2) not later than noon ~~seventy-four (74)~~ **eighty-eight (88)** days before the primary election.

(d) A candidate may withdraw a declaration of intent filed under subsection (c) not later than noon ~~seventy-one (71)~~ **eighty-five (85)** days before the primary election.

(e) A question concerning the validity of a declaration of intent to be a write-in candidate for a school board office must be filed with the county election board under IC 3-8-1-2(c) not later than noon ~~sixty-seven (67)~~ **eighty-one (81)** days before the date of the primary election. The county election board shall determine all questions regarding the validity of the declaration not later than noon ~~fifty-four (54)~~ **sixty-eight (68)** days before the date of the primary election.

SECTION 23. IC 3-8-2-4, AS AMENDED BY P.L.164-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) A declaration of candidacy for a primary election must be filed not later than noon ~~seventy-four (74)~~ **eighty-eight (88)** days and not earlier than ~~one hundred four (104)~~ **one hundred eighteen (118)** days before the primary election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(b) This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter. A declaration of intent to be a write-in candidate must be filed:

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(1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and

(2) not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a declaration of:

(1) candidacy may be filed for an office that will appear on the primary election ballot; or

(2) intent to be a write-in candidate for an office that will appear on the general, municipal, or school board election ballot;

that year as a result of the new tabulation of population or corrected population count.

SECTION 24. IC 3-8-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. **(a)** A petition required by section 8 of this chapter must be submitted to the ~~circuit court clerk or board of~~ **county voter** registration **office** during the period beginning ~~January 1 of~~ **on the first date that a declaration of candidacy may be filed under section 4 of this chapter in** the year in which the primary election will be held and ending at noon ~~seventy-seven (77)~~ **ninety-one (91)** days before the primary election.

(b) After the certification of a petition under this section, the county voter registration office may, upon the request of the candidate named in the petition, return the original petition to the candidate for filing with the secretary of state under section 5 of this chapter.

SECTION 25. IC 3-8-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) All questions concerning the validity of a declaration filed with the secretary of state shall be referred to and determined by the commission in accordance with section 18 of this chapter. A statement questioning the validity of a declaration must be filed with the election division under IC 3-8-1-2(c) not later than noon ~~sixty-seven (67)~~ **eighty-one (81)** days before the date of the primary election.

(b) All questions concerning the validity of a declaration of candidacy filed with a circuit court clerk shall be referred to and determined by the county election board not later than noon ~~fifty-four (54)~~ **sixty-eight (68)** days before the date of the primary election. A statement questioning the validity of a declaration must be filed with

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the county election board under IC 3-8-1-2(c) not later than noon ~~sixty-seven (67)~~ **eighty-one (81)** days before the date of the primary election.

(c) A question concerning the validity of a declaration of intent to be a write-in candidate shall be determined by the commission or the county election board not later than noon ~~sixty-seven (67)~~ **eighty-one (81)** days before election day. A statement questioning the validity of a declaration of intent to be a write-in candidate must be filed with the election division or county election board under IC 3-8-1-2(c) not later than noon ~~seventy-four (74)~~ **eighty-eight (88)** days before election day.

SECTION 26. IC 3-8-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) At least ~~sixty (60)~~ **seventy-four (74)** days before a primary election in a county, the election division shall transmit to each county election board a certified list containing the name and address of each person for whom a declaration of candidacy has been filed with the election division and for which voters at the primary election may vote.

(b) The list must designate the office for which the person is a candidate and the political party the person represents.

(c) If the commission determines under section 18 of this chapter that the certified list of candidates should be amended to add or remove the name of a candidate, as soon as practicable after this determination, the election division shall transmit the county election board an amendment indicating the change to be made in the certified list.

SECTION 27. IC 3-8-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) The commission shall act upon a question concerning a declaration of candidacy not later than noon ~~fifty-four (54)~~ **sixty-eight (68)** days before the date of the primary election.

(b) The notice requirements set forth in IC 4-21.5 do not apply to the meeting conducted by the commission under subsection (a). The election division is required to give the best possible notice of the meeting to a person that the election division identifies as an interested party. Unless a written objection is filed with the election division before the end of the meeting, appearance in person or by counsel at the commission's meeting to act under subsection (a) constitutes an admission that adequate notice of the meeting has been given.

SECTION 28. IC 3-8-2-20, AS AMENDED BY P.L.230-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. (a) A person who files a declaration of candidacy under this chapter may, at any time not later than noon ~~seventy-one (71)~~ **eight-five (85)** days before the date set for holding the

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primary election, file a statement with the same office where the person filed the declaration of candidacy, stating that the person is no longer a candidate and does not wish the person's name to appear on the primary election ballot as a candidate.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

SECTION 29. IC 3-8-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. **(a)** A petition required by section 2 of this chapter must be submitted to the county voter registration office during the period beginning ~~January 1 of~~ **on the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4 in** the year in which the primary election will be held and ending at noon ten (10) days before the final date for filing a declaration of candidacy under IC 3-8-2-4 for the primary election.

(b) After the certification of a petition under this section, the county voter registration office may, upon the request of the candidate named in the petition, return the original petition to the candidate for filing under section 5 of this chapter.

SECTION 30. IC 3-8-5-10, AS AMENDED BY P.L.230-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) If more than one (1) candidate from the same political party files a declaration of candidacy for the same office, that political party shall conduct:

(1) a town convention under this chapter; or

(2) a primary election;

to choose the nominee of that party for that office as provided in the ordinance adopted under section 2 of this chapter.

(b) If a town convention is required under subsection (a), the town chairman shall organize, conduct, and issue a call for a town convention to be held in the town, or, if there is no suitable location in the town, then either at the nearest available location within any county in which the town is located or at the county seat of any county in which the town is located.

(c) The convention must be held ~~before~~ **not later than** August 21 in each year in which a municipal election is to be held. The purpose

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of the convention is to select the nominees for all town offices to be elected at the next municipal election and for which more than one (1) declaration of candidacy has been filed.

(d) The chairman shall file a notice of the call with the circuit court clerk of the county containing the greatest percentage of population of the town. The chairman shall also have notice of the call posted at least three (3) days in three (3) prominent public places in the town, including the office of the clerk-treasurer. The notice must state the time, place, and purpose of the convention.

(e) If the county chairman determines that an emergency requires the rescheduling of a town convention after notice has been given under subsection (d), the chairman shall promptly file a notice in the office of the county election board and in the office of the town clerk-treasurer stating the date, time, and place of the rescheduled convention.

SECTION 31. IC 3-8-5-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

(1) not earlier than ~~January 1,~~ **the first date that a declaration of candidacy for a primary election may by filed under IC 3-8-2-4;** and

(2) not later than:

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

(B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.

(c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.

(d) The declaration of each candidate required by this section must certify the following information:

(1) The candidate's name, printed or typewritten as:

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

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

(2) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward and town), county, and state.

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(3) The candidate's complete residence address and the candidate's mailing address if the mailing address is different from the residence address.

(4) The candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat.

(5) That the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) The candidate's signature.

(e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

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

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

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

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

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

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primary election.

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

SECTION 32. IC 3-8-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. ~~(a)~~ A certificate of nomination **executed under section 13 of this chapter** must be signed before a person authorized to administer oaths and certify the following information:

(1) The name of the party, the town where the convention was held, the date of the convention, and the date of the town election.

~~(2) The name, residence, and office of each candidate that was nominated at the convention.~~

~~(3) That each candidate for town council resides in the ward for which the person is a candidate.~~

~~(4) That each candidate is a registered voter of the town and legally qualified to hold the office for which the person is a candidate.~~

~~(5)~~ **(2)** The title of the party that the candidates represent and the device by which the candidates may be designated on the ballots (a symbol to designate the party).

~~(6)~~ **(3)** The signature and residence address of the presiding officer and secretary of the convention.

~~(b) The certificate of nomination must be filed with the circuit court clerk of the county where the convention was held.~~

SECTION 33. IC 3-8-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A candidate may be nominated for an elected office by petition of voters who are:

(1) registered to vote ~~at the time of signing the petition~~ **on the date the county voter registration office certifies the petition under section 8 of this chapter;** and

(2) qualified to vote for the candidate.

SECTION 34. IC 3-8-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) Except as

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provided in section 11 of this chapter, a petition of nomination must be submitted to the county voter registration office of each county in which the election district is located.

(b) The petition must be filed during the period beginning ~~January 1 of~~ **on the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4 in** the year in which the election will be held and ending at noon June 30 before the election.

(c) The county voter registration office shall certify and file a petition that complies with the requirements of this chapter with the public official authorized to place names on the ballot (and with the town clerk-treasurer, if the petition of nomination is for a town office) not later than noon July 15. Following certification of a petition under this section, the office may, upon the request of a candidate named in the petition, return the original petition to the candidate for filing with the appropriate official in accordance with this subsection.

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

SECTION 35. IC 3-8-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

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

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

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date

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for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars ($500) in contributions.

(B) The candidate makes more than five hundred dollars ($500) in expenditures.

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and

(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

(1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

(B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon ~~August 20.~~ **on the date specified under IC 3-8-7-16 for the certification of candidates and**

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public questions by the election division:

(1) certify; or

(2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

(f) The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

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

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

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or

(2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 36. IC 3-8-7-11, AS AMENDED BY P.L.230-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

(1) the device is changed in accordance with party rules; and

(2) a statement concerning the use of the new device is filed with the election division.

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(b) Except as provided in subsection (c), the device may be any appropriate symbol.

(c) A political party or an independent candidate may not use **any of the following** as a device:

(1) A symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors).

(2) The coat of arms or seal of the state or of the United States.

(3) The national or state flag. ~~or~~

(4) Any other emblem common to the people.

(d) Not later than noon ~~August 20, before each general or municipal election,~~ **on the date specified under section 16 of this chapter for the certification of candidates and public questions by the election division,** the election division shall provide each county election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that ballots may be prepared using the best possible reproduction of the device.

(e) This subsection applies to a candidate or political party whose device is not filed with the election division under subsection (a) and is to be printed only on ballots to identify candidates for election to a local office. Not later than noon ~~August 20,~~ **on the date specified under section 16 of this chapter for the certification of candidates and public questions by the election division,** the chairman of the political party or the petitioner of nomination shall file a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed with the county election board of each county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

(g) If a device is filed with the election division or an election board after the commencement of printing of ballots for use at an election conducted under this title, the election board responsible for printing the ballots is not required to alter the ballots to include the device filed under this subsection.

SECTION 37. IC 3-8-7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. In a special election called by the governor, a certificate of nomination may be filed with the

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public official with whom a certificate is required to be filed at any time after the election is called but no later than noon ~~fifty (50)~~ **seventy-four (74)** days before the date of the election.

SECTION 38. IC 3-8-7-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25.5. (a) This section does not apply to the change of a candidate's name that occurs after absentee ballots have been printed bearing the candidate's name.

(b) A candidate who:

(1) is:

(A) nominated for election; or

(B) a candidate for nomination; and

(2) changed the candidate's legal name after:

(A) the candidate has been nominated; or

(B) the candidate has become a candidate for nomination;

shall file a statement setting forth the former and current legal name of the candidate with the office where a declaration of candidacy or certificate of nomination for the office is required to be filed. If the final date and hour has not passed for filing a declaration of candidacy, consent for nomination, or declaration of intent to be a write-in candidate, the candidate must file the request for a change of name on the form prescribed by the commission for the declaration or consent.

(c) The statement filed under subsection (b) must also indicate the following:

(1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set forth in the statement is identical to the candidate's name on the county voter registration record.

(2) How the candidate's legal name was changed.

(d) Upon the filing of the statement, ~~the election division and~~ each county election board shall print the candidate's legal name on the ballot as set forth in the statement.

