

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1242

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 3-11.7-5; IC 3-12-11; IC 3-13; IC 3-14-3-14; IC 9-24-2.5; IC 36-2; 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.

Synopsis: Various election law matters. Conference committee report for EHB 1242. 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 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) 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. (15) 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). (16) Provides that uncontested municipal offices are not required to appear on the ballot in a municipal or general election. (17) Provides that a voter who casts an absentee ballot before election day may not vote in person on election day. (18) 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. Provides that satellite offices and voting hours established for a primary election must be used in the subsequent general or municipal election. (19) 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. (20) 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. (21) 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. (22) 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. (23) Provides that a town political party convention must be conducted not later than August 21 (rather than before August 21). (24) 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. (25) 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. (26) 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. (27) Provides that whenever the state recount commission makes a final determination that a candidate for a state office (other than the office of governor or lieutenant governor, or a judicial office) who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is elected: (A) the office is considered vacant and the governor fills the office by appointment of a person of the same political party as the candidate who is not eligible to serve; and (B) the commission's determination does not affect the votes cast for the candidate for purposes of determining the number or percentage of votes cast for the office under other statutes. Provides that the vacancy filling provision does not apply to the filling of a state office following a contest proceeding or court action that resulted from an election held before January 1, 2011. (28) Allows a county executive to adopt an order to establish or rescind a board of registration, except for a county in which a board of election and registration is established under IC 3-6-5.2 or IC 3-6-5.4, or a county containing a consolidated city. (Currently a board of registration is established in a county with a population of more than 125,000.) (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. **(This conference committee report adds language that: (1) allows a county executive to adopt an order to rescind a board of registration; (2) requires satellite offices and voting hours established for a primary election to be used in the subsequent general or municipal election; (3) exempts the filling of a state office following a successful contest proceeding or court action that resulted from an election held before January 1, 2011, from a provision that requires the governor to fill the office by appointment; and (4) requires the governor to fill a vacancy in a state office (other than governor, lieutenant governor, or a judicial office) by appointment of a person of the same political party as the candidate who is not eligible to serve or the officer who held the vacated office.)**

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

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1242 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
 2 SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.7. "Active voter"
 4 **means the following:**
 5 (1) For purposes of IC 3-11-1.5, refers to a voter who satisfies
 6 either of the following:
 7 (†) (A) The voter has registered or voted in any election during
 8 the preceding four (4) years at the address indicated on the
 9 voter's registration record.
 10 (‡) (B) The voter has not voted in any election during the
 11 preceding four (4) years at the address indicated on the voter's
 12 registration record and has responded in writing to an address
 13 confirmation notice sent under IC 3-7 not later than thirty (30)
 14 days after the notice was sent.
 15 (2) For purposes of IC 3-11-18.1, has the meaning set forth in
 16 IC 3-11-18.1-2.
 17 SECTION 2. IC 3-5-2-16.2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16.2. "County voter
 19 registration office" means the following:
 20 (1) A board of registration established ~~under IC 3-7-12~~ or by a
 21 county executive acting under IC 3-7-12.

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

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

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

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

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

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

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

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

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

39 (1) The individual is at least sixteen (16) years of age but not
40 ~~more than seventeen (17)~~ **eighteen (18)** years of age **or older**.

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

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

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

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

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

51 (7) The individual has satisfactorily completed any training

1 required by the county election board.
2 (8) The individual otherwise is eligible to serve as a precinct
3 election officer under this chapter.

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

6 (1) must serve in a nonpartisan manner in accordance with the
7 standards developed by the Help America Vote Foundation under
8 36 U.S.C. 152602; and

9 (2) while serving as a precinct election officer or assistant:
10 (A) is not required to obtain an employment certificate under
11 IC 20-33-3; and

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

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

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

19 **(2) A county containing a consolidated city.**

20 **(3) A county in which a board of registration was established
21 by IC 3-7-12-3 (before its repeal).**

22 ~~(4)~~ **(4) A county in which a board of registration is established**
23 ~~(A) by this chapter; or~~
24 ~~(B) exists under an order adopted~~ by a county acting under
25 this chapter.

26 (b) The circuit court clerk:
27 (1) is the voter registration officer of each county; and
28 (2) shall supervise the registration of voters of the county.

29 SECTION 8. IC 3-7-12-2.5 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2011]: **Sec. 2.5. A board of registration is established in a county
32 containing a consolidated city.**

33 SECTION 9. IC 3-7-12-4 IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2011]: Sec. 4. **(a) This section does not apply
35 to:**

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

38 **(2) a county containing a consolidated city.**

39 **(b) After June 30, 2011, the county executive of a county not
40 described in section 2 or 3 of this chapter may adopt an order to:**

41 **(1) establish a board of registration; or**

42 **(2) rescind a previously adopted order establishing a board of
43 registration.**

44 SECTION 10. IC 3-7-12-5 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Except as
46 provided in subsection (b), an order adopted under section 4 of this
47 chapter **to establish a board of registration or rescind a previously
48 adopted order establishing a board of registration** takes effect
49 immediately.

50 (b) An order adopted during the final sixty (60) days before an
51 election becomes effective on the day following the election.

1 SECTION 11. IC 3-7-12-5.5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2011]: **Sec. 5.5. (a) Except as provided in subsection (b), this**
 4 **section applies to a county in which a board of registration was**
 5 **established by IC 3-7-12-3 (before its repeal).**

6 **(b) This section does not apply to any of the following:**

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

9 **(2) A county containing a consolidated city.**

10 **(c) A county executive may adopt an order to:**

11 **(1) abolish the board of registration; and**

12 **(2) designate the circuit court clerk as the voter registration**
 13 **officer of the county to supervise the registration of voters of**
 14 **the county.**

15 **(d) An order adopted under subsection (c) during the final sixty**
 16 **(60) days before an election becomes effective on the day following**
 17 **the election.**

18 SECTION 12. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005,
 19 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2011]: **Sec. 4. (a) The election division may provide parts and**
 21 **reports from the voter registration information from the computerized**
 22 **list for the purposes specified under IC 3-7-26.3-29. However,**

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

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

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

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

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

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

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

36 **(B) does not include any information:**

37 **(i) concerning an individual voter; or**

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

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

42 SECTION 13. IC 3-7-27-6 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6. (a) As required**
 44 **under 42 U.S.C. 1973gg-6(i), a county voter registration office shall**
 45 **retain records concerning the implementation of programs and**
 46 **activities conducted for the purpose of ensuring the accuracy and**
 47 **currency of the voter registration list. These records include the**
 48 **following:**

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

51 **(2) Information concerning whether a voter has responded to a**

1 notice described by subdivision (1) as of the date the inspection
2 of the record is made.

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

10 (c) In accordance with ~~IC 5-14-3-3(g)~~ **IC 5-14-3-3(h)** and
11 notwithstanding any other statute, a county voter registration office
12 shall, with regard to voter registration information concerning voters
13 of the county on a computerized system, act in accordance with a
14 nondiscriminatory uniform policy adopted by the county election
15 board. The policy must either permit a person to duplicate or obtain a
16 duplicate copy of a computer tape, computer disc, microfilm, or other
17 similar record system that contains this voter registration information
18 or not permit the person to duplicate or obtain a duplicate copy of the
19 information.

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

- 23 (1) use the information to solicit merchandise, goods, services, or
24 subscriptions; or
25 (2) sell, loan, give away, or otherwise deliver the information
26 obtained by the request to any other person;
27 for a purpose other than political activities or political fundraising
28 activities.

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

31 SECTION 14. IC 3-7-28-12 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. ~~Not later than thirty~~
33 ~~(30) days after receipt of the reports of deceased individuals required~~
34 ~~under this article;~~ **(a) Each circuit court clerk or board of county voter**
35 **registration office shall send a list of the deceased persons whose**
36 **registrations have been canceled to the following upon request:**

- 37 (1) The county chairman of each major political party of the
38 county.
39 (2) The chairman of the following:
40 (A) A bona fide political party of the county.
41 (B) An independent candidate's committee, if the candidate is
42 on the ballot for the next election to be conducted in the
43 county.

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

47 SECTION 15. IC 3-7-28-13 IS AMENDED TO READ AS
48 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. ~~Not later than thirty~~
49 ~~(30) days after preparation of a list of disfranchised voters under this~~
50 ~~article;~~ **the circuit court clerk or board of (a) Each county voter**
51 **registration office shall send a notice list of disfranchised voters**

1 **whose registrations have been canceled** to the following upon
2 request:

- 3 (1) The county chairmen of the major political parties of the
4 county.
5 (2) The chairman of the following:
6 (A) A bona fide political party of the county.
7 (B) An independent candidate's committee, if the candidate is
8 on the ballot for the next general election to be conducted in
9 the county.

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

13 SECTION 16. IC 3-7-28-14 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. ~~The circuit court~~
15 ~~clerk or board of~~ **(a) Each county voter registration office** shall
16 provide a list of the names and addresses of all voters whose
17 registrations have been canceled under this article ~~not later than sixty~~
18 ~~(60) days before election day~~ to the following upon request:

- 19 (1) The county chairmen of the major political parties of the
20 county.
21 (2) The chairman of the following:
22 (A) A bona fide political party of the county.
23 (B) An independent candidate's committee participating in a
24 primary, general, or municipal election.

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

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

32 SECTION 17. IC 3-7-33-3.7 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 3.7. **(a) This section applies to a voter**
35 **registration application submitted to the election division in person**
36 **or by mail.**

37 **(b) An eligible applicant:**

- 38 **(1) who submits a completed application; or**
39 **(2) on whose behalf a completed application is submitted;**

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

43 **(c) An eligible applicant:**

- 44 **(1) who submits a completed application; or**
45 **(2) on whose behalf a completed application is submitted;**

46 **by mail to the election division shall be registered to vote in the**
47 **election, if the application is postmarked not later than the**
48 **twenty-ninth day before the election. If a postmark on an**
49 **application submitted by mail is missing or illegible, an eligible**
50 **applicant shall be registered to vote in the election, if the**
51 **application is received by the election division not later than the**

1 **Monday following the close of the registration period.**

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

5 SECTION 18. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006,
 6 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2011]: Sec. 4.5. (a) Except as provided in subsection (b), this
 8 section applies to an individual who:

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

11 (2) has not previously voted in:

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

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

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

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

25 (A) a current and valid photo identification; or

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

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

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

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

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

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

40 (3) The individual is an absent uniformed services voter or
 41 overseas voter.

