



Reprinted  
February 22, 2011

## SENATE BILL No. 536

DIGEST OF SB 536 (Updated February 21, 2011 8:42 pm - DI 102)

**Citations Affected:** IC 3-5; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 5-9; IC 20-23.

**Synopsis:** Various election law matters. Amends the definition of "active voter". Except for boards of elections and registration in Lake and Tippecanoe counties and the board of registration in Marion County, abolishes all boards of registration on July 1, 2011, and permits a county executive to adopt an order to establish or reestablish a board of registration. 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. 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). Provides that uncontested municipal offices are not required to appear on the ballot in a municipal or general election. Requires that all absentee ballots be counted at a central location, unless a county election board (board), by the unanimous vote of the board's entire membership, adopts a resolution to count absentee ballots in the precincts on election day. Requires the resolution to state the board's  
(Continued next page)

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

### Lawson C

January 18, 2011, read first time and referred to Committee on Elections.  
February 15, 2011, amended, reported favorably — Do Pass.  
February 21, 2011, read second time, amended, ordered engrossed.

SB 536—LS 7412/DI 102+



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reasons for having the ballots counted in the precincts. Provides that a voter who casts an absentee ballot before election day may not vote in person on election day. 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. Requires a vote center plan to: (1) include the total number and locations of satellite offices to be established at vote center locations; and (2) provide for at least one vote center to be established as a satellite office on the two Saturdays immediately preceding an election day. Provides for the election rather than the appointment of the members of the school board for the city of East Chicago. Provides for a nine member East Chicago school board, three members elected at large and six members elected from districts that are the same as the city's common council districts, to be elected on a nonpartisan basis beginning at the primary election in 2012. Adds certain other provisions concerning the organization of the school board. Repeals provisions that: (1) have been superseded concerning: (A) an absentee ballot application filed by an absent uniformed services voter or an overseas voter, or (B) the establishment of boards of registration; and (2) allow voters who cast an absentee ballot to vote in person under certain circumstances on election day. Makes conforming amendments and technical corrections.

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Reprinted  
February 22, 2011

First Regular Session 117th General Assembly (2011)

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

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

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

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## SENATE BILL No. 536

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

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

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

SB 536—LS 7412/DI 102+



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

- 4 (1) A board of registration established ~~under IC 3-7-12~~ or by a  
5 county executive acting under IC 3-7-12.
- 6 (2) A board of elections and registration established under  
7 IC 3-6-5.2 or IC 3-6-5.4.
- 8 (3) The office of the circuit court clerk, in a county in which a  
9 board has not been established under subdivision (1) or (2).

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

- 13 (1) A county in which a board of elections and registration is  
14 established under IC 3-6-5.2 or IC 3-6-5.4.
- 15 (2) A county in which a board of registration is established  
16 ~~(A) by this chapter; or~~  
17 ~~(B) by a county acting under this chapter.~~

18 (b) The circuit court clerk:

- 19 (1) is the voter registration officer of each county; and
- 20 (2) shall supervise the registration of voters of the county.

21 SECTION 4. IC 3-7-12-3 IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a) Except for:**

- 23 **(1) a county in which a board of elections and registration is**  
24 **established under IC 3-6-5.2 or IC 3-6-5.4; or**  
25 **(2) a county containing a consolidated city;**

26 **a board of registration established before July 1, 2011, is abolished**  
27 **on July 1, 2011, unless the county executive adopts an order under**  
28 **subsection (b) to reestablish the board.**

29 ~~(a) (b)~~ Except as provided in subsection ~~(b)~~; **(c), the county**  
30 **executive of a county may adopt an order to establish or**  
31 **reestablish** a board of registration. ~~is established in each county having~~  
32 ~~a population of more than one hundred twenty-five thousand (125,000).~~

33 ~~(b) (c)~~ A board of registration ~~is~~ **may not be** established in a county  
34 that has a board of elections and registration established under  
35 IC 3-6-5.2 or IC 3-6-5.4.

36 SECTION 5. IC 3-7-12-5 IS AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Except as provided in

38 subsection (b), an order adopted under section ~~4~~ **3** of this chapter takes  
39 effect immediately.