SECTION 39. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) A committee may disband at any time in the manner prescribed by this section.

(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.

(c) The commission has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for state office.

(2) A candidate's committee for legislative office.

(3) A legislative caucus committee.

(4) A political action committee that has filed a statement or

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report with the election division.

(5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for a local office.

(2) A candidate's committee for a school board office.

(3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.

(4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:

(A) The committee has not filed any report of expenditures during the previous three (3) calendar years.

(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars ($1,000), if the committee filed a report under this article.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee ~~and waiving any outstanding civil penalty previously imposed by the commission or board,~~ if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

~~(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.~~

~~(C)~~ **(B)** According to the best evidence available to the

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commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) If the commission or board:

(A) administratively dissolves a committee under subdivision (4); and

(B) finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust;

the commission or board may also waive the outstanding civil penalty previously imposed by the commission or board against the committee.

~~(5)~~ **(6)** The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

~~(6)~~ **(7)** An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.

(C) The election division.

(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(E) Contributors to the committee, on a pro rata basis.

(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from **any:**

(1) civil **liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by or on behalf of the committee;** or

(2) criminal liability.

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SECTION 40. IC 3-9-3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. (a) This section does not apply to any of the following:

(1) A communication relating to an election to a federal office.

(2) A communication relating to the outcome of a public question.

(3) A communication described by this section in a medium regulated by federal law to the extent that federal law regulates the appearance, content, or placement of the communication in the medium.

(4) Bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer required by this section cannot be conveniently printed.

(5) Skywriting, water towers, wearing apparel, or other means of displaying an advertisement on which the inclusion of a disclaimer would be impracticable.

(6) Checks, receipts, and similar items of minimal value that do not contain a political message and are used for purely administrative purposes.

(7) A communication by a political action committee organized and controlled by a corporation soliciting contributions to the political action committee by the stockholders, executives, or employees of the corporation and the families of those individuals.

(8) A communication by a political action committee organized and controlled by a labor organization soliciting contributions to the political action committee by the members or executive personnel of the labor organization and the families of those individuals.

(9) A direct mailing of one hundred (100) or less substantially similar pieces of mail.

(b) This section applies whenever a person:

(1) makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate; or

(2) solicits a contribution;

through a newspaper, a magazine, an outdoor advertising facility, a poster, a yard sign, a direct mailing, or any other type of general public political advertising.

(c) For purposes of this section, a candidate is clearly identified if any of the following apply:

(1) The name of the candidate involved appears.

(2) A photograph or drawing of the candidate appears.

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(3) The identity of the candidate is apparent by unambiguous reference.

(d) A communication described in subsection (b) must contain a disclaimer that appears and is presented in a clear and conspicuous manner to give the reader or observer adequate notice of the identity of persons who paid for and, when required, who authorized the communication. A disclaimer does not comply with this section if the disclaimer is difficult to read or if the placement of the disclaimer is easily overlooked.

(e) In addition to meeting the requirements of subsection (d), a disclaimer that appears on a printed communication described in subsection (b) must comply with the following:

(1) The disclaimer must be of sufficient type size to be clearly readable by the recipient of the communication. A disclaimer in 12 point type size satisfies the size requirement of this subdivision when the disclaimer is used for a yard sign, a poster, a flyer, a newspaper, a magazine, or a direct mailing.

(2) The disclaimer must be printed with a reasonable degree of color contrast between the background and the printed statement. A disclaimer satisfies the color contrast requirement of this subdivision if:

(A) the disclaimer is printed in black text on a white background; or

(B) the degree of color contrast between the background and the text of the disclaimer is not less than the color contrast between the background and the largest text used in the communication.

Notwithstanding subdivisions (1) and (2), a disclaimer satisfies the requirements of this subsection if the minimum type size of the disclaimer is 7 point and the type color of the disclaimer contrasts with the background color.

~~(e)~~ **(f)** A communication that would require a disclaimer if distributed separately must contain the required disclaimer if included in a package of materials.

~~(f)~~ **(g)** This subsection does not apply to a communication, such as a billboard, that contains only a front face. The disclaimer need not appear on the front or cover page of the communication if the disclaimer appears within the communication.

~~(g)~~ **(h)** Except as provided in subsection ~~(h),~~ **(i),** a communication described in subsection (b) must satisfy one (1) of the following:

(1) If the communication is paid for and authorized by:

(A) a candidate;

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(B) an authorized political committee of a candidate; or
(C) the committee's agents;
the communication must clearly state that the communication has been paid for by the authorized political committee.
(2) If the communication is paid for by other persons but authorized by:
(A) a candidate;
(B) an authorized political committee of a candidate; or
(C) the committee's agents;
the communication must clearly state that the communication is paid for by the other persons and authorized by the authorized political committee.
(3) If the communication is not authorized by:
(A) a candidate;
(B) an authorized political committee of a candidate; or
(C) the committee's agents;
the communication must clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.
(4) If the communication is a solicitation directed to the general public on behalf of a political committee that is not a candidate's committee, the solicitation must clearly state the full name of the person who paid for the communication.
~~(h)~~ **(i)** A communication by a regular party committee consisting of:
(1) a printed slate card, a sample ballot, or other printed listing of three (3) or more candidates for public office at an election;
(2) campaign materials such as handbills, brochures, posters, party tabloids or newsletters, and yard signs distributed by volunteers and used by the regular party committee in connection with volunteer activities on behalf of any nominee of the party; or
(3) materials distributed by volunteers as part of the regular party's voter registration or get-out-the-vote efforts;
must clearly state the name of the person who paid for the communication but is not required to state that the communication is authorized by any candidate or committee.

SECTION 41. IC 3-9-4-16, AS AMENDED BY P.L.221-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:
(1) Fails to file with the election division a report in the manner required under IC 3-9-5.

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(2) Fails to file a statement of organization required under IC 3-9-1.

(3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.

(4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions on the committee's behalf.

(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.

(6) Makes a contribution in the name of another person.

(7) Accepts a contribution made by one (1) person in the name of another person.

(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.

(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.

(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.

(11) Violates IC 3-9-2-12.

(12) Fails to designate a contribution as required by IC 3-9-2-5(c).

(13) Violates IC 3-9-3-5.

(14) Serves as a treasurer of a committee in violation of any of the following:

(A) IC 3-9-1-13(1).

(B) IC 3-9-1-13(2).

(C) IC 3-9-1-18.

(15) Fails to comply with section 4(d) of this chapter.

(16) Violates IC 3-9-3-2.5 by making a communication that contains a disclaimer that is not presented in a clear and conspicuous manner required by IC 3-9-3-2.5(d) and IC 3-9-3-2.5(e). This subdivision does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the

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commission may assess a civil penalty. The penalty is ten dollars ($10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars ($100) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars ($50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars ($1,000) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty under subsection (a), the commission may assess a civil penalty of not more than one thousand dollars ($1,000), plus any investigative costs incurred and documented by the election division.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of any contributions received.

(2) One thousand dollars ($1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the commission determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the commission shall assess a civil penalty equal to the greater of the following, plus any

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investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars ($1,000).

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has violated IC 3-9-3-5, the commission may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the election division.

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(14), the commission may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the election division.

(j) This subsection applies to a person who is subject to a civil penalty under subsection (a)(15). The commission may assess a civil penalty equal to the costs incurred by the election division for the manual entry of the data contained in the report or statement, plus any investigative costs incurred and documented by the election division.

(k) This subsection applies to a person who is subject to a civil penalty under subsection (a)(16). If the commission determines that a person is subject to a civil penalty under subsection (a)(16), the commission may assess a civil penalty of not more than one thousand dollars ($1,000) for each communication circulated or published (but not for each of the copies of the communication actually circulated or published), plus any investigative costs incurred and documented by the election division.

~~(k)~~ **(l)** All civil penalties collected under this section shall be deposited with the treasurer of state in the campaign finance enforcement account.

~~(l)~~ **(m)** Proceedings of the commission under this section are subject to IC 4-21.5.

SECTION 42. IC 3-9-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

(1) Fails to file with a county election board a report in the manner required under IC 3-9-5.

(2) Fails to file a statement of organization required under IC 3-9-1.

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(3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
(4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions in the committee's behalf.
(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.
(6) Makes a contribution in the name of another person.
(7) Accepts a contribution made by one (1) person in the name of another person.
(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.
(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.
(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.
(11) Fails to designate a contribution as required by IC 3-9-2-5(c).
(12) Violates IC 3-9-3-5.
(13) Serves as a treasurer of a committee in violation of any of the following:
(A) IC 3-9-1-13(1).
(B) IC 3-9-1-13(2).
(C) IC 3-9-1-18.
(14) Violates IC 3-9-3-2.5 by making a communication that contains a disclaimer that is not presented in a clear and conspicuous manner, as required by IC 3-9-3-2.5(d) and IC 3-9-3-2.5(e). This subdivision does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the county election board determines that a person failed to file the report or a statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the county election board may assess a civil penalty. The penalty is ten dollars ($10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars ($100) plus any investigative costs incurred and documented by the board. The civil

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penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the county election board determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the board shall assess a civil penalty. The penalty is fifty dollars ($50) for each day the report is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars ($1,000) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the county election board determines that a person is subject to a civil penalty under subsection (a), the board may assess a civil penalty of not more than one thousand dollars ($1,000), plus any investigative costs incurred and documented by the board.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the county election board determines that a person is subject to a civil penalty under subsection (a)(5), the board may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the board.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the county election board determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the board shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the board:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars ($1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the county election board determines, by unanimous vote of the entire membership of the board, that a person has violated IC 3-9-3-5, the board may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the board.

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the county election board determines, by unanimous vote of the entire membership of the board,

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that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(13), the board may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the board.

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the board determines that a person is subject to a civil penalty under subsection (a)(14), the board may assess a civil penalty of not more than one thousand dollars ($1,000) for each communication circulated or published (but not for each of the copies of the communication actually circulated or published), plus any investigative costs incurred and documented by the election division.

~~(i)~~ **(j)** All civil penalties collected under this section shall be deposited with the county treasurer to be deposited by the county treasurer in a separate account to be known as the campaign finance enforcement account. The funds in the account are available, with the approval of the county fiscal body, to augment and supplement the funds appropriated for the administration of this article.

~~(j)~~ **(k)** Money in the campaign finance enforcement account does not revert to the county general fund at the end of a county fiscal year.

~~(k)~~ **(l)** Proceedings of the county election board under this section are subject to IC 4-21.5.

SECTION 43. IC 3-10-1-31.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.**

(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after the completion of the recount or contest and the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17, IC 3-12-11-18, or IC 3-12-12-19.

SECTION 44. IC 3-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Whenever a proposed state constitutional amendment or other public question is submitted by the general assembly under Article 16 of the Constitution of the State of Indiana to the electorate of the state for a popular vote, the election division shall certify the public question to the county election board of each county.

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(b) If the vote is to occur at a general election, the election division shall certify by noon ~~August 20 before the election.~~ **on the date specified under IC 3-8-7-16 for the election division to certify candidates and other public questions for the general election ballot.** If a special election is to be held, the election division shall certify at least thirty (30) days before the election. Each county election board shall publish notice of the public question in accordance with IC 5-3-1.