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

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

49 (c) When a county voter registration office receives a voter
 50 registration application by mail, the office shall determine whether the
 51 applicant is subject to the requirements to provide additional

1 documentation under this section and 42 U.S.C. 15483.

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

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

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

9 (2) has provided the documentation required under this section;
10 the county voter registration office shall process the application in
11 accordance with section 5 of this chapter.

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

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

21 SECTION 19. IC 3-7-34-7, AS AMENDED BY P.L.81-2005,
22 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2011]: Sec. 7. (a) The county voter registration office shall
24 certify to the NVRA official on an expedited basis a list of the
25 registration forms that have been processed under section 6 of this
26 chapter but do not contain information required to be supplied by the
27 bureau of motor vehicles commission or a voter registration agency.

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

32 SECTION 20. IC 3-7-36-10 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The ~~circuit~~
34 ~~court clerk or board of county voter registration office~~ shall process an
35 absentee registration affidavit or form received from a voter described
36 in section 1 of this chapter during the registration period or during the
37 period beginning on the twenty-ninth day before the election and
38 ending on the ~~date that the clerk or board prepares the certified list~~
39 ~~under IC 3-7-29-1: tenth day before the election.~~

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

46 SECTION 21. IC 3-7-40-3 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The local public
48 officials (or plan commission under IC 36-7-4-405) responsible for:

49 (1) naming or renaming streets;

50 (2) numbering or renumbering lots or structures; and

51 (3) converting rural route addresses to numbered addresses;

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

4 SECTION 22. IC 3-7-40-6, AS AMENDED BY P.L.164-2006,
 5 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2011]: Sec. 6. When notified by the NVRA official of a
 7 conversion from rural route addresses to numbered addresses under
 8 this chapter, the county voter registration office shall, as soon as
 9 practicable, amend

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

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

15 SECTION 23. IC 3-8-2-2.6, AS ADDED BY P.L.164-2006,
 16 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2011]: Sec. 2.6. (a) This section applies to a write-in
 18 candidate for a school board office to be elected on the same election
 19 day that a primary election is conducted.

20 (b) A:

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

22 (2) withdrawal of a declaration;

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

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

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

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

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

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

41 SECTION 24. IC 3-8-2-4, AS AMENDED BY P.L.164-2006,
 42 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 43 JULY 1, 2011]: Sec. 4. (a) A declaration of candidacy for a primary
 44 election must be filed not later than noon ~~seventy-four (74)~~
 45 **eighty-eight (88)** days and not earlier than ~~one hundred four (104)~~ **one**
 46 **hundred eighteen (118)** days before the primary election. The
 47 declaration must be subscribed and sworn to before a person authorized
 48 to administer oaths.

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

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

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

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

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

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

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

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

17 SECTION 25. IC 3-8-2-10 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) A petition
19 required by section 8 of this chapter must be submitted to the ~~circuit~~
20 ~~court clerk or board of county voter~~ registration office during the
21 period beginning ~~January 1~~ ~~or on the first date that a declaration of~~
22 **candidacy may be filed under section 4 of this chapter** in the year
23 in which the primary election will be held and ending at noon
24 ~~seventy-seven (77)~~ **ninety-one (91)** days before the primary election.

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

30 SECTION 26. IC 3-8-2-14 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) All questions
32 concerning the validity of a declaration filed with the secretary of state
33 shall be referred to and determined by the commission in accordance
34 with section 18 of this chapter. A statement questioning the validity of
35 a declaration must be filed with the election division under
36 IC 3-8-1-2(c) not later than noon ~~sixty-seven (67)~~ **eighty-one (81)** days
37 before the date of the primary election.

38 (b) All questions concerning the validity of a declaration of
39 candidacy filed with a circuit court clerk shall be referred to and
40 determined by the county election board not later than noon ~~fifty-four~~
41 ~~(54)~~ **sixty-eight (68)** days before the date of the primary election. A
42 statement questioning the validity of a declaration must be filed with
43 the county election board under IC 3-8-1-2(c) not later than noon
44 ~~sixty-seven (67)~~ **eighty-one (81)** days before the date of the primary
45 election.

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

1 than noon ~~seventy-four (74)~~ **eighty-eight (88)** days before election day.

2 SECTION 27. IC 3-8-2-17 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) At least ~~sixty~~
4 ~~(60)~~ **seventy-four (74)** days before a primary election in a county, the
5 election division shall transmit to each county election board a certified
6 list containing the name and address of each person for whom a
7 declaration of candidacy has been filed with the election division and
8 for which voters at the primary election may vote.

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

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

16 SECTION 28. IC 3-8-2-18 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) The commission
18 shall act upon a question concerning a declaration of candidacy not
19 later than noon ~~fifty-four (54)~~ **sixty-eight (68)** days before the date of
20 the primary election.

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

29 SECTION 29. IC 3-8-2-20, AS AMENDED BY P.L.230-2005,
30 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2011]: Sec. 20. (a) A person who files a declaration of
32 candidacy under this chapter may, at any time not later than noon
33 ~~seventy-one (71)~~ **eighty-five (85)** days before the date set for holding
34 the primary election, file a statement with the same office where the
35 person filed the declaration of candidacy, stating that the person is no
36 longer a candidate and does not wish the person's name to appear on
37 the primary election ballot as a candidate.

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

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

47 SECTION 30. IC 3-8-3-4 IS AMENDED TO READ AS FOLLOWS
48 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) A petition required by section
49 2 of this chapter must be submitted to the county voter registration
50 office during the period beginning ~~January 1~~ **on the first date that**
51 **a declaration of candidacy for a primary election may be filed**

1 **under IC 3-8-2-4** in the year in which the primary election will be held
 2 and ending at noon ten (10) days before the final date for filing a
 3 declaration of candidacy under IC 3-8-2-4 for the primary election.

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

8 SECTION 31. IC 3-8-5-10, AS AMENDED BY P.L.230-2005,
 9 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2011]: Sec. 10. (a) If more than one (1) candidate from the
 11 same political party files a declaration of candidacy for the same office,
 12 that political party shall conduct:

13 (1) a town convention under this chapter; or

14 (2) a primary election;

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

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

23 (c) The convention must be held **before not later than** August 21
 24 in each year in which a municipal election is to be held. The purpose
 25 of the convention is to select the nominees for all town offices to be
 26 elected at the next municipal election and for which more than one (1)
 27 declaration of candidacy has been filed.

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

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

40 SECTION 32. IC 3-8-5-10.5 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.5. (a) A person who
 42 desires to be nominated for a town office by a major political party
 43 must file a declaration of candidacy with the circuit court clerk of the
 44 county containing the greatest percentage of population of the town.

45 (b) A declaration of candidacy must be filed:

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

49 (2) not later than:

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

- 1 (B) the date that a declaration of candidacy must be filed under
2 IC 3-8-2-4 if the town nominates its candidates by a primary
3 election.
- 4 (c) The declaration must be subscribed and sworn to (or affirmed)
5 before a notary public or other person authorized to administer oaths.
- 6 (d) The declaration of each candidate required by this section must
7 certify the following information:
- 8 (1) The candidate's name, printed or typewritten as:
9 (A) the candidate wants the candidate's name to appear on the
10 ballot; and
11 (B) the candidate's name is permitted to appear on the ballot
12 under IC 3-5-7.
- 13 (2) That the candidate is a registered voter and the location of the
14 candidate's precinct and township (or the ward and town), county,
15 and state.
- 16 (3) The candidate's complete residence address and the
17 candidate's mailing address if the mailing address is different
18 from the residence address.
- 19 (4) The candidate's party affiliation and the office to which the
20 candidate seeks nomination, including the district designation if
21 the candidate is seeking a town legislative body seat.
- 22 (5) That the candidate complies with all requirements under the
23 laws of Indiana to be a candidate for the above named office,
24 including any applicable residency requirements, and is not
25 ineligible to be a candidate due to a criminal conviction that
26 would prohibit the candidate from serving in the office.
- 27 (6) The candidate's signature.
- 28 (e) This subsection does not apply to a town whose municipal
29 election is to be conducted by a county. Immediately after the deadline
30 for filing, the circuit court clerk shall do all of the following:
- 31 (1) Certify to the town clerk-treasurer and release to the public a
32 list of the candidates of each political party for each office. The
33 list shall indicate any candidates of a political party nominated for
34 an office under this chapter because of the failure of any other
35 candidates of that political party to file a declaration of candidacy
36 for that office.
- 37 (2) Post a copy of the list in a prominent place in the circuit court
38 clerk's office.
- 39 (3) File a copy of each declaration of candidacy with the town
40 clerk-treasurer.
- 41 (f) A person who files a declaration of candidacy for an elected
42 office for which a per diem or salary is provided for by law is
43 disqualified from filing a declaration of candidacy for another office for
44 which a per diem or salary is provided for by law until the original
45 declaration is withdrawn.
- 46 (g) A person who files a declaration of candidacy for an elected
47 office may not file a declaration of candidacy for that office in the same
48 year as a member of a different political party until the original
49 declaration is withdrawn.
- 50 (h) A person who files a declaration of candidacy under this section
51 may file a written notice withdrawing the person's declaration of

1 candidacy in the same manner as the original declaration was filed, if
2 the notice of withdrawal is filed not later than:

- 3 (1) noon August 1 before the municipal election if the town
4 nominates its candidates by convention; and
- 5 (2) the date that a declaration of candidacy may be withdrawn
6 under IC 3-8-2-20 if the town nominates its candidates in a
7 primary election.