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

42 SECTION 6. IC 3-7-12-17 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. ~~It~~ **This section**  
2 **applies to** a county having a population of at least four hundred  
3 thousand (400,000) **that establishes or reestablishes a board of**  
4 **registration under section 3(b) of this chapter.** The board of  
5 registration shall appoint two (2) chief clerks who are members of  
6 different political parties.

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

12 (b) **An eligible applicant:**  
13 (1) **who submits a completed application; or**  
14 (2) **on whose behalf a completed application is submitted;**  
15 **in person to the election division not later than 5 p.m. on the**  
16 **twenty-ninth day before an election shall be registered to vote in**  
17 **the election.**

18 (c) **An eligible applicant:**  
19 (1) **who submits a completed application; or**  
20 (2) **on whose behalf a completed application is submitted;**  
21 **by mail to the election division shall be registered to vote in the**  
22 **election, if the application is postmarked not later than the**  
23 **twenty-ninth day before the election. If a postmark on an**  
24 **application submitted by mail is missing or illegible, an eligible**  
25 **applicant shall be registered to vote in the election, if the**  
26 **application is received by the election division not later than the**  
27 **Monday following the close of the registration period.**

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

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

38 (b) A candidate for a school board office is not required to file a  
39 statement of organization for the candidate's principal committee by  
40 noon seven (7) days after the final date for filing a petition of  
41 nomination or declaration of intent to be a write-in candidate unless the  
42 candidate has received contributions or made expenditures requiring

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1 the filing of a statement under IC 3-9-1-5.5.

2 SECTION 9. IC 3-10-6-7.5 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.5. **(a) This section**  
4 **applies to a municipal office elected during a municipal or general**  
5 **election.**

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

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

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

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

17 ~~(c)~~ If:

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

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

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

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

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

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

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

42 (2) no person has filed a declaration of intent to be a write-in

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1 candidate for the office under IC 3-8-2-2.5 that results in a contest  
2 for election to the same municipal office.

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

6 (d) If:

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

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

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

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

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

29 (1) reprint or correct the ballot; or

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

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

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

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

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

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

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

3 (d) If:

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

7 (2) the commission or board determines that the use of the ballots  
8 would not be likely to cause confusion or mistakes by voters;  
9 the commission or board shall authorize the use of the defective ballots,  
10 notwithstanding the error or omission.

11 (e) If:

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

15 (2) the commission or board determines that the use of the ballots  
16 would be likely to cause confusion or mistakes by voters;  
17 the commission or board shall order the ballots to be reprinted or  
18 altered to conform with the requirements of this title.

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

26 SECTION 12. IC 3-11-4-3, AS AMENDED BY P.L.66-2010,  
27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 UPON PASSAGE]: Sec. 3. (a) Except as provided in section 6 of this  
29 chapter, an application for an absentee ballot must be received by the  
30 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of  
31 the board of elections and registration) not earlier than the date the  
32 registration period resumes ~~following a primary election~~ under  
33 IC 3-7-13-10 nor later than the following:

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

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

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

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

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

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- 1 (A) the application is a mailed, transmitted by fax, or hand
- 2 delivered application from a confined voter or voter caring for
- 3 a confined person; and
- 4 (B) the applicant requests that the absentee ballots be
- 5 delivered to the applicant by an absentee voter board.
- 6 (4) ~~Midnight 11:59 p.m.~~ on the eighth day before election day if
- 7 the application:
- 8 (A) is a mailed application; or
- 9 (B) was transmitted by fax;
- 10 from other voters.

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

21 SECTION 13. IC 3-11-4-6, AS AMENDED BY P.L.66-2010,  
 22 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2011]: Sec. 6. (a) This section applies, notwithstanding any  
 24 other provision of this title, to absentee ballot applications for the  
 25 following:

- 26 (1) An absent uniformed services voter.
- 27 (2) An address confidentiality program participant (as defined in
- 28 IC 5-26.5-1-6).
- 29 (3) An overseas voter.