SECTION 45. IC 3-10-6-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.5. **(a) This section applies to a municipal office elected during a municipal or general election.**

~~(a)~~ **(b)** ~~Subject to subsection (b),~~ An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

~~(b) Except as provided in subsection (c), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.~~

~~(c) If:~~

~~(1) there is an election for at least one (1) of a municipality's legislative body members;~~

~~(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and~~

~~(3) there is no election for an office to be voted on by all voters of the municipality;~~

~~the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the municipality in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the municipality shall not be placed on the ballot used for the election of municipal legislative body members under this subsection.~~

SECTION 46. IC 3-10-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

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(b) ~~Subject to subsection (c),~~ **This subsection applies to a municipal office elected during a municipal or general election.** An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

~~(c) Except as provided in subsection (d), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.~~

~~(d) If:~~

~~(1) there is an election for at least one (1) of the town's legislative body members;~~

~~(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and~~

~~(3) there is no election for an office to be voted on by all voters of the town;~~

~~the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection.~~

SECTION 47. IC 3-10-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. If a local public question must be certified to an election board by law, that certification must occur no later than noon:

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

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

SECTION 48. IC 3-11-1.5-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 15.5. If a precinct boundary splits a census block, either of the following must be submitted with the order described in section 14 of this chapter:**

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(1) A description of the precinct boundary in metes and bounds.

(2) One (1) or more aerial photographs that depict:

(A) each census block that is split; and

(B) the boundary of the precinct that splits each census block.

SECTION 49. IC 3-11-1.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) If a proposed precinct establishment order includes a legal description of a precinct with a boundary that follows the boundary of a municipality, state legislative district, or municipal legislative district, the order must include the following:

(1) A description in metes and bounds that identifies the boundary as that of a municipality, state legislative district, or municipal legislative district.

(2) A notation on the map of the precinct indicating that the boundary is that of a municipality, state legislative district, or municipal legislative district.

(b) If a proposed precinct establishment order described by section 9 of this chapter includes a legal description of a boundary that follows a visible feature, the order must include a description in metes and bounds **or an aerial photograph** that identifies the visible feature that forms the boundary.

SECTION 50. IC 3-11-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) If the commission or an election board determines that a ballot printed under the authority of the commission or election board does not comply with a requirement imposed by this title or contains any other error or omission that might result in confusion or mistakes by voters, the election division or board shall:

(1) reprint or correct the ballot; or

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

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

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

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

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

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

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

(d) If:

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

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

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

(e) If:

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

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

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

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

SECTION 51. IC 3-11-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, the ~~election division or the~~ election board may print ballots containing the name of the new candidate.

(b) If the ~~election division or the~~ election board determines that printing ballots under subsection (a) would be uneconomical or impractical, the chairman or committee that made the appointment or selection shall provide to the ~~division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the appointment or selection. Pasters may not be given to or received by any person except the ~~co-directors of the election division (or the~~ election board and the board's chairman.

(c) If a candidate entitled to be placed on the ballot changes the

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candidate's legal name after the printing of ballots and before the election, the candidate who has changed the candidate's legal name shall provide to the ~~election division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the change of name. If a candidate declines to do so under this subsection, the ~~division or the~~ board is not required to reprint ballots to reflect the change of legal name.

SECTION 52. IC 3-11-4-3, AS AMENDED BY P.L.66-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** Except as provided in section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) not earlier than the date the registration period resumes ~~following a primary election~~ under IC 3-7-13-10 nor later than the following:

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

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

(A) completes the application in the office of the circuit court clerk; or

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

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

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

(B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board.

(4) ~~Midnight~~ **11:59 p.m.** on the eighth day before election day if the application:

(A) is a mailed application; or

(B) was transmitted by fax;

from other voters.

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

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chapter whenever the election division transmits an application under this subsection.

SECTION 53. IC 3-11-4-6, AS AMENDED BY P.L.66-2010, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

(1) An absent uniformed services voter.

(2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).

(3) An overseas voter.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section. ~~after November 20 preceding the election to which the application applies. Except as provided in subsection (c), The~~ **A** person may apply for an absentee ballot at any time after the ~~applications are made available.~~ **registration period resumes under IC 3-7-13-10.**

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing either of the following:

(1) A combined absentee registration form and absentee ballot request approved under 42 U.S.C. 1973ff(b)(2).

(2) A form prescribed under IC 3-5-4-8 that identifies the applicant as an absent uniformed services voter or an overseas voter. A form prescribed under this subdivision must permit the applicant to designate whether the applicant wishes to receive the absentee ballot by electronic mail, fax, or United States mail.

(d) If the county election board receives an absentee ballot application from a person described by subsection (c), the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under section 15 of this chapter, unless the person has indicated under subsection (c) that the person wishes to receive the absentee ballot by electronic mail or fax.

(e) Whenever a voter files an application for an absentee ballot and indicates on the application that the voter

~~(1)~~ is an absent uniformed services voter or an overseas voter, ~~and (2) does not expect to be in the county during the twelve (12) months following the date the application is filed;~~

the application is an adequate application for an absentee ballot for ~~both subsequent general elections and any municipal or special~~ **an** election conducted during ~~that~~ **the** period **that ends on December 31**

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following the date the application is filed, unless an absentee ballot mailed to the voter at the address set forth in the application is returned to the county election board during that period as undeliverable. The circuit court clerk and county election board shall process this application and send general election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(f) Whenever a voter described in subsection (a)(2) files an application for a primary election absentee ballot and indicates on the application that the voter is an address confidentiality program participant, the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the ~~twelve (12) months~~ **period that ends on December 31** following the date ~~of~~ the application **is filed.** The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(g) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

(1) To a law enforcement agency, upon request.

(2) As directed by a court order.

(h) The county election board shall by fax or electronic mail transmit an absentee ballot to and receive an absentee ballot from an absent uniformed services voter or an overseas voter by electronic mail or fax at the request of the voter indicated in the application filed under this section. If the voter wants to submit absentee ballots by fax or electronic mail, the voter must separately sign and date a statement submitted with the electronic mail or the fax transmission that states substantively the following: "I understand that by faxing or e-mailing my voted ballot I am voluntarily waiving my right to a secret ballot.".

(i) The county election board shall send confirmation to a voter described in subsection (h) that the voter's absentee ballot has been received as follows:

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(1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.

(3) If:

(A) the voter does not provide a fax number or an electronic mail address; or

(B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's absentee ballot;

the county election board shall send the confirmation by United States mail.

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

(j) A county election board may transmit an absentee ballot to an absent uniformed services voter or an overseas voter by electronic mail under a program authorized and administered by the Federal Voting Assistance Program of the United States Department of Defense or directly to the voter at the voter's electronic mail address, if requested to do so by the voter. A voter described by this section may transmit the voted absentee ballot to a county election board by electronic mail. **If a voter described in this section transmits the voted absentee ballot through the United States Department of Defense program, the ballot must be transmitted** in accordance with the procedures established under ~~this~~ **that** program. An electronic mail message transmitting a voted absentee ballot under this subsection must include an optically scanned image of the voter's signature on the statement required under subsection (h).

SECTION 54. IC 3-11-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, **or** IC 3-10-12. ~~or at a special voting poll under section 6.5 of this chapter.~~

SECTION 55. IC 3-11-8-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.1. (a) A county executive shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

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

(1) the location of the polling place is altered by an order of the county executive or county election board under this chapter; or

(2) a precinct establishment order issued under IC 3-11-1.5:

(A) designates a new polling place location; or

(B) combines the existing precinct with another precinct established by the order.

~~(c) The county executive shall then file the report required by section 6.5 of this chapter concerning polls that are inaccessible to voters with disabilities.~~

SECTION 56. IC 3-11-8-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must ~~include the following information:~~

~~(1) For each precinct,~~ **state** whether the polls are located in an accessible facility.

~~(2) If special polling places are designated under section 6.5 of this chapter:~~

~~(A) the location of each special polling place; and~~

~~(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.~~

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

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

SECTION 57. IC 3-11-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. ~~Except as provided in section 6.5 of this chapter,~~ The county executive shall locate the polls for each precinct in an accessible facility.

SECTION 58. IC 3-11-10-17, AS AMENDED BY P.L.198-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) If the inspector finds under section 15 of

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this chapter that any of the following applies, a ballot may not be accepted or counted:

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

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

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

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

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

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

~~(4) The absentee voter has voted in person at the election.~~

~~(5)~~ **(4)** The absentee voter has not registered.

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

~~(7)~~ **(6)** The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

~~(8)~~ **(7)** In **the** case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

~~(9)~~ **(8)** The ballot has been challenged and not supported.

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

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

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

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

(B) on the absentee ballot application.

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

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

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(2) a member of the voter's household; or
(3) an individual serving as attorney in fact for the voter.

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

SECTION 59. IC 3-11-10-24, AS AMENDED BY P.L.120-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.
(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
(A) a precinct election officer under IC 3-6-6;
(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
(C) a challenger or pollbook holder under IC 3-6-7; or
(D) a person employed by an election board to administer the election for which the absentee ballot is requested.
(3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.
(4) The voter is a voter with disabilities.
(5) The voter is an elderly voter.
(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.
(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.
(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.
(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).
(11) The voter is a member of the military or public safety officer.

(b) A voter with disabilities who:
(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and
(2) requests that the absentee ballot be delivered to an address

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within Indiana;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except

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as provided in

~~(1)~~ section 1.5 of this chapter. ~~or~~

~~(2) section 33 of this chapter.~~

SECTION 60. IC 3-11-10-26, AS AMENDED BY P.L.66-2010, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 26. (a) **This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies.** As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board **at any of the following:**

(1) ~~in The~~ **One (1) location of the** office of the circuit court clerk ~~(or board of elections and registration in a county subject to IC 3-6-5.2), or~~ **designated by the circuit court clerk.**

(2) ~~at~~ A satellite office established under section 26.3 of this chapter.

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

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

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

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

~~(b)~~ **(d)** The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

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

~~(c)~~ **(e)** The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

~~(d)~~ **(f)** An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may

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receive and process the ballot at a location designated by resolution of the county election board.

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

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

~~(g)~~ **(i)** As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

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

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

~~(h)~~ **(j)** As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

~~(i)~~ **(k)** If:

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

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

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

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

SECTION 61. IC 3-11-10-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. Even though the

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voter may have applied for and received an absentee ballot, a voter who returns to the voter's place of residence before the close of the polls on election day may vote in person under the conditions prescribed by section 31 ~~or 32~~ of this chapter.

SECTION 62. IC 3-11-10-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 32. If a voter has marked and returned an absentee ballot, ~~but appears~~ **the voter may not vote** in person at ~~the~~ **a** precinct. ~~before the voter's name has been marked on the poll list under section 16 of this chapter, then the voter may:~~

~~(1) have the voter's absentee ballot envelope opened in the voter's presence and the ballot contained in the envelope deposited in the ballot box; or~~

~~(2) request a new ballot, which the voter may vote as any other voter voting in person. However, before the voter may vote, the inspector shall take the unopened absentee ballot envelope and write upon the envelope the words "Unopened because voter appeared and voted in person". The envelope shall be preserved with other defective ballots.~~

SECTION 63. IC 3-11-13-31.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 31.6. Whenever a ballot card voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 64. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

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

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by

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petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally. ~~However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions shall be placed at the beginning of separate columns or pages.~~

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

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

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

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

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

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

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

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(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. **A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.**

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

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

(1) candidate; or

(2) ticket of candidates for:

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

(B) governor and lieutenant governor;

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

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

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

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

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

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

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

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

(2) in alphabetical order according to surname.

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

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first office is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and

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IC 3-11-2-10(d) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and

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

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(b) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

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

SECTION 65. IC 3-11-14-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 22.5. Whenever an electronic voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 66. IC 3-11-18.1-4, AS ADDED BY SEA 32-2011,

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SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 4. The plan required by section 3 of this chapter must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center.

(3) The effective date of the order.

(4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:

(A) The total number of voters within the county.

(B) The number of active voters within the county.

(C) The number of inactive voters within the county.