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

19 SECTION 33. IC 3-8-5-14 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. ~~(a)~~ A certificate of
21 nomination **executed under section 13 of this chapter** must be signed
22 before a person authorized to administer oaths and certify the following
23 information:

- 24 (1) The name of the party, the town where the convention was
25 held, the date of the convention, and the date of the town election.
- 26 ~~(2) The name, residence, and office of each candidate that was
27 nominated at the convention.~~
- 28 ~~(3) That each candidate for town council resides in the ward for
29 which the person is a candidate.~~
- 30 ~~(4) That each candidate is a registered voter of the town and
31 legally qualified to hold the office for which the person is a
32 candidate.~~
- 33 ~~(5)~~ **(2)** The title of the party that the candidates represent and the
34 device by which the candidates may be designated on the ballots
35 (a symbol to designate the party).
- 36 ~~(6)~~ **(3)** The signature and residence address of the presiding
37 officer and secretary of the convention.

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

40 SECTION 34. IC 3-8-6-2 IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE UPON PASSAGE]: Sec. 2. A candidate may be
42 nominated for an elected office by petition of voters who are:

- 43 **(1) registered to vote at the time of signing the petition on the
44 date the county voter registration office certifies the petition
45 under section 8 of this chapter; and**
- 46 **(2) qualified to vote for the candidate.**

47 SECTION 35. IC 3-8-6-10 IS AMENDED TO READ AS
48 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) Except as
49 provided in section 11 of this chapter, a petition of nomination must be
50 submitted to the county voter registration office of each county in
51 which the election district is located.

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

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

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

19 SECTION 36. IC 3-8-6-12 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) A petition of
 21 nomination for an office filed under section 10 of this chapter must be
 22 filed with and, except as provided in subsection (d), certified by the
 23 person with whom a declaration of candidacy must be filed under
 24 IC 3-8-2.

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

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

28 (2) A statement that the candidate:

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

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

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

35 (3) If the candidate is subject to IC 3-9-1-5, a statement by the
 36 candidate that the candidate has filed a campaign finance
 37 statement of organization under IC 3-9-1-5 or is aware that the
 38 candidate may be required to file a campaign finance statement of
 39 organization not later than noon seven (7) days after the final date
 40 for filing a petition for nomination under section 10 of this
 41 chapter.

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

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

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

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

51 (A) has been a candidate for state or local office in a previous

- 1 primary or general election; and
 2 (B) has filed all reports required by IC 3-9-5-10 for all
 3 previous candidacies.
 4 (6) A statement that each candidate is legally qualified to hold the
 5 office that the candidate seeks, including any applicable residency
 6 requirements and restrictions on service due to a criminal
 7 conviction.
 8 (7) If the petition is filed with the secretary of state for an office
 9 not elected by the electorate of the whole state, a statement signed
 10 by the circuit court clerk of each county in the election district of
 11 the office sought by the individual.
 12 (8) Any statement of economic interests required under
 13 IC 3-8-1-33.
 14 (c) The statement required under subsection (b)(7) must:
 15 (1) be certified by each circuit court clerk; and
 16 (2) indicate the number of votes cast for secretary of state:
 17 (A) at the last election for secretary of state; and
 18 (B) in the part of the county included in the election district of
 19 the office sought by the individual filing the petition.
 20 (d) The person with whom the petition of nomination must be filed
 21 under subsection (a) shall:
 22 (1) determine whether a sufficient number of signatures as
 23 required by section 3 of this chapter have been obtained; and
 24 (2) do one (1) of the following:
 25 (A) If the petition includes a sufficient number of signatures,
 26 certify the petition.
 27 (B) If the petition has an insufficient number of signatures,
 28 deny the certification.
 29 (e) The secretary of state shall, by noon ~~August 20~~ **on the date**
 30 **specified under IC 3-8-7-16 for the certification of candidates and**
 31 **public questions by the election division:**
 32 (1) certify; or
 33 (2) deny certification under subsection (d) to;
 34 each petition of nomination filed in the secretary of state's office to the
 35 appropriate county.
 36 (f) The commission shall provide that the form of a petition of
 37 nomination includes the following information near the separate
 38 signature required by subsection (b)(2):
 39 (1) The dates for filing campaign finance reports under IC 3-9.
 40 (2) The penalties for late filing of campaign finance reports under
 41 IC 3-9.
 42 (g) A candidate's consent to become a candidate must include a
 43 statement that the candidate requests the name on the candidate's voter
 44 registration record be the same as the name the candidate uses on the
 45 consent to become a candidate. If there is a difference between the
 46 name on the candidate's consent to become a candidate and the name
 47 on the candidate's voter registration record, the officer with whom the
 48 consent to become a candidate is filed shall forward the information to
 49 the voter registration officer of the appropriate county as required by
 50 IC 3-5-7-6(e). The voter registration officer of the appropriate county
 51 shall change the name on the candidate's voter registration record to be

1 the same as the name on the candidate's consent to become a candidate.

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

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

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

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

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

12 SECTION 37. IC 3-8-7-11, AS AMENDED BY P.L.230-2005,
13 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2011]: Sec. 11. (a) Except as provided in subsection (f), if a
15 political party has filed a statement with the election division (or any
16 of its predecessors) that the device selected by the political party be
17 used to designate the candidates of the political party on the ballot for
18 all elections throughout the state, the device must be used until:

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

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

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

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

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

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

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

30 (4) Any other emblem common to the people.

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

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

51 (f) If a copy of the device is not filed in accordance with subsection

1 (a) or (e), or unless a device is designated in accordance with section
 2 26 or 27 of this chapter, the county election board or town election
 3 board is not required to use any device to designate the list of
 4 candidates.

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

10 SECTION 38. IC 3-8-7-15 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. In a special election
 12 called by the governor, a certificate of nomination may be filed with the
 13 public official with whom a certificate is required to be filed at any
 14 time after the election is called but no later than noon ~~fifty (50)~~
 15 **seventy-four (74)** days before the date of the election.

16 SECTION 39. IC 3-8-7-25.5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25.5. (a) This section
 18 does not apply to the change of a candidate's name that occurs after
 19 absentee ballots have been printed bearing the candidate's name.

20 (b) A candidate who:

21 (1) is:

22 (A) nominated for election; or

23 (B) a candidate for nomination; and

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

25 (A) the candidate has been nominated; or

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

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

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

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

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

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

44 SECTION 40. IC 3-9-1-12 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) A committee
 46 may disband at any time in the manner prescribed by this section.

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

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

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

- 1 (2) A candidate's committee for legislative office.
 2 (3) A legislative caucus committee.
 3 (4) A political action committee that has filed a statement or
 4 report with the election division.
 5 (5) A regular party committee that has filed a statement or report
 6 with the election division.
- 7 (d) A county election board has exclusive jurisdiction to disband
 8 any of the following:
- 9 (1) A candidate's committee for a local office.
 10 (2) A candidate's committee for a school board office.
 11 (3) A political action committee that has filed a statement or
 12 report with the election board, unless the political action
 13 committee has also filed a report with the election division.
 14 (4) A regular party committee that has filed a statement or report
 15 with the election board, unless the regular party committee has
 16 also filed a report with the election division.
- 17 (e) The commission or a county election board may administratively
 18 disband a committee in the following manner:
- 19 (1) Not later than the last Friday of January of each year, the
 20 election division or county election board shall review the list of
 21 committees that have filed statements of organization with the
 22 division or board under this article.
 23 (2) If the election division or county election board determines
 24 both of the following, the election division or county election
 25 board may begin a proceeding before the commission or board to
 26 administratively disband the committee:
- 27 (A) The committee has not filed any report of expenditures
 28 during the previous three (3) calendar years.
 29 (B) The committee last reported cash on hand in an amount
 30 that does not exceed one thousand dollars (\$1,000), if the
 31 committee filed a report under this article.
- 32 (3) The election division or county election board shall provide
 33 notice of the proceeding by certified mail to the last known
 34 address of the chairman and treasurer of the committee.
 35 (4) The commission or board may issue an order administratively
 36 dissolving the committee ~~and waiving any outstanding civil~~
 37 ~~penalty previously imposed by the commission or board,~~ if the
 38 commission or board makes the following findings:
- 39 (A) There is no evidence that the committee continues to
 40 receive contributions, make expenditures, or otherwise
 41 function as a committee.
 42 ~~(B) The prudent use of public resources makes further efforts~~
 43 ~~to collect any outstanding civil penalty imposed against the~~
 44 ~~committee wasteful or unjust.~~
 45 ~~(C)~~ (B) According to the best evidence available to the
 46 commission or board, the dissolution of the committee will not
 47 impair any contract or impede the collection of a debt or
 48 judgment by any person.
- 49 **(5) If the commission or board:**
 50 (A) **administratively dissolves a committee under**
 51 **subdivision (4); and**

1 **(B) finds that the prudent use of public resources makes**
 2 **further efforts to collect any outstanding civil penalty**
 3 **imposed against the committee wasteful or unjust;**
 4 **the commission or board may also waive the outstanding civil**
 5 **penalty previously imposed by the commission or board**
 6 **against the committee.**

7 ~~(5)~~ **(6)** The election division shall arrange for the publication in
 8 the Indiana Register of an order administratively disbanding a
 9 committee. A county election board shall publish a notice under
 10 IC 5-3-1 stating that the board has disbanded a committee under
 11 this subsection. The notice must state the date of the order and the
 12 name of the committee, but the board is not required to publish
 13 the text of the order.

14 ~~(6)~~ **(7)** An order issued under this subsection takes effect
 15 immediately upon its adoption, unless otherwise specified in the
 16 order.

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

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

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

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

24 (C) The election division.