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

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

- 39 (1) A combined absentee registration form and absentee ballot
- 40 request approved under 42 U.S.C. 1973ff(b)(2).
- 41 (2) A form prescribed under IC 3-5-4-8 that identifies the
- 42 applicant as an absent uniformed services voter or an overseas

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1 voter. A form prescribed under this subdivision must permit the  
 2 applicant to designate whether the applicant wishes to receive the  
 3 absentee ballot by electronic mail, fax, or United States mail.  
 4 (d) If the county election board receives an absentee ballot  
 5 application from a person described by subsection (c), the circuit court  
 6 clerk shall mail to the person, free of postage as provided by 39 U.S.C.  
 7 3406, all ballots for the election immediately upon receipt of the ballots  
 8 under section 15 of this chapter, unless the person has indicated under  
 9 subsection (c) that the person wishes to receive the absentee ballot by  
 10 electronic mail or fax.  
 11 (e) Whenever a voter files an application for an absentee ballot and  
 12 indicates on the application that the voter  
 13 ~~(1) is an absent uniformed services voter or an overseas voter, and~~  
 14 ~~(2) does not expect to be in the county during the twelve (12)~~  
 15 ~~months following the date the application is filed;~~  
 16 the application is an adequate application for an absentee ballot for  
 17 **both subsequent general elections and any municipal or special an**  
 18 **election conducted during that the period that ends on December 31**  
 19 **following the date the application is filed,** unless an absentee ballot  
 20 mailed to the voter at the address set forth in the application is returned  
 21 to the county election board during that period as undeliverable. The  
 22 circuit court clerk and county election board shall process this  
 23 application and send general election absentee ballots to the voter in  
 24 the same manner as other general election and special election absentee  
 25 ballot applications and ballots are processed and sent under this  
 26 chapter.  
 27 (f) Whenever a voter described in subsection (a)(2) files an  
 28 application for a primary election absentee ballot and indicates on the  
 29 application that the voter is an address confidentiality program  
 30 participant, the application is an adequate application for a general  
 31 election absentee ballot under this chapter and an absentee ballot for a  
 32 special election conducted during the ~~twelve (12) months~~ **period that**  
 33 **ends on December 31** following the date ~~of~~ **the application is filed.**  
 34 The circuit court clerk and county election board shall process this  
 35 application and send general election and special election absentee  
 36 ballots to the voter in the same manner as other general election and  
 37 special election absentee ballot applications and ballots are processed  
 38 and sent under this chapter.  
 39 (g) The name, address, telephone number, and any other identifying  
 40 information relating to a program participant (as defined in  
 41 IC 5-26.5-1-6) in the address confidentiality program, as contained in  
 42 a voting registration record, is declared confidential for purposes of

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1 IC 5-14-3-4(a)(1). The county voter registration office may not disclose  
 2 for public inspection or copying a name, an address, a telephone  
 3 number, or any other information described in this subsection, as  
 4 contained in a voting registration record, except as follows:

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

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

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

- 19 (1) If the voter provides a fax number to which a confirmation  
 20 may be sent, the county election board shall send the confirmation  
 21 to the voter at the fax number provided by the voter.  
 22 (2) If the voter provides an electronic mail address to which a  
 23 confirmation may be sent, the county election board shall send the  
 24 confirmation to the voter at the electronic mail address provided  
 25 by the voter.

26 (3) If:

- 27 (A) the voter does not provide a fax number or an electronic  
 28 mail address; or  
 29 (B) the number or address provided does not permit the board  
 30 to send the confirmation not later than the end of the first  
 31 business day after the board receives the voter's absentee  
 32 ballot;

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

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

38 (j) A county election board may transmit an absentee ballot to an  
 39 absent uniformed services voter or an overseas voter by electronic mail  
 40 under a program authorized and administered by the Federal Voting  
 41 Assistance Program of the United States Department of Defense or  
 42 directly to the voter at the voter's electronic mail address, if requested

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1 to do so by the voter. A voter described by this section may transmit the  
 2 voted absentee ballot to a county election board by electronic mail. **If**  
 3 **a voter described in this section transmits the voted absentee ballot**  
 4 **through the United States Department of Defense program, the**  
 5 **ballot must be transmitted** in accordance with the procedures  
 6 established under ~~this~~ **that** program. An electronic mail message  
 7 transmitting a voted absentee ballot under this subsection must include  
 8 an optically scanned image of the voter's signature on the statement  
 9 required under subsection (h).