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section ~~12~~ **13** of this chapter.

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

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer consistent with section ~~12~~ **13** of this chapter.

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

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

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

(B) whether these ballots will be:

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

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

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

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

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

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

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(A) the county election board; and

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

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

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

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

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

(C) Prevent access to an electronic poll list without the coordinated action of two (2) precinct election officers who are not members of the same political party.

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

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

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

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

SECTION 67. IC 3-11-18.1-10, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 10. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan adopted with the county election board's order under section ~~4~~ **3** of this chapter.

SECTION 68. IC 3-11-18.1-15, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 15. (a) A county may amend a plan adopted with a county election board's order under section ~~4~~ **3** of this chapter.

(b) For a county to amend its plan:

(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the plan amendment;

(2) all members of the board must sign the amendment; and

(3) the amendment must be filed with the election division.

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county election board.

SECTION 69. IC 3-11.5-1-4, AS AMENDED BY P.L.66-2010, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. To the extent that they are in conflict with this article, the following statutes do not apply to a county that has adopted a resolution described by section 1 of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) IC 3-11-10-18.

(18) IC 3-11-10-20.

(19) IC 3-11-10-21.

(20) IC 3-11-10-22.

(21) IC 3-11-10-23.

(22) IC 3-11-10-31.

(23) IC 3-11-10-32.

~~(24) IC 3-11-10-33.~~

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~~(25)~~ **(24)** IC 3-11-10-34.
~~(26)~~ **(25)** IC 3-11-10-35.
~~(27)~~ **(26)** IC 3-11-10-36.
~~(28)~~ **(27)** IC 3-11-10-37.
~~(29)~~ **(28)** IC 3-12-2.
~~(30)~~ **(29)** IC 3-12-3-12.

SECTION 70. IC 3-11.5-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) Upon delivery of the certificates under section 8 of this chapter to a precinct election board, the inspector shall do the following in the presence of the poll clerks:

(1) Mark the poll list.

(2) Attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list.

The poll clerks shall sign the statement printed on the certificate indicating that the inspector marked the poll list and attached the certificates under this section in the presence of both poll clerks to indicate that the absentee ballot of the voter has been received by the county election board.

~~(b) If a person listed in the certificate has voted in person at the polls before the delivery of the certificate, the inspector shall initial the voter's name on the certificate in the presence of both poll clerks. The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector initialed the names of voters under this subsection in the presence of both poll clerks.~~

~~(c)~~ **(b)** The inspector shall then deposit:

(1) the certificate prepared under section 1 of this chapter;

(2) the certificate prepared under section 8 of this chapter; and

(3) any challenge affidavit executed by a qualified person under section 16 of this chapter;

in an envelope in the presence of both poll clerks.

~~(d)~~ **(c)** The inspector shall seal the envelope. The inspector and each poll clerk shall then sign a statement printed on the envelope indicating that the inspector or poll clerk has complied with the requirements of this chapter governing the marking of the poll list and certificates.

~~(e)~~ **(d)** The couriers shall immediately return the envelope described in subsection ~~(c)~~ **(b)** to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

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SECTION 71. IC 3-11.5-4-12, AS AMENDED BY P.L.221-2005, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) If the absentee ballot counters find under section 11 of this chapter that:

(1) the affidavit is properly executed;

(2) the signatures correspond;

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

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

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

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

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

(b) If the absentee ballot counters find under subsection (a) that the voter has not filed the additional information required to be filed with the county voter registration office under IC 3-7-33-4.5, but that all of the other findings listed under subsection (a) apply, the absentee ballot shall be processed as a provisional ballot under IC 3-11.7.

(c) The absentee ballot counters shall then deposit the ballots in a secure envelope with the name of the precinct set forth on the outside of the envelope. After the absentee ballot counters or the county election board has made the findings described in subsection (a) or section 13 of this chapter for all absentee ballots of the precinct, the absentee ballot counters shall remove all the ballots deposited in the envelope under this section for counting under IC 3-11.5-5 or IC 3-11.5-6.

SECTION 72. IC 3-11.7-5-1, AS AMENDED BY P.L.164-2006, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than ~~noon~~ **3 p.m.** ten (10) days following the election.

SECTION 73. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. (a) A voter who:

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(1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and

(2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than ~~the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.~~ **noon ten (10) days following the election.**

(b) Except as provided in subsection (c) or (e), if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

(1) the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day; and

(2) the voter:

(A) is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee; or

(B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board.

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

(1) find that the voter's provisional ballot is valid; and

(2) direct that the provisional ballot be:

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(A) opened under section 4 of this chapter; and
(B) processed in accordance with this chapter.

(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

(1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and
(2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

(1) appear before the county election board; and
(2) execute an affidavit in the manner prescribed by subsection (b) or (c);

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 74. IC 3-12-11-21, AS AMENDED BY P.L.103-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) Except as provided in subsection (b), a recount or contest for election to a legislative office shall be completed by the state recount commission ~~before~~ **not later than** December 20 after the election.

(b) The state recount commission may adopt orders extending the deadline for completion of a recount or contest to a date specified in the order if the commission finds that there is good cause to do so.

(c) Not later than seven (7) days after the state recount commission completes a recount, the election division shall prepare two (2) certified statements showing the total number of votes that each candidate received. The election division shall transmit one (1) statement to the candidate receiving the highest number of votes for the office. After the statements have been prepared, the secretary of state shall deliver the other statement to the presiding officer of the house in which the successful candidate is to be seated.

(d) The statement shall be referred by the presiding officer for such action as that house considers appropriate.

SECTION 75. IC 3-13-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. A meeting under section 7 of this chapter shall be called and chaired by:

(1) the state chairman, or a person designated by the state

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chairman, for a caucus or committee acting under section 3, 4, 5, or 6(b) of this chapter; or

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

SECTION 76. IC 3-13-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. The call for a meeting under section 7 of this chapter must:

(1) be in writing on a form prescribed by the commission;

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

(3) state the purpose of the meeting;

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

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

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

SECTION 77. IC 3-13-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

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

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter;

at least seventy-two (72) hours before the time fixed for the caucus **or committee meeting.**

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

SECTION 78. IC 3-13-1-11 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) At a meeting called under section 7 of this chapter, the eligible participants shall:

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

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

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

SECTION 79. IC 3-13-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

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

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

(2) The residence address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or

(2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 before election day.

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

SECTION 80. IC 3-13-5-3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The state chairman **or a person designated by the state chairman** shall preside over a caucus meeting held under this chapter.

(b) A person who desires to be a candidate to fill a vacancy under this chapter must file:

(1) a declaration of candidacy with the chairman of the caucus; and

(2) a statement of economic interests under IC 2-2.1-3-2 with the secretary of the senate or principal clerk of the house of representatives;

at least seventy-two (72) hours before the time fixed for the caucus.

(c) In addition to the procedures prescribed by this chapter, the chairman and precinct committeemen may adopt rules of procedure that are necessary to conduct business.

SECTION 81. IC 3-13-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The county chairman:

(1) of the county in which the greatest percentage of the population of the election district is located; and

(2) of the same political party that elected or selected the official who vacated the office to be filled;

(or an individual designated by the county chairman) is the chairman of a caucus held under this chapter. The chairman is not eligible to vote in the caucus unless the chairman is also a member of the caucus.

SECTION 82. IC 3-14-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. A printer of the ballots for an election, or person employed in printing the ballots, who knowingly:

(1) delivers a ballot to a person other than ~~the co-directors or authorized representative of the election division or~~ a county election board for which the ballots are being printed;

(2) prints a ballot in any form other than the one prescribed by law; or

(3) prints a ballot containing any names, spellings, or arrangements other than as authorized by the commission or a county election board;

commits a Class D felony.

SECTION 83. IC 5-9-4-8, AS AMENDED BY P.L.1-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Except as provided in subsection (b), during the officeholder's leave of absence, the officeholder's office must be

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filled by a temporary appointment made under:

(1) IC 3-13-4;
(2) IC 3-13-5;
(3) IC 3-13-6;
(4) IC 3-13-7;
(5) IC 3-13-8;
(6) IC 3-13-9;
(7) IC 3-13-10;
(8) IC 3-13-11;
(9) IC 20-23-4;
(10) IC 20-26;
(11) IC 20-23-12;
(12) IC 20-23-14;
(13) IC 20-23-15;
(14) IC 20-23-17;
~~(14)~~ **(15)** IC 20-25-3;
~~(15)~~ **(16)** IC 20-25-4; or
~~(16)~~ **(17)** IC 20-25-5;

in the same manner as a vacancy created by a resignation is filled.

(b) For an officeholder who:

(1) is:
(A) a justice of the supreme court, a judge of the court of appeals, or a judge of the tax court; or
(B) a judge of a circuit, city, county, probate, or superior court; and
(2) is taking a leave of absence under this chapter;

the supreme court shall appoint a judge pro tempore to fill the officeholder's office in accordance with the court's rules and procedures.

(c) The person selected or appointed under subsection (a) or (b) serves until the earlier of:

(1) the date the officeholder's leave of absence ends as provided in section 10 of this chapter; or
(2) the officeholder's term of office expires.

(d) The person selected or appointed to an office under subsection (a) or (b):

(1) assumes all the rights and duties of; and
(2) is entitled to the compensation established for;

the office for the period of the temporary appointment.

SECTION 84. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. **(a)** A manager or an employee

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may use any of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:

(1) Hand delivery to the county voter registration office.

~~(2) Certified mail, return receipt requested.~~

(2) Delivery by the United States Postal Service, using first class mail.

(b) A county voter registration office:

(1) shall process a voter registration application transmitted in electronic format from a license branch; and

(2) is not required to receive the paper copy of a voter registration application from a license branch before:

(A) approving or denying the application; and

(B) mailing a notice of approval or denial to the applicant.

SECTION 85. IC 9-24-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. ~~(a)~~ The ~~co-directors of the~~ election division shall provide the commission with a list of the current addresses and telephone numbers of the offices of the ~~circuit court clerk or board of~~ **county voter** registration **office** in each county. The commission shall promptly forward the list and each revision of the list to each license branch.

~~(b) The co-directors of the election division shall provide the commission with pre-addressed packets for the commission to transmit applications under section 6(1) or 6(2) of this chapter.~~

SECTION 86. IC 20-23-8-5, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. As used in this chapter, "school corporation" means a local public school corporation established under the laws of Indiana. The term does not include a school township or a school corporation covered by IC 20-23-12 **or IC 20-23-17.**

SECTION 87. IC 20-23-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 17. Election of School Board Members in East Chicago

Sec. 1. This chapter applies to a school corporation located in a city that has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

Sec. 2. IC 20-23-8 does not apply to a school corporation or the governing body of a school corporation governed by this chapter.

Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member

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elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the primary election held in the county in 2012 and each four (4) years thereafter.

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

Sec. 4. The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the common council districts of the city that are drawn under IC 36-4-6.

Sec. 5. (a) The following apply to an election of members of the governing body of the school corporation under section 3(a)(1) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address and the district in which the candidate resides.

(C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.

(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.

(b) The following apply to an election of the members of the governing body of the school corporation under section 3(a)(2) of this chapter:

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(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) Three (3) candidates shall be elected at large. The three (3) candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.

Sec. 6. Voters who reside within the boundaries of the school corporation may vote for the candidates elected under section 3 of this chapter. Each voter may vote only for:

(1) one (1) candidate to represent the district in which the voter resides; and

(2) three (3) at-large candidates.

Sec. 7. The state board, with assistance from the county election board, shall establish balloting procedures under IC 3 for the election and all other procedures required to implement this chapter.

Sec. 8. The term of each person elected to serve on the governing body of the school corporation is four (4) years, beginning July 1 following the election.