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

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

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

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

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

36 **(2) criminal liability.**

37 SECTION 41. IC 3-9-3-2.5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. (a) This section
 39 does not apply to any of the following:

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

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

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

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

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

- 1 (6) Checks, receipts, and similar items of minimal value that do
 2 not contain a political message and are used for purely
 3 administrative purposes.
- 4 (7) A communication by a political action committee organized
 5 and controlled by a corporation soliciting contributions to the
 6 political action committee by the stockholders, executives, or
 7 employees of the corporation and the families of those
 8 individuals.
- 9 (8) A communication by a political action committee organized
 10 and controlled by a labor organization soliciting contributions to
 11 the political action committee by the members or executive
 12 personnel of the labor organization and the families of those
 13 individuals.
- 14 (9) A direct mailing of one hundred (100) or less substantially
 15 similar pieces of mail.
- 16 (b) This section applies whenever a person:
- 17 (1) makes an expenditure for the purpose of financing
 18 communications expressly advocating the election or defeat of a
 19 clearly identified candidate; or
 20 (2) solicits a contribution;
 21 through a newspaper, a magazine, an outdoor advertising facility, a
 22 poster, a yard sign, a direct mailing, or any other type of general public
 23 political advertising.
- 24 (c) For purposes of this section, a candidate is clearly identified if
 25 any of the following apply:
- 26 (1) The name of the candidate involved appears.
 27 (2) A photograph or drawing of the candidate appears.
 28 (3) The identity of the candidate is apparent by unambiguous
 29 reference.
- 30 (d) A communication described in subsection (b) must contain a
 31 disclaimer that appears and is presented in a clear and conspicuous
 32 manner to give the reader or observer adequate notice of the identity of
 33 persons who paid for and, when required, who authorized the
 34 communication. A disclaimer does not comply with this section if the
 35 disclaimer is difficult to read or if the placement of the disclaimer is
 36 easily overlooked.
- 37 **(e) In addition to meeting the requirements of subsection (d), a**
 38 **disclaimer that appears on a printed communication described in**
 39 **subsection (b) must comply with the following:**
- 40 **(1) The disclaimer must be of sufficient type size to be clearly**
 41 **readable by the recipient of the communication. A disclaimer**
 42 **in 12 point type size satisfies the size requirement of this**
 43 **subdivision when the disclaimer is used for a yard sign, a**
 44 **poster, a flyer, a newspaper, a magazine, or a direct mailing.**
 45 **(2) The disclaimer must be printed with a reasonable degree**
 46 **of color contrast between the background and the printed**
 47 **statement. A disclaimer satisfies the color contrast**
 48 **requirement of this subdivision if:**
- 49 **(A) the disclaimer is printed in black text on a white**
 50 **background; or**
 51 **(B) the degree of color contrast between the background**

1 **and the text of the disclaimer is not less than the color**
 2 **contrast between the background and the largest text used**
 3 **in the communication.**

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

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

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

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

17 (1) If the communication is paid for and authorized by:
 18 (A) a candidate;
 19 (B) an authorized political committee of a candidate; or
 20 (C) the committee's agents;
 21 the communication must clearly state that the communication has
 22 been paid for by the authorized political committee.

23 (2) If the communication is paid for by other persons but
 24 authorized by:
 25 (A) a candidate;
 26 (B) an authorized political committee of a candidate; or
 27 (C) the committee's agents;

28 the communication must clearly state that the communication is
 29 paid for by the other persons and authorized by the authorized
 30 political committee.

31 (3) If the communication is not authorized by:
 32 (A) a candidate;
 33 (B) an authorized political committee of a candidate; or
 34 (C) the committee's agents;

35 the communication must clearly state the name of the person who
 36 paid for the communication and state that the communication is
 37 not authorized by any candidate or candidate's committee.

38 (4) If the communication is a solicitation directed to the general
 39 public on behalf of a political committee that is not a candidate's
 40 committee, the solicitation must clearly state the full name of the
 41 person who paid for the communication.

42 ~~(h)~~ **(i)** A communication by a regular party committee consisting of:
 43 (1) a printed slate card, a sample ballot, or other printed listing of
 44 three (3) or more candidates for public office at an election;
 45 (2) campaign materials such as handbills, brochures, posters,
 46 party tabloids or newsletters, and yard signs distributed by
 47 volunteers and used by the regular party committee in connection
 48 with volunteer activities on behalf of any nominee of the party; or
 49 (3) materials distributed by volunteers as part of the regular
 50 party's voter registration or get-out-the-vote efforts;

51 must clearly state the name of the person who paid for the

1 communication but is not required to state that the communication is
2 authorized by any candidate or committee.

3 SECTION 42. IC 3-9-4-16, AS AMENDED BY P.L.221-2005,
4 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 16. (a) In addition to any other penalty imposed,
6 a person who does any of the following is subject to a civil penalty
7 under this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 36 (1) Two (2) times the amount of any contributions received.
- 37 (2) One thousand dollars (\$1,000).

38 (g) This subsection applies to a person who is subject to a civil
39 penalty under subsection (a)(12). If the commission determines that a
40 corporation or a labor organization has failed to designate a
41 contribution in violation of IC 3-9-2-5(c), the commission shall assess
42 a civil penalty equal to the greater of the following, plus any
43 investigative costs incurred and documented by the election division:

- 44 (1) Two (2) times the amount of the contributions undesignated.
- 45 (2) One thousand dollars (\$1,000).

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

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

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

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

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

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

26 SECTION 43. IC 3-9-4-17 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) In addition to
 28 any other penalty imposed, a person who does any of the following is
 29 subject to a civil penalty under this section:

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

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

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

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

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

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

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

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

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

51 (10) Wrongfully uses campaign contributions in violation of

- 1 IC 3-9-3-4.
 2 (11) Fails to designate a contribution as required by IC 3-9-2-5(c).
 3 (12) Violates IC 3-9-3-5.
 4 (13) Serves as a treasurer of a committee in violation of any of the
 5 following:
 6 (A) IC 3-9-1-13(1).
 7 (B) IC 3-9-1-13(2).
 8 (C) IC 3-9-1-18.
 9 **(14) Violates IC 3-9-3-2.5 by making a communication that**
 10 **contains a disclaimer that is not presented in a clear and**
 11 **conspicuous manner, as required by IC 3-9-3-2.5(d) and**
 12 **IC 3-9-3-2.5(e). This subdivision does not apply to a person**
 13 **whose sole act is, in the normal course of business,**
 14 **participating in the preparation, printing, distribution, or**
 15 **broadcast of the communication containing the disclaimer.**
- 16 (b) This subsection applies to a person who is subject to a civil
 17 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
 18 statement. If the county election board determines that a person failed
 19 to file the report or a statement of organization not later than noon five
 20 (5) days after being given notice under section 14 of this chapter, the
 21 county election board may assess a civil penalty. The penalty is ten
 22 dollars (\$10) for each day the report is late after the expiration of the
 23 five (5) day period, not to exceed one hundred dollars (\$100) plus any
 24 investigative costs incurred and documented by the board. The civil
 25 penalty limit under this subsection applies to each report separately.
- 26 (c) This subsection applies to a person who is subject to a civil
 27 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
 28 statement. If the county election board determines that a person failed
 29 to file the report or statement of organization by the deadline prescribed
 30 under this article, the board shall assess a civil penalty. The penalty is
 31 fifty dollars (\$50) for each day the report is late, with the afternoon of
 32 the final date for filing the report or statement being calculated as the
 33 first day. The civil penalty under this subsection may not exceed one
 34 thousand dollars (\$1,000) plus any investigative costs incurred and
 35 documented by the board. The civil penalty limit under this subsection
 36 applies to each report separately.
- 37 (d) This subsection applies to a person who is subject to a civil
 38 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
 39 (a)(10). If the county election board determines that a person is subject
 40 to a civil penalty under subsection (a), the board may assess a civil
 41 penalty of not more than one thousand dollars (\$1,000), plus any
 42 investigative costs incurred and documented by the board.
- 43 (e) This subsection applies to a person who is subject to a civil
 44 penalty under subsection (a)(5). If the county election board determines
 45 that a person is subject to a civil penalty under subsection (a)(5), the
 46 board may assess a civil penalty of not more than three (3) times the
 47 amount of the contribution in excess of the limit prescribed by
 48 IC 3-9-2-4, plus any investigative costs incurred and documented by
 49 the board.
- 50 (f) This subsection applies to a person who is subject to a civil
 51 penalty under subsection (a)(11). If the county election board

1 determines that a corporation or a labor organization has failed to
 2 designate a contribution in violation of IC 3-9-2-5(c), the board shall
 3 assess a civil penalty equal to the greater of the following, plus any
 4 investigative costs incurred and documented by the board:

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

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

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

13 (h) This subsection applies to a person who is subject to a civil
 14 penalty under subsection (a)(13). If the county election board
 15 determines, by unanimous vote of the entire membership of the board,
 16 that a person has served as the treasurer of a committee in violation of
 17 any of the statutes listed in subsection (a)(13), the board may assess a
 18 civil penalty of not more than five hundred dollars (\$500), plus any
 19 investigative costs incurred and documented by the board.

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

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

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

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

38 SECTION 44. IC 3-10-1-31.2 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2011]: **Sec. 31.2. (a) This subsection does not**
 41 **apply if a recount or contest is being conducted in a county. The**
 42 **county voter registration office shall complete the updating of the**
 43 **registration record under section 31.1 of this chapter not later than**
 44 **sixty (60) days after election day.**

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

51 SECTION 45. IC 3-10-3-1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Whenever a
 2 proposed state constitutional amendment or other public question is
 3 submitted by the general assembly under Article 16 of the Constitution
 4 of the State of Indiana to the electorate of the state for a popular vote,
 5 the election division shall certify the public question to the county
 6 election board of each county.

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

15 SECTION 46. IC 3-10-6-7.5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.5. **(a) This section**
 17 **applies to a municipal office elected during a municipal or general**
 18 **election.**

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

- 21 (1) there is only one (1) nominee for the office or only one (1)
 22 person has filed a declaration of intent to be a write-in candidate
 23 for the office under IC 3-8-2-2.5; and
- 24 (2) no person has filed a declaration of intent to be a write-in
 25 candidate for the office under IC 3-8-2-2.5 that results in a contest
 26 for election to the same municipal office.

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

30 ~~(c)~~ If:

- 31 ~~(1)~~ there is an election for at least one ~~(1)~~ of a municipality's
 32 legislative body members;
- 33 ~~(2)~~ only the voters who reside in a legislative body district are
 34 eligible to vote in the election for a legislative body member; and
- 35 ~~(3)~~ there is no election for an office to be voted on by all voters of
 36 the municipality;

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

45 SECTION 47. IC 3-10-7-6 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A municipal
 47 election conducted under this chapter shall be held at the time
 48 prescribed by IC 3-10-6.