10 SECTION 14. IC 3-11-10-11.5 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2011]: **Sec. 11.5. (a) Except as provided in**  
 13 **subsection (b), the county election board shall count absentee**  
 14 **ballots voted by any method provided under this chapter at a**  
 15 **central location in accordance with IC 3-11.5, including the**  
 16 **procedures for challenging absentee ballots.**

17 **(b) A county election board may, by the unanimous vote of the**  
 18 **board's entire membership, adopt a resolution to count absentee**  
 19 **ballots in the precincts on election day. The resolution must state**  
 20 **the board's reasons for having the absentee ballots counted in the**  
 21 **precincts.**

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

- 27 (1) The affidavit is insufficient or the ballot has not been endorsed  
 28 with the initials of:  
 29 (A) the two (2) members of the absentee voter board in the  
 30 office of the circuit court clerk under IC 3-11-4-19 or section  
 31 27 of this chapter;  
 32 (B) the two (2) members of the absentee voter board visiting  
 33 the voter under section 25(b) of the chapter; or  
 34 (C) the two (2) appointed members of the county election  
 35 board or their designated representatives under IC 3-11-4-19.  
 36 (2) A copy of the voter's signature has been furnished to the  
 37 precinct election board and that the signatures do not correspond  
 38 or there is no signature.  
 39 (3) The absentee voter is not a qualified voter in the precinct.  
 40 ~~(4) The absentee voter has voted in person at the election.~~  
 41 ~~(5) (4) The absentee voter has not registered.~~  
 42 ~~(6) (5) The ballot is open or has been opened and resealed. This~~

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1 subdivision does not permit an absentee ballot transmitted by fax  
2 or electronic mail under IC 3-11-4-6 to be rejected because the  
3 ballot was sealed in the absentee ballot envelope by the individual  
4 designated by the circuit court to receive absentee ballots  
5 transmitted by fax or electronic mail.

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

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

12 ~~(9)~~ (8) The ballot has been challenged and not supported.

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

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

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

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

21 (B) on the absentee ballot application.

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

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

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

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

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

30 SECTION 16. IC 3-11-10-24, AS AMENDED BY P.L.120-2009,  
31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2011]: Sec. 24. (a) Except as provided in subsection (b), a  
33 voter who satisfies any of the following is entitled to vote by mail:

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

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

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

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

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

42 (D) a person employed by an election board to administer the

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

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affidavit must contain the following information:

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

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

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

- ~~(1)~~ section 1.5 of this chapter. ~~or~~
- ~~(2)~~ section 33 of this chapter.

SECTION 17. IC 3-11-10-26, AS AMENDED BY P.L.66-2010, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 26. (a) **This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies.** As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board **at any of the following:**

- (1) ~~in The One (1) location of the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or designated by the circuit court clerk.~~
- (2) ~~at~~ A satellite office established under section 26.3 of this chapter.

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

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- 1           **(1) The office of the board of elections and registration.**
- 2           **(2) A satellite office established under section 26.3 of this**
- 3           **chapter.**
- 4           **(c) Except for a location designated under subsection (a)(1), a**
- 5           **location of the office of the circuit court clerk must be established**
- 6           **as a satellite office under section 26.3 of this chapter in order to be**
- 7           **used as a location at which a voter is entitled to cast an absentee**
- 8           **ballot before an absentee voter board under this section.**
- 9           ~~(b)~~ **(d) The voter must:**
  - 10           (1) sign an application on the form prescribed by the commission
  - 11           under IC 3-11-4-5.1; and
  - 12           (2) provide proof of identification;
- 13           before being permitted to vote. The application must be received by the
- 14           circuit court clerk not later than the time prescribed by IC 3-11-4-3.
- 15           ~~(c)~~ **(e) The voter may vote before the board not more than**
- 16           **twenty-nine (29) days nor later than noon on the day before election**
- 17           **day.**
- 18           ~~(d)~~ **(f) An absent uniformed services voter who is eligible to vote by**
- 19           **absentee ballot in the circuit court clerk's office under IC 3-7-36-14**
- 20           **may vote before the board not earlier than twenty-nine (29) days before**
- 21           **the election and not later than noon on election day. If a voter described**
- 22           **by this subsection wishes to cast an absentee ballot during the period**
- 23           **beginning at noon on the day before election day and ending at noon on**
- 24           **election day, the county election board or absentee voter board may**
- 25           **receive and process the ballot at a location designated by resolution of**
- 26           **the county election board.**
- 27           ~~(e)~~ **(g) The absentee voter board in the office of the circuit court**
- 28           **clerk must permit voters to cast absentee ballots under this section for**
- 29           **at least seven (7) hours on each of the two (2) Saturdays preceding**
- 30           **election day.**
- 31           ~~(f)~~ **(h) Notwithstanding subsection ~~(e)~~, (g), in a county with a**
- 32           **population of less than twenty thousand (20,000), the absentee voter**
- 33           **board in the office of the circuit court clerk, with the approval of the**
- 34           **county election board, may reduce the number of hours available to**
- 35           **cast absentee ballots under this section to a minimum of four (4) hours**
- 36           **on each of the two (2) Saturdays preceding election day.**
- 37           ~~(g)~~ **(i) As provided by 42 U.S.C. 15481, a voter casting an absentee**
- 38           **ballot under this section must be:**
  - 39           (1) permitted to verify in a private and independent manner the
  - 40           votes selected by the voter before the ballot is cast and counted;
  - 41           (2) provided with the opportunity to change the ballot or correct
  - 42           any error in a private and independent manner before the ballot is