Sec. 9. The members of the governing body of the school corporation shall be elected at the primary election to be held in 2012 and every four (4) years thereafter.

Sec. 10. A vacancy in the office of a member of the governing body of the school corporation shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs. An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.

Sec. 11. (a) Before August 1 of each year, the school corporation shall file with the state superintendent the following information:

(1) A list containing the names and addresses of each member of the governing body of the school corporation and the date

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of the expiration of each member's term of office.

(2) A list containing the names and addresses of each of the school corporation's officers and the date of the expiration of each officer's term of office.

(b) The school corporation shall notify the state superintendent of any change in the information previously filed under subsection (a) not later than thirty (30) days after the change occurs.

Sec. 12. (a) Notwithstanding any other law, the terms of the members of the governing body of the school corporation who hold office on June 30, 2012, expire July 1, 2012.

(b) On July 1, 2012, all powers, duties, and functions adhering to the governing body of the school corporation in existence on June 30, 2012, are transferred to the governing body established under this chapter.

(c) On July 1, 2012, the property and records of the governing body of the school corporation in existence on June 30, 2012, are transferred to the governing body established under this chapter.

(d) This section expires July 1, 2016.

SECTION 88. IC 36-2-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible for election to the executive, a person must meet the qualifications prescribed by IC 3-8-1-21.

(b) A member of the executive must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected.

(c) **Except as provided in subsection (e),** if the person does not remain a resident of the county and district after taking office, the person forfeits the office. The county fiscal body shall declare the office vacant whenever a member of the executive forfeits office under this subsection.

(d) In a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);

one (1) member of the executive shall be elected by the voters of each of the three (3) single-member districts established under section 4(b) or 4(c) of this chapter. In other counties, all three (3) members of the executive shall be elected by the voters of the whole county.

(e) This subsection applies to a member of the executive who must reside within the district from which the member was elected.

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A person who:

(1) has begun a term of office as a member of the executive; and

(2) is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use;

may complete the member's term of office as long as the member remains a resident of the county that contains the member's district.

SECTION 89. IC 36-2-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible to serve as a member of the fiscal body, a person must meet the qualifications prescribed by IC 3-8-1-22.

(b) A member of the fiscal body must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected, if applicable.

(c) **Except as provided in subsection (d),** a member who fails to comply with subsection (b) forfeits the office.

(d) This subsection applies to a member of the fiscal body who must reside within the district from which the member was elected. A person who:

(1) has begun a term of office as a member of the fiscal body; and

(2) is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use;

may complete the member's term of office as long as the member remains a resident of the county that contains the member's district.

SECTION 90. IC 36-2-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) The auditor may administer the following:

(1) Oaths necessary in the performance of the auditor's duties.

(2) The oath of office to an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.

(3) Oaths relating to the duty of an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.

(4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(b) The auditor may take acknowledgments of deeds and mortgages

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executed for the security of trust funds the auditor is required to lend.

SECTION 91. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: IC 3-5-4-6; IC 3-7-12-3; IC 3-11-4-6.1; IC 3-11-8-6.5; IC 3-11-10-33; IC 3-11-11-1.5; IC 3-11-11-1.6; IC 3-11.5-4-19.

SECTION 92. [EFFECTIVE JULY 1, 2011] **(a) The definitions set forth in IC 3-5-2 apply to this SECTION.**

(b) This SECTION applies to a petition approved by the commission under IC 3-5-4-8 after December 1, 2010, for a primary candidate under IC 3-8-2-8 or IC 3-8-3.

(c) Notwithstanding IC 3-8-2 and IC 3-8-3, both as amended by this act, a petition approved by the commission complies with the requirements of IC 3 and may be used by a candidate.

(d) This SECTION expires December 31, 2012.

SECTION 93. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1242, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, reset in roman lines 26 through 28.

Page 12, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 20. IC 3-8-7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. In a special election called by the governor, a certificate of nomination may be filed with the public official with whom a certificate is required to be filed at any time after the election is called but no later than noon ~~fifty (50)~~ **seventy-four (74)** days before the date of the election.".

Page 16, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 24. IC 3-11-1.5-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 15.5. If a precinct boundary splits a census block, either of the following must be submitted with the order described in section 14 of this chapter:**

(1) A description of the precinct boundary in metes and bounds.

(2) One (1) or more aerial photographs that depict:

(A) each census block that is split; and

(B) the boundary of the precinct that splits each census block.".

Page 22, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 35. IC 3-13-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. A meeting under section 7 of this chapter shall be called and chaired by:

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

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

SECTION 36. IC 3-13-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. The call for a meeting under section 7 of this chapter must:

(1) be in writing on a form prescribed by the commission;

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

(3) state the purpose of the meeting;

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

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

(6) be filed ~~at least~~ **not later than noon** ten (10) days before the meeting with the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter.".

Page 22, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 39. IC 3-13-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

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

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

(2) The residence address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or

(2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 before election day.

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

Page 23, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 41. IC 3-13-11-6 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The county chairman:

(1) of the county in which the greatest percentage of the population of the election district is located; and

(2) of the same political party that elected or selected the official who vacated the office to be filled;

(or an individual designated by the county chairman) is the chairman of a caucus held under this chapter. The chairman is not eligible to vote in the caucus unless the chairman is also a member of the caucus.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1242 as introduced.)

KOCH, Chair

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1242, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.7. "Active voter" **means the following:**

(1) For purposes of IC 3-11-1.5, refers to a voter who satisfies either of the following:

~~(1)~~ **(A)** The voter has registered or voted in any election during the preceding four (4) years at the address indicated on the voter's registration record.

~~(2)~~ **(B)** The voter has not voted in any election during the preceding four (4) years at the address indicated on the voter's registration record and has responded in writing to an address confirmation notice sent under IC 3-7 not later than thirty (30) days after the notice was sent.

(2) For purposes of IC 3-11-18.1, has the meaning set forth in IC 3-11-18.1-2.

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SECTION 2. IC 3-5-2-16.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16.2. "County voter registration office" means the following:

(1) A board of registration established ~~under IC 3-7-12 or~~ by a county executive acting under IC 3-7-12.

(2) A board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

(3) The office of the circuit court clerk, in a county in which a board has not been established under subdivision (1) or (2).".

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 7. IC 3-7-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This section does not apply to the following counties:

(1) A county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4.

(2) A county in which a board of registration is established **after June 30, 2011,**

~~(A) by this chapter; or~~

~~(B)~~ by a county acting under this chapter.

(3) A county in which a board of registration was established before July 1, 2011, under this chapter.

(b) The circuit court clerk:

(1) is the voter registration officer of each county; and

(2) shall supervise the registration of voters of the county.

SECTION 8. IC 3-7-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. **(a) This section does not apply to:**

(1) a county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4; or

(2) a county containing a consolidated city.

(b) After June 30, 2011, the county executive ~~of a county not described in section 2 or 3 of this chapter~~ may adopt an order to establish a board of registration.

(c) A board of registration established before July 1, 2011, continues in existence after June 30, 2011.

SECTION 9. IC 3-7-12-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. ~~In~~ **(a) Except as provided in subsection (b), this section applies after June 30, 2011, to the appointment of a chief clerk in** a county having a population of at least four hundred thousand (400,000) **that:**

(1) after June 30, 2011, establishes a board of registration; or

(2) continues a board of registration established before July

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1, 2011.

(b) This section does not apply to:

(1) a county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4; or

(2) a county containing a consolidated city.

(c) The board of registration shall ~~appoint~~ **employ** two (2) chief clerks who are members of different political parties.

(d) When a vacancy in the chief clerk position occurs, the county executive shall notify the county chairman of the political party of which the individual vacating the position is a member.

(e) Within thirty (30) days after receiving the notice, the county chairman shall submit to the county executive in writing the names of three (3) individuals recommended to fill the vacancy.

(f) The county executive shall appoint a chief clerk from the list of names submitted under subsection (e).

(g) If the county chairman fails to submit in writing the names of three (3) individuals within the thirty (30) day period, the county executive shall appoint an individual of the same political party as the county chairman to fill the vacancy.".

Page 5, line 26, strike "clerk or board" and insert "**county voter registration office**".

Page 5, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 15. IC 3-7-33-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.7. (a) This section applies to a voter registration application submitted to the election division in person or by mail.**

(b) An eligible applicant:

(1) who submits a completed application; or

(2) on whose behalf a completed application is submitted;

in person to the election division not later than 5 p.m. on the twenty-ninth day before an election shall be registered to vote in the election.

(c) An eligible applicant:

(1) who submits a completed application; or

(2) on whose behalf a completed application is submitted;

by mail to the election division shall be registered to vote in the election, if the application is postmarked not later than the twenty-ninth day before the election. If a postmark on an application submitted by mail is missing or illegible, an eligible applicant shall be registered to vote in the election, if the application is received by the election division not later than the

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Monday following the close of the registration period.

(d) The election division shall promptly forward an application received under this section to the county voter registration office of the county where the applicant resides.".

Page 8, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 21. IC 3-8-2-2.2, AS AMENDED BY P.L.1-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.2. (a) A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23-12, IC 20-23-14, **IC 20-23-17,** or IC 20-23-4. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

(b) A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5.

SECTION 22. IC 3-8-2-2.6, AS ADDED BY P.L.164-2006, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.6. (a) This section applies to a write-in candidate for a school board office to be elected on the same election day that a primary election is conducted.

(b) A:

(1) declaration of intent to be a write-in candidate; or

(2) withdrawal of a declaration;

must be subscribed and sworn to before an individual authorized to administer oaths.

(c) A declaration of intent to be a write-in candidate for a school board office must be filed:

(1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and

(2) not later than noon ~~seventy-four (74)~~ **eighty-eight (88)** days before the primary election.

(d) A candidate may withdraw a declaration of intent filed under subsection (c) not later than noon ~~seventy-one (71)~~ **eighty-five (85)** days before the primary election.

(e) A question concerning the validity of a declaration of intent to be a write-in candidate for a school board office must be filed with the county election board under IC 3-8-1-2(c) not later than noon ~~sixty-seven (67)~~ **eighty-one (81)** days before the date of the primary election. The county election board shall determine all questions

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regarding the validity of the declaration not later than noon ~~fifty-four (54)~~ **sixty-eight (68)** days before the date of the primary election.

SECTION 23. IC 3-8-2-4, AS AMENDED BY P.L.164-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) A declaration of candidacy for a primary election must be filed not later than noon ~~seventy-four (74)~~ **eighty-eight (88)** days and not earlier than ~~one hundred four (104)~~ **one hundred eighteen (118)** days before the primary election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(b) This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter. A declaration of intent to be a write-in candidate must be filed:

(1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and

(2) not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a declaration of:

(1) candidacy may be filed for an office that will appear on the primary election ballot; or

(2) intent to be a write-in candidate for an office that will appear on the general, municipal, or school board election ballot;

that year as a result of the new tabulation of population or corrected population count.".

Page 8, line 22, strike "January 1 of" and insert "**on the first date that a declaration of candidacy may be filed under section 4 of this chapter in**".

Page 8, line 23, strike "seventy-seven (77)" and insert "**ninety-one (91)**".

Page 8, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 25. IC 3-8-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) All questions concerning the validity of a declaration filed with the secretary of state shall be referred to and determined by the commission in accordance with section 18 of this chapter. A statement questioning the validity of a declaration must be filed with the election division under IC 3-8-1-2(c) not later than noon ~~sixty-seven (67)~~ **eighty-one (81)** days

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before the date of the primary election.