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

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

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

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

10 (d) If:

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

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

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

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

26 SECTION 48. IC 3-10-9-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. If a local public
 28 question must be certified to an election board by law, that certification
 29 must occur no later than noon:

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

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

35 SECTION 49. IC 3-11-1.5-15.5 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: **Sec. 15.5. If a precinct boundary splits**
 38 **a census block, either of the following must be submitted with the**
 39 **order described in section 14 of this chapter:**

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

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

43 (A) **each census block that is split; and**

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

46 SECTION 50. IC 3-11-1.5-16 IS AMENDED TO READ AS
 47 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) If a proposed
 48 precinct establishment order includes a legal description of a precinct
 49 with a boundary that follows the boundary of a municipality, state
 50 legislative district, or municipal legislative district, the order must
 51 include the following:

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

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

7 (b) If a proposed precinct establishment order described by section
8 9 of this chapter includes a legal description of a boundary that follows
9 a visible feature, the order must include a description in metes and
10 bounds **or an aerial photograph** that identifies the visible feature that
11 forms the boundary.

12 SECTION 51. IC 3-11-2-16 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) If the
14 commission or an election board determines that a ballot printed under
15 the authority of the commission or election board does not comply with
16 a requirement imposed by this title or contains any other error or
17 omission that might result in confusion or mistakes by voters, the
18 election division or board shall:

19 (1) reprint or correct the ballot; or

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

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

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

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

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

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

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

35 (d) If:

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

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

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

43 (e) If:

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

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

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

51 (f) If the commission or board acts under subsection (a) or (e), a

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

7 SECTION 52. IC 3-11-3-29 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 29. (a) If a new
 9 candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after
 10 the printing of ballots and before the election, the ~~election division or~~
 11 ~~the~~ election board may print ballots containing the name of the new
 12 candidate.

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

21 (c) If a candidate entitled to be placed on the ballot changes the
 22 candidate's legal name after the printing of ballots and before the
 23 election, the candidate who has changed the candidate's legal name
 24 shall provide to the ~~election division or the~~ election board the number
 25 of pasters the ~~division or the~~ board determines to be necessary for all
 26 ballots to reflect the change of name. If a candidate declines to do so
 27 under this subsection, the ~~division or the~~ board is not required to
 28 reprint ballots to reflect the change of legal name.

29 SECTION 53. IC 3-11-4-3, AS AMENDED BY P.L.66-2010,
 30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 3. (a) Except as provided in section 6 of this
 32 chapter, an application for an absentee ballot must be received by the
 33 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of
 34 the board of elections and registration) not earlier than the date the
 35 registration period resumes ~~following a primary election~~ under
 36 IC 3-7-13-10 nor later than the following:

- 37 (1) Noon on election day if the voter registers to vote under
 38 IC 3-7-36-14.
- 39 (2) Noon on the day before election day if the voter:
 40 (A) completes the application in the office of the circuit court
 41 clerk; or
 42 (B) is an absent uniformed services voter or overseas voter
 43 who requests that the ballot be transmitted by electronic mail
 44 or fax under section 6(h) of this chapter.
- 45 (3) Noon on the day before election day if:
 46 (A) the application is a mailed, transmitted by fax, or hand
 47 delivered application from a confined voter or voter caring for
 48 a confined person; and
 49 (B) the applicant requests that the absentee ballots be
 50 delivered to the applicant by an absentee voter board.
- 51 (4) ~~Midnight 11:59 p.m.~~ on the eighth day before election day if

1 the application:

2 (A) is a mailed application; or

3 (B) was transmitted by fax;

4 from other voters.

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

15 SECTION 54. IC 3-11-4-6, AS AMENDED BY P.L.66-2010,
 16 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2011]: Sec. 6. (a) This section applies, notwithstanding any
 18 other provision of this title, to absentee ballot applications for the
 19 following:

20 (1) An absent uniformed services voter.

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

23 (3) An overseas voter.

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

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

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

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

40 (d) If the county election board receives an absentee ballot
 41 application from a person described by subsection (c), the circuit court
 42 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
 43 3406, all ballots for the election immediately upon receipt of the ballots
 44 under section 15 of this chapter, unless the person has indicated under
 45 subsection (c) that the person wishes to receive the absentee ballot by
 46 electronic mail or fax.

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

49 ~~(1)~~ is an absent uniformed services voter or an overseas voter, ~~and~~

50 ~~(2)~~ does not expect to be in the county during the twelve ~~(12)~~
 51 months following the date the application is filed;

1 the application is an adequate application for an absentee ballot for
 2 ~~both subsequent general elections and any municipal or special an~~
 3 election conducted during ~~that the period that ends on December 31~~
 4 **following the date the application is filed**, unless an absentee ballot
 5 mailed to the voter at the address set forth in the application is returned
 6 to the county election board during that period as undeliverable. The
 7 circuit court clerk and county election board shall process this
 8 application and send general election absentee ballots to the voter in
 9 the same manner as other general election and special election absentee
 10 ballot applications and ballots are processed and sent under this
 11 chapter.

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

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

- 32 (1) To a law enforcement agency, upon request.
- 33 (2) As directed by a court order.

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

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

- 46 (1) If the voter provides a fax number to which a confirmation
 47 may be sent, the county election board shall send the confirmation
 48 to the voter at the fax number provided by the voter.
- 49 (2) If the voter provides an electronic mail address to which a
 50 confirmation may be sent, the county election board shall send the
 51 confirmation to the voter at the electronic mail address provided

1 by the voter.
 2 (3) If:
 3 (A) the voter does not provide a fax number or an electronic
 4 mail address; or
 5 (B) the number or address provided does not permit the board
 6 to send the confirmation not later than the end of the first
 7 business day after the board receives the voter's absentee
 8 ballot;
 9 the county election board shall send the confirmation by United
 10 States mail.

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

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

28 SECTION 55. IC 3-11-8-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. A voter shall vote at
 30 the polls for the precinct where the voter resides except when
 31 authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, **or**
 32 **IC 3-10-12. or at a special voting poll under section 6.5 of this chapter.**

33 SECTION 56. IC 3-11-8-3.1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.1. (a) A county
 35 executive shall designate the polls for each precinct not less than
 36 twenty-nine (29) days before election day.

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

- 39 (1) the location of the polling place is altered by an order of the
 40 county executive or county election board under this chapter; or
 41 (2) a precinct establishment order issued under IC 3-11-1.5:
 42 (A) designates a new polling place location; or
 43 (B) combines the existing precinct with another precinct
 44 established by the order.

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

48 SECTION 57. IC 3-11-8-3.2 IS AMENDED TO READ AS
 49 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.2. (a) A county
 50 executive shall give ten (10) days notice of the place of voting in each
 51 precinct by publication in the manner prescribed by IC 5-3-1-4. The

1 notice must include the following information:

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

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

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

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

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

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

21 SECTION 58. IC 3-11-8-6 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. ~~Except as provided~~
23 ~~in section 6.5 of this chapter,~~ The county executive shall locate the
24 polls for each precinct in an accessible facility.

25 SECTION 59. IC 3-11-10-17, AS AMENDED BY P.L.198-2005,
26 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2011]: Sec. 17. (a) If the inspector finds under section 15 of
28 this chapter that any of the following applies, a ballot may not be
29 accepted or counted:

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

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

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

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

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

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

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

44 ~~(5) (4) The absentee voter has not registered.~~

45 ~~(6) (5) The ballot is open or has been opened and resealed. This~~
46 ~~subdivision does not permit an absentee ballot transmitted by fax~~
47 ~~or electronic mail under IC 3-11-4-6 to be rejected because the~~
48 ~~ballot was sealed in the absentee ballot envelope by the individual~~
49 ~~designated by the circuit court to receive absentee ballots~~
50 ~~transmitted by fax or electronic mail.~~

51 ~~(7) (6) The ballot envelope contains more than one (1) ballot of~~

1 any kind for the same office or public question.

2 ~~(8)~~ (7) In the case of a primary election, if the absentee voter has
3 not previously voted, the voter failed to execute the proper
4 declaration relative to age and qualifications and the political
5 party with which the voter intends to affiliate.

6 ~~(9)~~ (8) The ballot has been challenged and not supported.

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

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

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

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

15 (B) on the absentee ballot application.

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

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

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

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

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

24 SECTION 60. IC 3-11-10-24, AS AMENDED BY P.L.120-2009,
25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]: Sec. 24. (a) Except as provided in subsection (b), a
27 voter who satisfies any of the following is entitled to vote by mail:

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

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

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

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

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

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

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

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

43 (5) The voter is an elderly voter.