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1 cast and counted, including the opportunity to receive a  
2 replacement ballot if the voter is otherwise unable to change or  
3 correct the ballot; and  
4 (3) notified before the ballot is cast regarding the effect of casting  
5 multiple votes for the office and provided an opportunity to  
6 correct the ballot before the ballot is cast and counted.

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

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

13 ~~(i)~~ (k) If:

- 14 (1) the voter is unable or declines to present the proof of  
15 identification; or  
16 (2) a member of the board determines that the proof of  
17 identification provided by the voter does not qualify as proof of  
18 identification under IC 3-5-2-40.5;

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

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

23 SECTION 18. IC 3-11-10-30 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. Even though the  
25 voter may have applied for and received an absentee ballot, a voter who  
26 returns to the voter's place of residence before the close of the polls on  
27 election day may vote in person under the conditions prescribed by  
28 section 31 ~~or 32~~ of this chapter.

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

- 35 (1) have the voter's absentee ballot envelope opened in the voter's  
36 presence and the ballot contained in the envelope deposited in the  
37 ballot box; or  
38 (2) request a new ballot, which the voter may vote as any other  
39 voter voting in person. However, before the voter may vote, the  
40 inspector shall take the unopened absentee ballot envelope and  
41 write upon the envelope the words "Unopened because voter  
42 appeared and voted in person". The envelope shall be preserved

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~~with other defective ballots.~~

SECTION 20. IC 3-11-18.1-4, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 4. The plan required by section 3 of this chapter must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center.
- (3) The effective date of the order.
- (4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:
  - (A) The total number of voters within the county.
  - (B) The number of active voters within the county.
  - (C) The number of inactive voters within the county.
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section ~~12~~ 13 of this chapter.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer consistent with section ~~12~~ 13 of this chapter.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
  - (A) the number and type of ballot variations that will be provided at the vote center; and
  - (B) whether these ballots will be:
    - (i) delivered to the vote center before the opening of the polls; or
    - (ii) printed on demand for a voter's use.
- (10) A detailed description of any hardware, firmware, or software used:
  - (A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or
  - (B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.
- (11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any

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

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1 SECTION 22. IC 3-11-18.1-15, AS ADDED BY SEA 32-2011,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 15. (a) A county may  
4 amend a plan adopted with a county election board's order under  
5 section ~~4~~ 3 of this chapter.

- 6 (b) For a county to amend its plan:
  - 7 (1) the county election board (or board of elections and
  - 8 registration established under IC 3-6-5.2 or IC 3-6-5.4), by
  - 9 unanimous vote of the entire membership of the board, must
  - 10 approve the plan amendment;
  - 11 (2) all members of the board must sign the amendment; and
  - 12 (3) the amendment must be filed with the election division.