(b) All questions concerning the validity of a declaration of candidacy filed with a circuit court clerk shall be referred to and determined by the county election board not later than noon ~~fifty-four (54)~~ **sixty-eight (68)** days before the date of the primary election. A statement questioning the validity of a declaration must be filed with the county election board under IC 3-8-1-2(c) not later than noon ~~sixty-seven (67)~~ **eighty-one (81)** days before the date of the primary election.

(c) A question concerning the validity of a declaration of intent to be a write-in candidate shall be determined by the commission or the county election board not later than noon ~~sixty-seven (67)~~ **eighty-one (81)** days before election day. A statement questioning the validity of a declaration of intent to be a write-in candidate must be filed with the election division or county election board under IC 3-8-1-2(c) not later than noon ~~seventy-four (74)~~ **eighty-eight (88)** days before election day.

SECTION 26. IC 3-8-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) At least ~~sixty (60)~~ **seventy-four (74)** days before a primary election in a county, the election division shall transmit to each county election board a certified list containing the name and address of each person for whom a declaration of candidacy has been filed with the election division and for which voters at the primary election may vote.

(b) The list must designate the office for which the person is a candidate and the political party the person represents.

(c) If the commission determines under section 18 of this chapter that the certified list of candidates should be amended to add or remove the name of a candidate, as soon as practicable after this determination, the election division shall transmit the county election board an amendment indicating the change to be made in the certified list.

SECTION 27. IC 3-8-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) The commission shall act upon a question concerning a declaration of candidacy not later than noon ~~fifty-four (54)~~ **sixty-eight (68)** days before the date of the primary election.

(b) The notice requirements set forth in IC 4-21.5 do not apply to the meeting conducted by the commission under subsection (a). The election division is required to give the best possible notice of the meeting to a person that the election division identifies as an interested party. Unless a written objection is filed with the election division before the end of the meeting, appearance in person or by counsel at the commission's meeting to act under subsection (a) constitutes an

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admission that adequate notice of the meeting has been given.

SECTION 28. IC 3-8-2-20, AS AMENDED BY P.L.230-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. (a) A person who files a declaration of candidacy under this chapter may, at any time not later than noon ~~seventy-one (71)~~ **eight-five (85)** days before the date set for holding the primary election, file a statement with the same office where the person filed the declaration of candidacy, stating that the person is no longer a candidate and does not wish the person's name to appear on the primary election ballot as a candidate.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.".

Page 8, line 33, strike "January 1 of" and insert "**on the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4 in**".

Page 8, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 30. IC 3-8-5-10, AS AMENDED BY P.L.230-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) If more than one (1) candidate from the same political party files a declaration of candidacy for the same office, that political party shall conduct:

(1) a town convention under this chapter; or

(2) a primary election;

to choose the nominee of that party for that office as provided in the ordinance adopted under section 2 of this chapter.

(b) If a town convention is required under subsection (a), the town chairman shall organize, conduct, and issue a call for a town convention to be held in the town, or, if there is no suitable location in the town, then either at the nearest available location within any county in which the town is located or at the county seat of any county in which the town is located.

(c) The convention must be held ~~before~~ **not later than** August 21 in each year in which a municipal election is to be held. The purpose of the convention is to select the nominees for all town offices to be elected at the next municipal election and for which more than one (1)

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declaration of candidacy has been filed.

(d) The chairman shall file a notice of the call with the circuit court clerk of the county containing the greatest percentage of population of the town. The chairman shall also have notice of the call posted at least three (3) days in three (3) prominent public places in the town, including the office of the clerk-treasurer. The notice must state the time, place, and purpose of the convention.

(e) If the county chairman determines that an emergency requires the rescheduling of a town convention after notice has been given under subsection (d), the chairman shall promptly file a notice in the office of the county election board and in the office of the town clerk-treasurer stating the date, time, and place of the rescheduled convention.

SECTION 31. IC 3-8-5-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

(1) not earlier than ~~January 1,~~ **the first date that a declaration of candidacy for a primary election may by filed under IC 3-8-2-4;** and

(2) not later than:

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

(B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.

(c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.

(d) The declaration of each candidate required by this section must certify the following information:

(1) The candidate's name, printed or typewritten as:

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

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

(2) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward and town), county, and state.

(3) The candidate's complete residence address and the candidate's mailing address if the mailing address is different

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from the residence address.

(4) The candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat.

(5) That the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) The candidate's signature.

(e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

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

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

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

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

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

(i) A declaration of candidacy must include a statement that the

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

Page 9, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 33. IC 3-8-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A candidate may be nominated for an elected office by petition of voters who are:

(1) registered to vote ~~at the time of signing the petition~~ **on the date the county voter registration office certifies the petition under section 8 of this chapter;** and

(2) qualified to vote for the candidate.

SECTION 34. IC 3-8-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) Except as provided in section 11 of this chapter, a petition of nomination must be submitted to the county voter registration office of each county in which the election district is located.

(b) The petition must be filed during the period beginning ~~January 1 of~~ **on the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4 in** the year in which the election will be held and ending at noon June 30 before the election.

(c) The county voter registration office shall certify and file a petition that complies with the requirements of this chapter with the public official authorized to place names on the ballot (and with the town clerk-treasurer, if the petition of nomination is for a town office) not later than noon July 15. Following certification of a petition under this section, the office may, upon the request of a candidate named in the petition, return the original petition to the candidate for filing with the appropriate official in accordance with this subsection.

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

Page 15, between lines 40 and 41, begin a new paragraph and insert:

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"SECTION 40. IC 3-9-3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. (a) This section does not apply to any of the following:

(1) A communication relating to an election to a federal office.

(2) A communication relating to the outcome of a public question.

(3) A communication described by this section in a medium regulated by federal law to the extent that federal law regulates the appearance, content, or placement of the communication in the medium.

(4) Bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer required by this section cannot be conveniently printed.

(5) Skywriting, water towers, wearing apparel, or other means of displaying an advertisement on which the inclusion of a disclaimer would be impracticable.

(6) Checks, receipts, and similar items of minimal value that do not contain a political message and are used for purely administrative purposes.

(7) A communication by a political action committee organized and controlled by a corporation soliciting contributions to the political action committee by the stockholders, executives, or employees of the corporation and the families of those individuals.

(8) A communication by a political action committee organized and controlled by a labor organization soliciting contributions to the political action committee by the members or executive personnel of the labor organization and the families of those individuals.

(9) A direct mailing of one hundred (100) or less substantially similar pieces of mail.

(b) This section applies whenever a person:

(1) makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate; or

(2) solicits a contribution;

through a newspaper, a magazine, an outdoor advertising facility, a poster, a yard sign, a direct mailing, or any other type of general public political advertising.

(c) For purposes of this section, a candidate is clearly identified if any of the following apply:

(1) The name of the candidate involved appears.

(2) A photograph or drawing of the candidate appears.

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(3) The identity of the candidate is apparent by unambiguous reference.

(d) A communication described in subsection (b) must contain a disclaimer that appears and is presented in a clear and conspicuous manner to give the reader or observer adequate notice of the identity of persons who paid for and, when required, who authorized the communication. A disclaimer does not comply with this section if the disclaimer is difficult to read or if the placement of the disclaimer is easily overlooked.

(e) In addition to meeting the requirements of subsection (d), a disclaimer that appears on a printed communication described in subsection (b) must comply with the following:

(1) The disclaimer must be of sufficient type size to be clearly readable by the recipient of the communication. A disclaimer in 12 point type size satisfies the size requirement of this subdivision when the disclaimer is used for a yard sign, a poster, a flyer, a newspaper, a magazine, or a direct mailing.

(2) The disclaimer must be printed with a reasonable degree of color contrast between the background and the printed statement. A disclaimer satisfies the color contrast requirement of this subdivision if:

(A) the disclaimer is printed in black text on a white background; or

(B) the degree of color contrast between the background and the text of the disclaimer is not less than the color contrast between the background and the largest text used in the communication.

Notwithstanding subdivisions (1) and (2), a disclaimer satisfies the requirements of this subsection if the minimum type size of the disclaimer is 7 point and the type color of the disclaimer contrasts with the background color.

~~(e)~~ **(f)** A communication that would require a disclaimer if distributed separately must contain the required disclaimer if included in a package of materials.

~~(f)~~ **(g)** This subsection does not apply to a communication, such as a billboard, that contains only a front face. The disclaimer need not appear on the front or cover page of the communication if the disclaimer appears within the communication.

~~(g)~~ **(h)** Except as provided in subsection ~~(h),~~ **(i),** a communication described in subsection (b) must satisfy one (1) of the following:

(1) If the communication is paid for and authorized by:

(A) a candidate;

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(B) an authorized political committee of a candidate; or

(C) the committee's agents;

the communication must clearly state that the communication has been paid for by the authorized political committee.

(2) If the communication is paid for by other persons but authorized by:

(A) a candidate;

(B) an authorized political committee of a candidate; or

(C) the committee's agents;

the communication must clearly state that the communication is paid for by the other persons and authorized by the authorized political committee.

(3) If the communication is not authorized by:

(A) a candidate;

(B) an authorized political committee of a candidate; or

(C) the committee's agents;

the communication must clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

(4) If the communication is a solicitation directed to the general public on behalf of a political committee that is not a candidate's committee, the solicitation must clearly state the full name of the person who paid for the communication.

~~(h)~~ **(i)** A communication by a regular party committee consisting of:

(1) a printed slate card, a sample ballot, or other printed listing of three (3) or more candidates for public office at an election;

(2) campaign materials such as handbills, brochures, posters, party tabloids or newsletters, and yard signs distributed by volunteers and used by the regular party committee in connection with volunteer activities on behalf of any nominee of the party; or

(3) materials distributed by volunteers as part of the regular party's voter registration or get-out-the-vote efforts;

must clearly state the name of the person who paid for the communication but is not required to state that the communication is authorized by any candidate or committee.

SECTION 41. IC 3-9-4-16, AS AMENDED BY P.L.221-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

(1) Fails to file with the election division a report in the manner required under IC 3-9-5.

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(2) Fails to file a statement of organization required under IC 3-9-1.
(3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
(4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions on the committee's behalf.
(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.
(6) Makes a contribution in the name of another person.
(7) Accepts a contribution made by one (1) person in the name of another person.
(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.
(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.
(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.
(11) Violates IC 3-9-2-12.
(12) Fails to designate a contribution as required by IC 3-9-2-5(c).
(13) Violates IC 3-9-3-5.
(14) Serves as a treasurer of a committee in violation of any of the following:
(A) IC 3-9-1-13(1).
(B) IC 3-9-1-13(2).
(C) IC 3-9-1-18.
(15) Fails to comply with section 4(d) of this chapter.
(16) Violates IC 3-9-3-2.5 by making a communication that contains a disclaimer that is not presented in a clear and conspicuous manner required by IC 3-9-3-2.5(d) and IC 3-9-3-2.5(e). This subdivision does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the

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commission may assess a civil penalty. The penalty is ten dollars ($10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars ($100) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars ($50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars ($1,000) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty under subsection (a), the commission may assess a civil penalty of not more than one thousand dollars ($1,000), plus any investigative costs incurred and documented by the election division.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of any contributions received.

(2) One thousand dollars ($1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the commission determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the commission shall assess a civil penalty equal to the greater of the following, plus any

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investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars ($1,000).

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has violated IC 3-9-3-5, the commission may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the election division.

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(14), the commission may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the election division.

(j) This subsection applies to a person who is subject to a civil penalty under subsection (a)(15). The commission may assess a civil penalty equal to the costs incurred by the election division for the manual entry of the data contained in the report or statement, plus any investigative costs incurred and documented by the election division.