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

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

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

51 (9) The voter is prevented from voting due to observance of a

- 1 religious discipline or religious holiday during the entire twelve
 2 (12) hours that the polls are open.
- 3 (10) The voter is an address confidentiality program participant
 4 (as defined in IC 5-26.5-1-6).
- 5 (11) The voter is a member of the military or public safety officer.
- 6 (b) A voter with disabilities who:
- 7 (1) is unable to make a voting mark on the ballot or sign the
 8 absentee ballot secrecy envelope; and
- 9 (2) requests that the absentee ballot be delivered to an address
 10 within Indiana;
- 11 must vote before an absentee voter board under section 25(b) of this
 12 chapter.
- 13 (c) If a voter receives an absentee ballot by mail, the voter shall
 14 personally mark the ballot in secret and seal the marked ballot inside
 15 the envelope provided by the county election board for that purpose.
 16 The voter shall:
- 17 (1) deposit the sealed envelope in the United States mail for
 18 delivery to the county election board; or
- 19 (2) authorize a member of the voter's household or the individual
 20 designated as the voter's attorney in fact to:
- 21 (A) deposit the sealed envelope in the United States mail; or
 22 (B) deliver the sealed envelope in person to the county
 23 election board.
- 24 (d) If a member of the voter's household or the voter's attorney in
 25 fact delivers the sealed envelope containing a voter's absentee ballot to
 26 the county election board, the individual delivering the ballot shall
 27 complete an affidavit in a form prescribed by the commission. The
 28 affidavit must contain the following information:
- 29 (1) The name and residence address of the voter whose absentee
 30 ballot is being delivered.
- 31 (2) A statement of the full name, residence and mailing address,
 32 and daytime and evening telephone numbers (if any) of the
 33 individual delivering the absentee ballot.
- 34 (3) A statement indicating whether the individual delivering the
 35 absentee ballot is a member of the voter's household or is the
 36 attorney in fact for the voter. If the individual is the attorney in
 37 fact for the voter, the individual must attach a copy of the power
 38 of attorney for the voter, unless a copy of this document has
 39 already been filed with the county election board.
- 40 (4) The date and location at which the absentee ballot was
 41 delivered by the voter to the individual delivering the ballot to the
 42 county election board.
- 43 (5) A statement that the individual delivering the absentee ballot
 44 has complied with Indiana laws governing absentee ballots.
- 45 (6) A statement that the individual delivering the absentee ballot
 46 is executing the affidavit under the penalties of perjury.
- 47 (7) A statement setting forth the penalties for perjury.
- 48 (e) The county election board shall record the date and time that the
 49 affidavit under subsection (d) was filed with the board.
- 50 (f) After a voter has mailed or delivered an absentee ballot to the
 51 office of the circuit court clerk, the voter may not recast a ballot, except

1 as provided in

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

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

4 SECTION 61. IC 3-11-10-26, AS AMENDED BY P.L.66-2010,
5 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]: Sec. 26. (a) **This subsection applies to all counties,
7 except for a county to which IC 3-6-5.2 applies.** As an alternative to
8 voting by mail, a voter is entitled to cast an absentee ballot before an
9 absentee voter board **at any of the following:**

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

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

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

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

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

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

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

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

30 (2) provide proof of identification;

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

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

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

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

49 ~~(f)~~ (h) Notwithstanding subsection ~~(e)~~; (g), in a county with a
50 population of less than twenty thousand (20,000), the absentee voter
51 board in the office of the circuit court clerk, with the approval of the

1 county election board, may reduce the number of hours available to
 2 cast absentee ballots under this section to a minimum of four (4) hours
 3 on each of the two (2) Saturdays preceding election day.

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

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

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

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

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

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

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

22 ~~(i)~~ (k) If:

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

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

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

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

32 SECTION 62. IC 3-11-10-26.3, AS AMENDED BY P.L.66-2010,
 33 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2011]: Sec. 26.3. (a) A county election board may adopt a
 35 resolution to authorize the circuit court clerk to establish satellite
 36 offices in the county where voters may cast absentee ballots before an
 37 absentee voter board.

38 (b) To be adopted under this section, a resolution must be adopted
 39 by the unanimous vote of the board's entire membership.

40 (c) A resolution adopted under this section must do the following:

41 (1) State the locations of the satellite offices.

42 (2) State the hours at which absentee voting may occur at the
 43 satellite offices.

44 (d) The resolution may contain other provisions the board considers
 45 useful.

46 **(e) If a resolution is adopted under this section for a primary**
 47 **election, the locations of the satellite offices and the hours at which**
 48 **absentee voting may occur at the satellite offices established for the**
 49 **primary election must be used for the subsequent general or**
 50 **municipal election.**

51 ~~(e)~~ (f) If a resolution is adopted under this section, the procedure for

1 casting an absentee ballot at a satellite office must, except as provided
 2 in this section, be substantially the same as the procedure for casting an
 3 absentee ballot in the office of the circuit court clerk.

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

6 ~~(g)~~ (h) A satellite office established by a circuit court clerk under
 7 this section must comply with the polling place accessibility
 8 requirements of IC 3-11-8.

9 SECTION 63. IC 3-11-10-30 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. Even though the
 11 voter may have applied for and received an absentee ballot, a voter who
 12 returns to the voter's place of residence before the close of the polls on
 13 election day may vote in person under the conditions prescribed by
 14 section 31 ~~or 32~~ of this chapter.

15 SECTION 64. IC 3-11-10-32 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 32. If a voter has
 17 marked and returned an absentee ballot, ~~but appears the voter may not~~
 18 **vote** in person at ~~the a~~ precinct. ~~before the voter's name has been~~
 19 ~~marked on the poll list under section 16 of this chapter, then the voter~~
 20 ~~may:~~

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

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

30 SECTION 65. IC 3-11-13-31.6 IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2011]: **Sec. 31.6. Whenever a ballot card**
 33 **voting system is used in a precinct and a ballot form prescribed by**
 34 **this title refers to a voting mark, the county election board shall**
 35 **approve voting instructions indicating that a specific type of**
 36 **marking device is employed on the system to indicate a vote.**

37 SECTION 66. IC 3-11-14-3.5, AS AMENDED BY HEA
 38 1190-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2011]: Sec. 3.5. (a) Each county election board
 40 shall have the names of all candidates for all elected offices, political
 41 party offices, and public questions printed on ballot labels for use in an
 42 electronic voting system as provided in this chapter.

43 (b) The county may:

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

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

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

51 (d) The nominees of a political party or an independent candidate

1 or independent ticket (described in IC 3-11-2-6) nominated by
 2 petitioners must be listed on the ballot label with the name and device
 3 set forth on the certification or petition. The circle containing the
 4 device may be of any size that permits a voter to readily identify the
 5 device. IC 3-11-2-5 applies if the certification or petition does not
 6 include a name or device, or if the same device is selected by two (2)
 7 or more parties or petitioners.

8 (e) The ballot labels must list the offices and public questions on the
 9 general election ballot in the order listed in IC 3-11-2-12,
 10 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),
 11 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
 12 IC 3-11-2-14(d). Each office and public question may have a separate
 13 screen, or the offices and public questions may be listed in a
 14 continuous column either vertically or horizontally.

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

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

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

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

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

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

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

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

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

49 (h) The names of the candidates grouped in the order established by
 50 subsection (g) must be printed in type with uniform capital letters and
 51 have a uniform space between each name. The name of the candidate's

- 1 political party, or the word "Independent", if the:
- 2 (1) candidate; or
- 3 (2) ticket of candidates for:
- 4 (A) President and Vice President of the United States; or
- 5 (B) governor and lieutenant governor;
- 6 is independent, must be placed immediately below or beside the name
- 7 of the candidate and must be printed in uniform size and type.
- 8 (i) All the candidates of the same political party for election to
- 9 at-large seats on the fiscal or legislative body of a political subdivision
- 10 must be grouped together:
- 11 (1) under the name of the office that the candidates are seeking;
- 12 (2) in the party order established by subsection (g); and
- 13 (3) within the political party, in alphabetical order according to
- 14 surname.
- 15 A statement reading substantially as follows must be placed
- 16 immediately below the name of the office and above the name of the
- 17 first candidate: "Vote for not more than (insert the number of
- 18 candidates to be elected) candidate(s) of ANY party for this office."
- 19 (j) Candidates for election to at-large seats on the governing body
- 20 of a school corporation must be grouped:
- 21 (1) under the name of the office that the candidates are seeking;
- 22 and
- 23 (2) in alphabetical order according to surname.
- 24 A statement reading substantially as follows must be placed
- 25 immediately below the name of the office and above the name of the
- 26 first candidate: "Vote for not more than (insert the number of
- 27 candidates to be elected) candidate(s) for this office."
- 28 (k) The cautionary statement described in IC 3-11-2-7 must be
- 29 placed at the top or beginning of the ballot label before the first public
- 30 question is listed.
- 31 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and
- 32 IC 3-11-2-10(e) may be:
- 33 (1) placed on the ballot label; or
- 34 (2) posted in a location within the voting booth that permits the
- 35 voter to easily read the instructions.
- 36 (m) The ballot label must include a touch sensitive point or button
- 37 for voting a straight political party or independent ticket (described in
- 38 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button
- 39 must be identified by:
- 40 (1) the name of the political party or independent ticket; and
- 41 (2) immediately below or beside the political party's or
- 42 independent ticket's name, the device of that party or ticket
- 43 (described in IC 3-11-2-5).
- 44 The name and device of each party or ticket must be of uniform size
- 45 and type, and arranged in the order established by subsection (g) for
- 46 listing candidates under each office. The instructions described in
- 47 IC 3-11-2-10(c) for voting a straight party ticket and the statement
- 48 concerning presidential electors required under IC 3-10-4-3 may be
- 49 placed on the ballot label or in a location within the voting booth that
- 50 permits the voter to easily read the instructions.
- 51 (n) A public question must be in the form described in

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

6 (o) The requirements in this section:

7 (1) do not replace; and

8 (2) are in addition to;

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

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

15 SECTION 67. IC 3-11-14-22.5 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2011]: **Sec. 22.5. Whenever an electronic**
 18 **voting system is used in a precinct and a ballot form prescribed by**
 19 **this title refers to a voting mark, the county election board shall**
 20 **approve voting instructions indicating that a specific type of**
 21 **marking device is employed on the system to indicate a vote.**

22 SECTION 68. IC 3-11-18.1-4, AS ADDED BY SEA 32-2011,
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 4. The plan required
 25 by section 3 of this chapter must include at least the following:

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

27 (2) The location of each vote center.

28 (3) The effective date of the order.

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

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

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

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

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

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

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

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

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

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

50 (B) whether these ballots will be:

51 (i) delivered to the vote center before the opening of the

- 1 polls; or
 2 (ii) printed on demand for a voter's use.
- 3 (10) A detailed description of any hardware, firmware, or
 4 software used:
 5 (A) to create an electronic poll list for each precinct whose
 6 polls are to be located at a vote center; or
 7 (B) to establish a secure electronic connection between the
 8 county election board and the precinct election officials
 9 administering a vote center.
- 10 (11) A description of the equipment and procedures to be used to
 11 ensure that information concerning a voter entered into any
 12 electronic poll list used by precinct election officers at a vote
 13 center is immediately accessible to:
 14 (A) the county election board; and
 15 (B) the electronic poll lists used by precinct election officers
 16 at all other vote centers in the county.
- 17 (12) For each precinct designated under subdivision (5), the
 18 number of electronic poll lists to be provided for the precinct.
- 19 (13) The security and contingency plans to be implemented by the
 20 county to do all of the following:
 21 (A) Prevent a disruption of the vote center process.
 22 (B) Ensure that the election is properly conducted if a
 23 disruption occurs.
 24 (C) Prevent access to an electronic poll list without the
 25 coordinated action of two (2) precinct election officers who are
 26 not members of the same political party.
- 27 (14) A certification that the vote center complies with the
 28 accessibility requirements applicable to polling places under
 29 IC 3-11-8.
- 30 (15) A sketch depicting the planned layout of the vote center,
 31 indicating the location of:
 32 (A) equipment; and
 33 (B) precinct election officers;
 34 within the vote center.
- 35 (16) ~~The total number of vote centers to be established at and~~
 36 ~~locations of~~ satellite offices ~~that are to be~~ established under
 37 **IC 3-11-10-26.3 at vote center locations designated under**
 38 **subdivision (2)** to allow voters to cast absentee ballots in
 39 accordance with IC 3-11. However, a plan must provide for at
 40 least one (1) vote center to be established as a satellite office
 41 under IC 3-11-10-26.3 on the two (2) Saturdays immediately
 42 preceding an election day.
- 43 (17) The method and timing of providing voter data to persons
 44 who are entitled to receive the data under this title. Data shall be
 45 provided to all persons entitled to the data without unreasonable
 46 delay.
- 47 SECTION 69. IC 3-11-18.1-10, AS ADDED BY SEA 32-2011,
 48 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 49 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 10. Except as
 50 otherwise provided by this chapter, the county shall administer an
 51 election conducted at a vote center in accordance with federal law, this

1 title, and the plan adopted with the county election board's order under
2 section ~~4~~ **3** of this chapter.

3 SECTION 70. IC 3-11-18.1-15, AS ADDED BY SEA 32-2011,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 15. (a) A county may
6 amend a plan adopted with a county election board's order under
7 section ~~4~~ **3** of this chapter.

8 (b) For a county to amend its plan:

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

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

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

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

18 SECTION 71. IC 3-11.5-1-4, AS AMENDED BY P.L.66-2010,
19 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2011]: Sec. 4. To the extent that they are in conflict with this
21 article, the following statutes do not apply to a county that has adopted
22 a resolution described by section 1 of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 ~~(25)~~ **(24)** IC 3-11-10-34.

48 ~~(26)~~ **(25)** IC 3-11-10-35.

49 ~~(27)~~ **(26)** IC 3-11-10-36.

50 ~~(28)~~ **(27)** IC 3-11-10-37.

51 ~~(29)~~ **(28)** IC 3-12-2.

~~(30)~~ **(29)** IC 3-12-3-12.

SECTION 72. 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.

SECTION 73. 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

1 party with which the absentee voter intends to affiliate;
 2 the absentee ballot counters shall open the envelope containing the
 3 absentee ballots so as not to deface or destroy the affidavit and take out
 4 each ballot enclosed without unfolding or permitting a ballot to be
 5 unfolded or examined.

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

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

19 SECTION 74. IC 3-11.7-5-1, AS AMENDED BY P.L.164-2006,
 20 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) After the close of the polls,
 22 provisional ballots shall be counted as provided in this chapter.

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

26 SECTION 75. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005,
 27 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2011]: Sec. 2.5. (a) A voter who:

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

32 (2) cast a provisional ballot;

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

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

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

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

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

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

46 the county election board shall find that the voter's provisional ballot
 47 is valid and direct that the provisional ballot be opened under section
 48 4 of this chapter and processed in accordance with this chapter.

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

- 1 (1) the voter is the same individual who:
 2 (A) personally appeared before the precinct election board;
 3 and
 4 (B) cast the provisional ballot on election day; and
 5 (2) the voter:
 6 (A) is:
 7 (i) indigent; and
 8 (ii) unable to obtain proof of identification without the
 9 payment of a fee; or
 10 (B) has a religious objection to being photographed;
 11 the county election board shall determine whether the voter has been
 12 challenged for any reason other than the voter's inability or declination
 13 to present proof of identification to the precinct election board.
 14 (d) If the county election board determines that the voter described
 15 in subsection (c) has been challenged solely for the inability or
 16 declination of the voter to provide proof of identification, the county
 17 election board shall:
 18 (1) find that the voter's provisional ballot is valid; and
 19 (2) direct that the provisional ballot be:
 20 (A) opened under section 4 of this chapter; and
 21 (B) processed in accordance with this chapter.
 22 (e) If the county election board determines that a voter described in
 23 subsection (b) or (c) has been challenged for a cause other than the
 24 voter's inability or declination to provide proof of identification, the
 25 board shall:
 26 (1) note on the envelope containing the provisional ballot that the
 27 voter has complied with the proof of identification requirement;
 28 and
 29 (2) proceed to determine the validity of the remaining challenges
 30 set forth in the challenge affidavit before ruling on the validity of
 31 the voter's provisional ballot.
 32 (f) If a voter described by subsection (a) fails by the deadline for
 33 counting provisional ballots referenced in subsection (a) to:
 34 (1) appear before the county election board; and
 35 (2) execute an affidavit in the manner prescribed by subsection
 36 (b) or (c);
 37 the county election board shall find that the voter's provisional ballot
 38 is invalid.
 39 SECTION 76. IC 3-12-11-21, AS AMENDED BY P.L.103-2005,
 40 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 21. (a) Except as provided in subsection (b), a
 42 recount or contest for election to a legislative office shall be completed
 43 by the state recount commission ~~before~~ **not later than** December 20
 44 after the election.
 45 (b) The state recount commission may adopt orders extending the
 46 deadline for completion of a recount or contest to a date specified in
 47 the order if the commission finds that there is good cause to do so.
 48 (c) Not later than seven (7) days after the state recount commission
 49 completes a recount, the election division shall prepare two (2)
 50 certified statements showing the total number of votes that each
 51 candidate received. The election division shall transmit one (1)

1 statement to the candidate receiving the highest number of votes for the
 2 office. After the statements have been prepared, the secretary of state
 3 shall deliver the other statement to the presiding officer of the house in
 4 which the successful candidate is to be seated.

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

7 SECTION 77. IC 3-12-11-25 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. **(a) Except as**
 9 **provided in subsection (b)**, whenever the commission makes a final
 10 determination under section 18 of this chapter that the candidate who
 11 is subject to a contest proceeding is not eligible to serve in the office to
 12 which the candidate is nominated or elected, the candidate who
 13 received the second highest number of votes for the office is entitled to
 14 a certificate of nomination or certificate of election even though a
 15 certificate may have been issued to another candidate upon the
 16 tabulation of the votes.

17 **(b) This subsection applies to a contest proceeding for a state**
 18 **office other than the offices of governor, lieutenant governor,**
 19 **justice of the supreme court, judge of the court of appeals, and**
 20 **judge of the tax court. Whenever the commission makes a final**
 21 **determination under section 18(b) of this chapter that the**
 22 **candidate who is subject to a contest proceeding is not eligible to**
 23 **serve in the office to which the candidate is elected the following**
 24 **apply:**

25 **(1) This subdivision does not apply to the filling of a state**
 26 **office following a contest proceeding or court action that**
 27 **resulted from an election held before January 1, 2011. The**
 28 **office is considered vacant, and the governor shall fill the**
 29 **vacancy as provided in IC 3-13-4-3(e) by the appointment of**
 30 **a person of the same political party as the candidate who is**
 31 **not eligible to serve.**

32 **(2) The commission's determination that the candidate is not**
 33 **eligible to serve in the office does not affect the votes cast for**
 34 **the candidate for purposes of determining the number or**
 35 **percentage of votes cast for purposes of other statutes,**
 36 **including IC 3-5-2-30, IC 3-6-2-1, IC 3-6-4.1-6, IC 3-6-5.2-7,**
 37 **IC 3-6-6-8, IC 3-6-7-1, IC 3-6-8-1, IC 3-8-4, IC 3-8-6,**
 38 **IC 3-10-1-2, IC 3-10-2-15, IC 3-10-4-2, IC 3-10-6,**
 39 **IC 3-10-7-26, IC 3-11-2-6, IC 3-11-13-11, IC 3-11-14-3.5,**
 40 **IC 3-13-9-4.5, IC 6-9-2-3, IC 20-23-7-12, and IC 36-4-1.5-2.**

41 SECTION 78. IC 3-13-1-8 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. A meeting under
 43 section 7 of this chapter shall be called and chaired by:

44 (1) the state chairman, or a person designated by the state
 45 chairman, for a caucus or committee acting under section 3, 4, 5,
 46 or 6(b) of this chapter; or

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

51 SECTION 79. IC 3-13-1-9 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. The call for a
2 meeting under section 7 of this chapter must:

- 3 (1) be in writing on a form prescribed by the commission;
- 4 (2) state the name of the chairman of the meeting;
- 5 (3) state the purpose of the meeting;
- 6 (4) state the date, time, and place of the meeting;
- 7 (5) be sent by first class mail, at least ten (10) days before the
- 8 meeting, to all persons eligible to participate in the meeting; and
- 9 (6) be filed **at least not later than noon** ten (10) days before the
- 10 meeting with the official who is required to receive a certificate
- 11 of candidate selection following the caucus under section 15 of
- 12 this chapter.

13 SECTION 80. IC 3-13-1-10.5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.5. (a) A person who
15 wishes to be a candidate for appointment to fill a candidate vacancy
16 under this chapter must file a declaration of candidacy on a form
17 prescribed by the commission with:

- 18 (1) the chairman of the caucus **or committee conducting a**
- 19 **meeting under this chapter;** and
- 20 (2) the official who is required to receive a certificate of candidate
- 21 selection following the caucus under section 15 of this chapter;
- 22 at least seventy-two (72) hours before the time fixed for the caucus **or**
- 23 **committee meeting.**

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

35 SECTION 81. IC 3-13-1-11 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) At a meeting
37 called under section 7 of this chapter, the eligible participants shall:

- 38 (1) establish the ~~caucus~~ rules of procedure **for the caucus or**
- 39 **meeting,** except as otherwise provided in this chapter; and
- 40 (2) select, by a majority vote of those casting a vote for a
- 41 candidate, a person to fill the candidate vacancy described in the
- 42 call for the meeting.