(k) This subsection applies to a person who is subject to a civil penalty under subsection (a)(16). If the commission determines that a person is subject to a civil penalty under subsection (a)(16), the commission may assess a civil penalty of not more than one thousand dollars ($1,000) for each communication circulated or published (but not for each of the copies of the communication actually circulated or published), plus any investigative costs incurred and documented by the election division.

~~(k)~~ **(l)** All civil penalties collected under this section shall be deposited with the treasurer of state in the campaign finance enforcement account.

~~(l)~~ **(m)** Proceedings of the commission under this section are subject to IC 4-21.5.

SECTION 42. IC 3-9-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

(1) Fails to file with a county election board a report in the manner required under IC 3-9-5.

(2) Fails to file a statement of organization required under IC 3-9-1.

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(3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
(4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions in the committee's behalf.
(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.
(6) Makes a contribution in the name of another person.
(7) Accepts a contribution made by one (1) person in the name of another person.
(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.
(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.
(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.
(11) Fails to designate a contribution as required by IC 3-9-2-5(c).
(12) Violates IC 3-9-3-5.
(13) Serves as a treasurer of a committee in violation of any of the following:
(A) IC 3-9-1-13(1).
(B) IC 3-9-1-13(2).
(C) IC 3-9-1-18.
(14) Violates IC 3-9-3-2.5 by making a communication that contains a disclaimer that is not presented in a clear and conspicuous manner, as required by IC 3-9-3-2.5(d) and IC 3-9-3-2.5(e). This subdivision does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the county election board determines that a person failed to file the report or a statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the county election board may assess a civil penalty. The penalty is ten dollars ($10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars ($100) plus any investigative costs incurred and documented by the board. The civil

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penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the county election board determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the board shall assess a civil penalty. The penalty is fifty dollars ($50) for each day the report is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars ($1,000) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the county election board determines that a person is subject to a civil penalty under subsection (a), the board may assess a civil penalty of not more than one thousand dollars ($1,000), plus any investigative costs incurred and documented by the board.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the county election board determines that a person is subject to a civil penalty under subsection (a)(5), the board may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the board.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the county election board determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the board shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the board:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars ($1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the county election board determines, by unanimous vote of the entire membership of the board, that a person has violated IC 3-9-3-5, the board may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the board.

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the county election board determines, by unanimous vote of the entire membership of the board,

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that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(13), the board may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the board.

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the board determines that a person is subject to a civil penalty under subsection (a)(14), the board may assess a civil penalty of not more than one thousand dollars ($1,000) for each communication circulated or published (but not for each of the copies of the communication actually circulated or published), plus any investigative costs incurred and documented by the election division.

~~(i)~~ **(j)** All civil penalties collected under this section shall be deposited with the county treasurer to be deposited by the county treasurer in a separate account to be known as the campaign finance enforcement account. The funds in the account are available, with the approval of the county fiscal body, to augment and supplement the funds appropriated for the administration of this article.

~~(j)~~ **(k)** Money in the campaign finance enforcement account does not revert to the county general fund at the end of a county fiscal year.

~~(k)~~ **(l)** Proceedings of the county election board under this section are subject to IC 4-21.5.".

Page 16, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 45. IC 3-10-6-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.5. **(a) This section applies to a municipal office elected during a municipal or general election.**

~~(a)~~ **(b)** ~~Subject to subsection (b),~~ An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

~~(b) Except as provided in subsection (c), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.~~

~~(c) If:~~

~~(1) there is an election for at least one (1) of a municipality's legislative body members;~~

~~(2) only the voters who reside in a legislative body district are~~

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~~eligible to vote in the election for a legislative body member; and~~

~~(3) there is no election for an office to be voted on by all voters of the municipality;~~

~~the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the municipality in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the municipality shall not be placed on the ballot used for the election of municipal legislative body members under this subsection.~~

SECTION 46. IC 3-10-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

(b) ~~Subject to subsection (c),~~ **This subsection applies to a municipal office elected during a municipal or general election.** An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

~~(c) Except as provided in subsection (d), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.~~

~~(d) If:~~

~~(1) there is an election for at least one (1) of the town's legislative body members;~~

~~(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and~~

~~(3) there is no election for an office to be voted on by all voters of the town;~~

~~the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this~~

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~~subsection.~~

SECTION 47. IC 3-10-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. If a local public question must be certified to an election board by law, that certification must occur no later than noon:

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

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

Page 17, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 50. IC 3-11-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) If the commission or an election board determines that a ballot printed under the authority of the commission or election board does not comply with a requirement imposed by this title or contains any other error or omission that might result in confusion or mistakes by voters, the election division or board shall:

(1) reprint or correct the ballot; or

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

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

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

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

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

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

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

(d) If:

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

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

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

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(e) If:

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

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

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

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

Page 17, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 52. IC 3-11-4-3, AS AMENDED BY P.L.66-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** Except as provided in section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) not earlier than the date the registration period resumes ~~following a primary election~~ under IC 3-7-13-10 nor later than the following:

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

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

(A) completes the application in the office of the circuit court clerk; or

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

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

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

(B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board.

(4) ~~Midnight~~ **11:59 p.m.** on the eighth day before election day if the application:

(A) is a mailed application; or

(B) was transmitted by fax;

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from other voters.

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

SECTION 53. IC 3-11-4-6, AS AMENDED BY P.L.66-2010, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

(1) An absent uniformed services voter.

(2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).

(3) An overseas voter.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section. ~~after November 20 preceding the election to which the application applies. Except as provided in subsection (c), The~~ **A** person may apply for an absentee ballot at any time after the ~~applications are made available.~~ **registration period resumes under IC 3-7-13-10.**

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing either of the following:

(1) A combined absentee registration form and absentee ballot request approved under 42 U.S.C. 1973ff(b)(2).

(2) A form prescribed under IC 3-5-4-8 that identifies the applicant as an absent uniformed services voter or an overseas voter. A form prescribed under this subdivision must permit the applicant to designate whether the applicant wishes to receive the absentee ballot by electronic mail, fax, or United States mail.

(d) If the county election board receives an absentee ballot application from a person described by subsection (c), the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under section 15 of this chapter, unless the person has indicated under subsection (c) that the person wishes to receive the absentee ballot by

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electronic mail or fax.

(e) Whenever a voter files an application for an absentee ballot and indicates on the application that the voter

~~(1)~~ is an absent uniformed services voter or an overseas voter, ~~and~~

~~(2) does not expect to be in the county during the twelve (12) months following the date the application is filed;~~

the application is an adequate application for an absentee ballot for ~~both subsequent general elections and any municipal or special~~ **an** election conducted during ~~that~~ **the** period **that ends on December 31 following the date the application is filed,** unless an absentee ballot mailed to the voter at the address set forth in the application is returned to the county election board during that period as undeliverable. The circuit court clerk and county election board shall process this application and send general election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(f) Whenever a voter described in subsection (a)(2) files an application for a primary election absentee ballot and indicates on the application that the voter is an address confidentiality program participant, the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the ~~twelve (12) months~~ **period that ends on December 31** following the date ~~of~~ the application **is filed.** The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(g) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

(1) To a law enforcement agency, upon request.

(2) As directed by a court order.

(h) The county election board shall by fax or electronic mail transmit an absentee ballot to and receive an absentee ballot from an absent uniformed services voter or an overseas voter by electronic mail

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or fax at the request of the voter indicated in the application filed under this section. If the voter wants to submit absentee ballots by fax or electronic mail, the voter must separately sign and date a statement submitted with the electronic mail or the fax transmission that states substantively the following: "I understand that by faxing or e-mailing my voted ballot I am voluntarily waiving my right to a secret ballot.".

(i) The county election board shall send confirmation to a voter described in subsection (h) that the voter's absentee ballot has been received as follows:

(1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.

(3) If:

(A) the voter does not provide a fax number or an electronic mail address; or

(B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's absentee ballot;

the county election board shall send the confirmation by United States mail.

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

(j) A county election board may transmit an absentee ballot to an absent uniformed services voter or an overseas voter by electronic mail under a program authorized and administered by the Federal Voting Assistance Program of the United States Department of Defense or directly to the voter at the voter's electronic mail address, if requested to do so by the voter. A voter described by this section may transmit the voted absentee ballot to a county election board by electronic mail. **If a voter described in this section transmits the voted absentee ballot through the United States Department of Defense program, the ballot must be transmitted** in accordance with the procedures established under ~~this~~ **that** program. An electronic mail message transmitting a voted absentee ballot under this subsection must include an optically scanned image of the voter's signature on the statement required under subsection (h).".

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Page 18, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 58. IC 3-11-10-17, AS AMENDED BY P.L.198-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) If the inspector finds under section 15 of this chapter that any of the following applies, a ballot may not be accepted or counted:

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

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

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

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

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

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

~~(4) The absentee voter has voted in person at the election.~~

~~(5)~~ **(4)** The absentee voter has not registered.

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

~~(7)~~ **(6)** The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

~~(8)~~ **(7)** In **the** case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

~~(9)~~ **(8)** The ballot has been challenged and not supported.

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

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

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

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

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(B) on the absentee ballot application.

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

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

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

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

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

SECTION 59. IC 3-11-10-24, AS AMENDED BY P.L.120-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

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

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

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

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

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

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

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

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

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

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

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

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

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

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

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(b) A voter with disabilities who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in

~~(1)~~ section 1.5 of this chapter. ~~or~~

~~(2) section 33 of this chapter.~~

SECTION 60. IC 3-11-10-26, AS AMENDED BY P.L.66-2010, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 26. (a) **This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies.** As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board **at any of the following:**

(1) ~~in The~~ **One (1) location of the** office of the circuit court clerk ~~(or board of elections and registration in a county subject to IC 3-6-5.2), or~~ **designated by the circuit court clerk.**

(2) ~~at~~ A satellite office established under section 26.3 of this chapter.

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

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

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

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

~~(b)~~ **(d)** The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

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

~~(c)~~ **(e)** The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

~~(d)~~ **(f)** An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before

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the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

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

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

~~(g)~~ **(i)** As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

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

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

~~(h)~~ **(j)** As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

~~(i)~~ **(k)** If:

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

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

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

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

SECTION 61. IC 3-11-10-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. Even though the voter may have applied for and received an absentee ballot, a voter who returns to the voter's place of residence before the close of the polls on election day may vote in person under the conditions prescribed by section 31 ~~or 32~~ of this chapter.

SECTION 62. IC 3-11-10-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 32. If a voter has marked and returned an absentee ballot, ~~but appears~~ **the voter may not vote** in person at ~~the~~ **a** precinct. ~~before the voter's name has been marked on the poll list under section 16 of this chapter, then the voter may:~~

~~(1) have the voter's absentee ballot envelope opened in the voter's presence and the ballot contained in the envelope deposited in the ballot box; or~~

~~(2) request a new ballot, which the voter may vote as any other voter voting in person. However, before the voter may vote, the inspector shall take the unopened absentee ballot envelope and write upon the envelope the words "Unopened because voter appeared and voted in person". The envelope shall be preserved with other defective ballots.~~".

Page 19, line 34, strike "However, school board offices, public".

Page 19, strike lines 35 through 37.

Page 22, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 66. IC 3-11-18.1-4, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 4. The plan required by section 3 of this chapter must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center.

(3) The effective date of the order.

(4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:

(A) The total number of voters within the county.

(B) The number of active voters within the county.

(C) The number of inactive voters within the county.

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section ~~12~~ **13** of this chapter.

(6) For each vote center designated under subdivision (2), the

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number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer consistent with section ~~12~~ **13** of this chapter.

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

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

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

(B) whether these ballots will be:

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

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

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

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

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

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

(A) the county election board; and

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

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

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

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

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

(C) Prevent access to an electronic poll list without the coordinated action of two (2) precinct election officers who are not members of the same political party.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under

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IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

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

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

SECTION 67. IC 3-11-18.1-10, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 10. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan adopted with the county election board's order under section ~~4~~ **3** of this chapter.