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

45 SECTION 82. IC 3-13-1-15 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) A county
47 chairman filling a candidate vacancy under section 6(a)(2) of this
48 chapter or the chairman of a meeting filling a candidate vacancy under
49 this chapter shall file a written certificate of candidate selection on a
50 form prescribed by the commission stating the following information
51 for each candidate selected:

- 1 (1) The name of each candidate as:
 2 (A) the candidate wants the candidate's name to appear on the
 3 ballot; and
 4 (B) the candidate's name is permitted to appear on the ballot
 5 under IC 3-5-7.
 6 (2) The residence address of each candidate.
 7 (b) The certificate shall be filed with:
 8 (1) the election division for:
 9 (A) a committee acting under section 3, 4, 5, or 6(b) of this
 10 chapter; or
 11 (B) a committee acting under section 6(a) of this chapter to fill
 12 a candidate vacancy in the office of judge of a circuit, superior,
 13 probate, county, or small claims court or prosecuting attorney;
 14 or
 15 (2) the circuit court clerk, for a committee acting under section
 16 6(a) of this chapter to fill a candidate vacancy for a local office
 17 not described in subdivision (1).
 18 (c) This subsection applies to a candidate vacancy resulting from a
 19 vacancy on the primary election ballot as described in section 2 of this
 20 chapter. The certificate required by subsection (a) shall be filed not
 21 later than noon July 3 before election day.
 22 (d) This subsection applies to all candidate vacancies not described
 23 by subsection (c). The certificate required by subsection (a) shall be
 24 filed not ~~more~~ **later** than **noon** three (3) days (excluding Saturdays and
 25 Sundays) after selection of the candidates.
 26 SECTION 83. IC 3-13-4-3, AS AMENDED BY P.L.119-2005,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 3. (a) This section applies to a vacancy that
 29 occurs in a state office other than governor, lieutenant governor, or a
 30 judicial office.
 31 (b) If a state officer wants to resign from office, the state officer
 32 must resign as provided in IC 5-8-3.5.
 33 (c) A vacancy that occurs in a state office because of the death of
 34 the state officer may be certified to the governor under IC 5-8-6. **The**
 35 **governor may not fill a vacancy as provided by law until the**
 36 **governor receives notice of the death under IC 5-8-6.**
 37 (d) A vacancy that occurs in a state office other than by resignation
 38 or death shall be certified to the governor by the circuit court clerk of
 39 the county in which the officer resided.
 40 (e) The governor shall fill a vacancy in a state office by appointment
 41 ~~The governor may not fill a vacancy as provided by law until the~~
 42 ~~governor receives notice of the death under IC 5-8-6.~~ **of a person of**
 43 **the same political party as the officer who held the vacated office.**
 44 (f) The person who is appointed by the governor holds office for the
 45 remainder of the unexpired term and until a successor is elected and
 46 qualified.
 47 SECTION 84. IC 3-13-5-3 IS AMENDED TO READ AS
 48 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The state
 49 chairman **or a person designated by the state chairman** shall preside
 50 over a caucus meeting held under this chapter.
 51 (b) A person who desires to be a candidate to fill a vacancy under

1 this chapter must file:

- 2 (1) a declaration of candidacy with the chairman of the caucus;
 3 and
 4 (2) a statement of economic interests under IC 2-2.1-3-2 with the
 5 secretary of the senate or principal clerk of the house of
 6 representatives;
 7 at least seventy-two (72) hours before the time fixed for the caucus.

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

11 SECTION 85. IC 3-13-11-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The county
 13 chairman:

- 14 (1) of the county in which the greatest percentage of the
 15 population of the election district is located; and
 16 (2) of the same political party that elected or selected the official
 17 who vacated the office to be filled;

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

22 SECTION 86. IC 3-14-3-14 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. A printer of the
 24 ballots for an election, or person employed in printing the ballots, who
 25 knowingly:

- 26 (1) delivers a ballot to a person other than ~~the co-directors or~~
 27 ~~authorized representative of the election division~~ or a county
 28 election board for which the ballots are being printed;
 29 (2) prints a ballot in any form other than the one prescribed by
 30 law; or
 31 (3) prints a ballot containing any names, spellings, or
 32 arrangements other than as authorized by the commission or a
 33 county election board;

34 commits a Class D felony.

35 SECTION 87. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006,
 36 SECTION 138, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: Sec. 6. **(a)** A manager or an employee
 38 may use any of the following methods to transmit paper copies of voter
 39 registration applications under section 4 of this chapter:

- 40 (1) Hand delivery to the county voter registration office.
 41 ~~(2) Certified mail, return receipt requested.~~
 42 **(2) Delivery by the United States Postal Service, using first**
 43 **class mail.**

44 **(b) A county voter registration office:**

- 45 **(1) shall process a voter registration application transmitted**
 46 **in electronic format from a license branch; and**
 47 **(2) is not required to receive the paper copy of a voter**
 48 **registration application from a license branch before:**

- 49 **(A) approving or denying the application; and**
 50 **(B) mailing a notice of approval or denial to the applicant.**

51 SECTION 88. IC 9-24-2.5-8 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. ~~(a) The co-directors~~
 2 ~~of the~~ election division shall provide the commission with a list of the
 3 current addresses and telephone numbers of the offices of the ~~circuit~~
 4 ~~court clerk or board of county voter~~ registration office in each county.
 5 The commission shall promptly forward the list and each revision of
 6 the list to each license branch.

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

10 SECTION 89. IC 36-2-2-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JUNE 1, 2010 (RETROACTIVE)]: Sec. 5.

12 (a) To be eligible for election to the executive, a person must meet the
 13 qualifications prescribed by IC 3-8-1-21.

14 (b) A member of the executive must reside within:

- 15 (1) the county as provided in Article 6, Section 6 of the
- 16 Constitution of the State of Indiana; and
- 17 (2) the district from which the member was elected.

18 (c) **Except as provided in subsection (e)**, if the person does not
 19 remain a resident of the county and district after taking office, the
 20 person forfeits the office. The county fiscal body shall declare the
 21 office vacant whenever a member of the executive forfeits office under
 22 this subsection.

23 (d) In a county having a population of:

- 24 (1) more than four hundred thousand (400,000) but less than
- 25 seven hundred thousand (700,000); or
- 26 (2) more than two hundred thousand (200,000) but less than three
- 27 hundred thousand (300,000);

28 one (1) member of the executive shall be elected by the voters of each
 29 of the three (3) single-member districts established under section 4(b)
 30 or 4(c) of this chapter. In other counties, all three (3) members of the
 31 executive shall be elected by the voters of the whole county.

32 (e) **This subsection applies to a member of the executive who**
 33 **must reside within the district from which the member was elected.**
 34 **A person who:**

- 35 (1) **has begun a term of office as a member of the executive;**
- 36 **and**
- 37 (2) **is relocated outside the member's district as the result of**
 38 **the state's acquisition of the member's residence for a public**
 39 **use;**

40 **may complete the member's term of office as long as the member**
 41 **remains a resident of the county that contains the member's**
 42 **district.**

43 SECTION 90. IC 36-2-3-5 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JUNE 1, 2010 (RETROACTIVE)]: Sec. 5.

45 (a) To be eligible to serve as a member of the fiscal body, a person
 46 must meet the qualifications prescribed by IC 3-8-1-22.

47 (b) A member of the fiscal body must reside within:

- 48 (1) the county as provided in Article 6, Section 6 of the
- 49 Constitution of the State of Indiana; and
- 50 (2) the district from which the member was elected, if applicable.

51 (c) **Except as provided in subsection (d)**, a member who fails to

1 comply with subsection (b) forfeits the office.

2 **(d) This subsection applies to a member of the fiscal body who**
 3 **must reside within the district from which the member was elected.**

4 **A person who:**

5 **(1) has begun a term of office as a member of the fiscal body;**
 6 **and**

7 **(2) is relocated outside the member's district as the result of**
 8 **the state's acquisition of the member's residence for a public**
 9 **use;**

10 **may complete the member's term of office as long as the member**
 11 **remains a resident of the county that contains the member's**
 12 **district.**

13 SECTION 91. IC 36-2-9-9 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) The auditor may
 15 administer the following:

16 (1) Oaths necessary in the performance of the auditor's duties.

17 (2) The oath of office to an officer who receives the officer's
 18 certificate of appointment ~~or election~~ from the auditor.

19 (3) Oaths relating to the duty of an officer who receives the
 20 officer's certificate of appointment ~~or election~~ from the auditor.

21 (4) The oath of office to a member of the board of directors of a
 22 solid waste management district established under IC 13-21 or
 23 IC 13-9.5 (before its repeal).

24 (b) The auditor may take acknowledgments of deeds and mortgages
 25 executed for the security of trust funds the auditor is required to lend.

26 SECTION 92. THE FOLLOWING ARE REPEALED [EFFECTIVE
 27 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;
 28 IC 3-11-10-33; IC 3-11-11-1.5; IC 3-11-11-1.6; IC 3-11.5-4-19.

29 SECTION 93. [EFFECTIVE JULY 1, 2011] **(a) The definitions set**
 30 **forth in IC 3-5-2 apply to this SECTION.**

31 **(b) This SECTION applies to a petition approved by the**
 32 **commission under IC 3-5-4-8 after December 1, 2010, for a**
 33 **primary candidate under IC 3-8-2-8 or IC 3-8-3.**

34 **(c) Notwithstanding IC 3-8-2 and IC 3-8-3, both as amended by**
 35 **this act, a petition approved by the commission complies with the**
 36 **requirements of IC 3 and may be used by a candidate.**

37 **(d) This SECTION expires December 31, 2012.**

38 SECTION 94. **An emergency is declared for this act.**

(Reference is to EHB 1242 as reprinted April 19, 2011.)

Conference Committee Report
on
Engrossed House Bill 1242

Signed by:

Representative Richardson
Chairperson

Senator Landske

Representative Behning

Senator Lawson C

House Conferees

Senate Conferees