SECTION 68. IC 3-11-18.1-15, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 15. (a) A county may amend a plan adopted with a county election board's order under section ~~4~~ **3** of this chapter.

(b) For a county to amend its plan:

(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the plan amendment;

(2) all members of the board must sign the amendment; and

(3) the amendment must be filed with the election division.

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county election board.

SECTION 69. IC 3-11.5-1-4, AS AMENDED BY P.L.66-2010, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2011]: Sec. 4. To the extent that they are in conflict with this article, the following statutes do not apply to a county that has adopted a resolution described by section 1 of this chapter:

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

SECTION 70. IC 3-11.5-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) Upon delivery of the certificates under section 8 of this chapter to a precinct election board, the inspector shall do the following in the presence of the poll clerks:

(1) Mark the poll list.
(2) Attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list.

The poll clerks shall sign the statement printed on the certificate

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indicating that the inspector marked the poll list and attached the certificates under this section in the presence of both poll clerks to indicate that the absentee ballot of the voter has been received by the county election board.

~~(b) If a person listed in the certificate has voted in person at the polls before the delivery of the certificate, the inspector shall initial the voter's name on the certificate in the presence of both poll clerks. The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector initialed the names of voters under this subsection in the presence of both poll clerks.~~

~~(c)~~ **(b)** The inspector shall then deposit:

(1) the certificate prepared under section 1 of this chapter;

(2) the certificate prepared under section 8 of this chapter; and

(3) any challenge affidavit executed by a qualified person under section 16 of this chapter;

in an envelope in the presence of both poll clerks.

~~(d)~~ **(c)** The inspector shall seal the envelope. The inspector and each poll clerk shall then sign a statement printed on the envelope indicating that the inspector or poll clerk has complied with the requirements of this chapter governing the marking of the poll list and certificates.

~~(e)~~ **(d)** The couriers shall immediately return the envelope described in subsection ~~(c)~~ **(b)** to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

SECTION 71. IC 3-11.5-4-12, AS AMENDED BY P.L.221-2005, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) If the absentee ballot counters find under section 11 of this chapter that:

(1) the affidavit is properly executed;

(2) the signatures correspond;

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

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

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

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

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

(b) If the absentee ballot counters find under subsection (a) that the voter has not filed the additional information required to be filed with the county voter registration office under IC 3-7-33-4.5, but that all of the other findings listed under subsection (a) apply, the absentee ballot shall be processed as a provisional ballot under IC 3-11.7.

(c) The absentee ballot counters shall then deposit the ballots in a secure envelope with the name of the precinct set forth on the outside of the envelope. After the absentee ballot counters or the county election board has made the findings described in subsection (a) or section 13 of this chapter for all absentee ballots of the precinct, the absentee ballot counters shall remove all the ballots deposited in the envelope under this section for counting under IC 3-11.5-5 or IC 3-11.5-6.

SECTION 72. IC 3-11.7-5-1, AS AMENDED BY P.L.164-2006, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than ~~noon~~ **3 p.m.** ten (10) days following the election.

SECTION 73. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. (a) A voter who:

(1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and

(2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than ~~the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.~~ **noon ten (10) days following the election.**

(b) Except as provided in subsection (c) or (e), if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board;

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and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

(1) the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day; and

(2) the voter:

(A) is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee; or

(B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board.

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

(1) find that the voter's provisional ballot is valid; and

(2) direct that the provisional ballot be:

(A) opened under section 4 of this chapter; and

(B) processed in accordance with this chapter.

(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

(1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and

(2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

(1) appear before the county election board; and

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(2) execute an affidavit in the manner prescribed by subsection (b) or (c);

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 74. IC 3-12-11-21, AS AMENDED BY P.L.103-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) Except as provided in subsection (b), a recount or contest for election to a legislative office shall be completed by the state recount commission ~~before~~ **not later than** December 20 after the election.

(b) The state recount commission may adopt orders extending the deadline for completion of a recount or contest to a date specified in the order if the commission finds that there is good cause to do so.

(c) Not later than seven (7) days after the state recount commission completes a recount, the election division shall prepare two (2) certified statements showing the total number of votes that each candidate received. The election division shall transmit one (1) statement to the candidate receiving the highest number of votes for the office. After the statements have been prepared, the secretary of state shall deliver the other statement to the presiding officer of the house in which the successful candidate is to be seated.

(d) The statement shall be referred by the presiding officer for such action as that house considers appropriate.".

Page 25, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 82. IC 3-14-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. A printer of the ballots for an election, or person employed in printing the ballots, who knowingly:

(1) delivers a ballot to a person other than ~~the co-directors or authorized representative of the election division or~~ a county election board for which the ballots are being printed;

(2) prints a ballot in any form other than the one prescribed by law; or

(3) prints a ballot containing any names, spellings, or arrangements other than as authorized by the commission or a county election board;

commits a Class D felony.

SECTION 83. IC 5-9-4-8, AS AMENDED BY P.L.1-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Except as provided in subsection (b), during the officeholder's leave of absence, the officeholder's office must be filled by a temporary appointment made under:

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(1) IC 3-13-4;
(2) IC 3-13-5;
(3) IC 3-13-6;
(4) IC 3-13-7;
(5) IC 3-13-8;
(6) IC 3-13-9;
(7) IC 3-13-10;
(8) IC 3-13-11;
(9) IC 20-23-4;
(10) IC 20-26;
(11) IC 20-23-12;
(12) IC 20-23-14;
(13) IC 20-23-15;
(14) IC 20-23-17;
~~(14)~~ **(15)** IC 20-25-3;
~~(15)~~ **(16)** IC 20-25-4; or
~~(16)~~ **(17)** IC 20-25-5;

in the same manner as a vacancy created by a resignation is filled.

(b) For an officeholder who:

(1) is:

(A) a justice of the supreme court, a judge of the court of appeals, or a judge of the tax court; or

(B) a judge of a circuit, city, county, probate, or superior court; and

(2) is taking a leave of absence under this chapter;

the supreme court shall appoint a judge pro tempore to fill the officeholder's office in accordance with the court's rules and procedures.

(c) The person selected or appointed under subsection (a) or (b) serves until the earlier of:

(1) the date the officeholder's leave of absence ends as provided in section 10 of this chapter; or

(2) the officeholder's term of office expires.

(d) The person selected or appointed to an office under subsection (a) or (b):

(1) assumes all the rights and duties of; and

(2) is entitled to the compensation established for;

the office for the period of the temporary appointment.".

Page 25, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 86. IC 20-23-8-5, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. As used in this chapter, "school corporation"

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means a local public school corporation established under the laws of Indiana. The term does not include a school township or a school corporation covered by IC 20-23-12 **or IC 20-23-17.**

SECTION 87. IC 20-23-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 17. Election of School Board Members in East Chicago

Sec. 1. This chapter applies to a school corporation located in a city that has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

Sec. 2. IC 20-23-8 does not apply to a school corporation or the governing body of a school corporation governed by this chapter.

Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the primary election held in the county in 2012 and each four (4) years thereafter.

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

Sec. 4. The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the common council districts of the city that are drawn under IC 36-4-6.

Sec. 5. (a) The following apply to an election of members of the governing body of the school corporation under section 3(a)(1) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address and the district in which the candidate resides.

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(C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.

(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.

(b) The following apply to an election of the members of the governing body of the school corporation under section 3(a)(2) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) Three (3) candidates shall be elected at large. The three (3) candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.

Sec. 6. Voters who reside within the boundaries of the school corporation may vote for the candidates elected under section 3 of this chapter. Each voter may vote only for:

(1) one (1) candidate to represent the district in which the voter resides; and

(2) three (3) at-large candidates.

Sec. 7. The state board, with assistance from the county election board, shall establish balloting procedures under IC 3 for the election and all other procedures required to implement this chapter.

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Sec. 8. The term of each person elected to serve on the governing body of the school corporation is four (4) years, beginning July 1 following the election.

Sec. 9. The members of the governing body of the school corporation shall be elected at the primary election to be held in 2012 and every four (4) years thereafter.

Sec. 10. A vacancy in the office of a member of the governing body of the school corporation shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs. An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.

Sec. 11. (a) Before August 1 of each year, the school corporation shall file with the state superintendent the following information:

(1) A list containing the names and addresses of each member of the governing body of the school corporation and the date of the expiration of each member's term of office.

(2) A list containing the names and addresses of each of the school corporation's officers and the date of the expiration of each officer's term of office.

(b) The school corporation shall notify the state superintendent of any change in the information previously filed under subsection (a) not later than thirty (30) days after the change occurs.

Sec. 12. (a) Notwithstanding any other law, the terms of the members of the governing body of the school corporation who hold office on June 30, 2012, expire July 1, 2012.

(b) On July 1, 2012, all powers, duties, and functions adhering to the governing body of the school corporation in existence on June 30, 2012, are transferred to the governing body established under this chapter.

(c) On July 1, 2012, the property and records of the governing body of the school corporation in existence on June 30, 2012, are transferred to the governing body established under this chapter.

(d) This section expires July 1, 2016.

SECTION 88. IC 36-2-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible for election to the executive, a person must meet the qualifications prescribed by IC 3-8-1-21.

(b) A member of the executive must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected.

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(c) **Except as provided in subsection (e),** if the person does not remain a resident of the county and district after taking office, the person forfeits the office. The county fiscal body shall declare the office vacant whenever a member of the executive forfeits office under this subsection.

(d) In a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);

one (1) member of the executive shall be elected by the voters of each of the three (3) single-member districts established under section 4(b) or 4(c) of this chapter. In other counties, all three (3) members of the executive shall be elected by the voters of the whole county.

(e) This subsection applies to a member of the executive who must reside within the district from which the member was elected. A person who:

(1) has begun a term of office as a member of the executive; and

(2) is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use;

may complete the member's term of office as long as the member remains a resident of the county that contains the member's district.

SECTION 89. IC 36-2-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible to serve as a member of the fiscal body, a person must meet the qualifications prescribed by IC 3-8-1-22.

(b) A member of the fiscal body must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected, if applicable.

(c) **Except as provided in subsection (d),** a member who fails to comply with subsection (b) forfeits the office.

(d) This subsection applies to a member of the fiscal body who must reside within the district from which the member was elected. A person who:

(1) has begun a term of office as a member of the fiscal body; and

(2) is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public

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use;

may complete the member's term of office as long as the member remains a resident of the county that contains the member's district.".

Page 26, line 6, after "IC 3-5-4-6;" insert "IC 3-7-12-3; IC 3-11-4-6.1;".

Page 26, line 6, after "IC 3-11-8-6.5;" insert "IC 3-11-10-33;".

Page 26, line 7, delete "IC 3-11-11-1.6." and insert "IC 3-11-11-1.6; IC 3-11.5-4-19.".

Page 26, after line 7, begin a new paragraph and insert:

"SECTION 92. [EFFECTIVE JULY 1, 2011] **(a) The definitions set forth in IC 3-5-2 apply to this SECTION.**

(b) This SECTION applies to a petition approved by the commission under IC 3-5-4-8 after December 1, 2010, for a primary candidate under IC 3-8-2-8 or IC 3-8-3.

(c) Notwithstanding IC 3-8-2 and IC 3-8-3, both as amended by this act, a petition approved by the commission complies with the requirements of IC 3 and may be used by a candidate.

(d) This SECTION expires December 31, 2012.

SECTION 93. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1242 as printed January 28, 2011.)

LANDSKE, Chairperson

Committee Vote: Yeas 7, Nays 3.

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