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

16 SECTION 23. IC 3-11.5-1-4, AS AMENDED BY P.L.66-2010,  
17 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2011]: Sec. 4. To the extent that they are in conflict with this  
19 article, the following statutes do not apply to a county that ~~has adopted~~  
20 ~~a resolution described by section 4 of this chapter:~~ **counts absentee**  
21 **ballots at a central location under IC 3-11-10-11.5:**

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

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- 1 (22) IC 3-11-10-31.
- 2 (23) IC 3-11-10-32.
- 3 ~~(24) IC 3-11-10-33.~~
- 4 ~~(25)~~ (24) IC 3-11-10-34.
- 5 ~~(26)~~ (25) IC 3-11-10-35.
- 6 ~~(27)~~ (26) IC 3-11-10-36.
- 7 ~~(28)~~ (27) IC 3-11-10-37.
- 8 ~~(29)~~ (28) IC 3-12-2.
- 9 ~~(30)~~ (29) IC 3-12-3-12.

10 SECTION 24. IC 3-11.5-4-9 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) Upon delivery of  
 12 the certificates under section 8 of this chapter to a precinct election  
 13 board, the inspector shall do the following in the presence of the poll  
 14 clerks:

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

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

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

- 30 ~~(c)~~ (b) The inspector shall then deposit:
- 31 (1) the certificate prepared under section 1 of this chapter;
- 32 (2) the certificate prepared under section 8 of this chapter; and
- 33 (3) any challenge affidavit executed by a qualified person under  
 34 section 16 of this chapter;

35 in an envelope in the presence of both poll clerks.

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

40 ~~(e)~~ (d) The couriers shall immediately return the envelope described  
 41 in subsection ~~(c)~~ (b) to the county election board. Upon delivering the  
 42 envelope to the county election board, each courier shall sign a

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1 statement printed on the envelope indicating that the courier has not  
2 opened or tampered with the envelope since the envelope was delivered  
3 to the courier.

4 SECTION 25. IC 3-11.5-4-12, AS AMENDED BY P.L.221-2005,  
5 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2011]: Sec. 12. (a) If the absentee ballot counters find under  
7 section 11 of this chapter that:

- 8 (1) the affidavit is properly executed;
- 9 (2) the signatures correspond;
- 10 (3) the absentee voter is a qualified voter of the precinct;
- 11 (4) the absentee voter is registered and is not required to file
- 12 additional information with the county voter registration office
- 13 under IC 3-7-33-4.5;
- 14 ~~(5) the absentee voter has not voted in person at the election;~~ and
- 15 ~~(6)~~ (5) in case of a primary election, if the absentee voter has not
- 16 previously voted, the absentee voter has executed the proper
- 17 declaration relative to age and qualifications and the political
- 18 party with which the absentee voter intends to affiliate;

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

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

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

36 SECTION 26. IC 5-9-4-8, AS AMENDED BY P.L.1-2005,  
37 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2011]: Sec. 8. (a) Except as provided in subsection (b), during  
39 the officeholder's leave of absence, the officeholder's office must be  
40 filled by a temporary appointment made under:

- 41 (1) IC 3-13-4;
- 42 (2) IC 3-13-5;

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

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

17 (b) For an officeholder who:

18 (1) is:

19 (A) a justice of the supreme court, a judge of the court of  
 20 appeals, or a judge of the tax court; or

21 (B) a judge of a circuit, city, county, probate, or superior court;  
 22 and

23 (2) is taking a leave of absence under this chapter;

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

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

29 (1) the date the officeholder's leave of absence ends as provided  
 30 in section 10 of this chapter; or

31 (2) the officeholder's term of office expires.

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

34 (1) assumes all the rights and duties of; and

35 (2) is entitled to the compensation established for;  
 36 the office for the period of the temporary appointment.

37 SECTION 27. IC 20-23-8-5, AS ADDED BY P.L.1-2005,  
 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2011]: Sec. 5. As used in this chapter, "school corporation"  
 40 means a local public school corporation established under the laws of  
 41 Indiana. The term does not include a school township or a school  
 42 corporation covered by IC 20-23-12 or **IC 20-23-17.**

SB 536—LS 7412/DI 102+



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1 SECTION 28. IC 20-23-17 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]:

4 **Chapter 17. Election of School Board Members in East Chicago**

5 **Sec. 1. This chapter applies to a school corporation located in a**  
6 **city that has a population of more than thirty-two thousand**  
7 **(32,000) but less than thirty-two thousand eight hundred (32,800).**

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

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

12 (1) One (1) member shall be elected from each of the school  
13 districts described in section 4 of this chapter. A member  
14 elected under this subdivision must reside within the  
15 boundaries of the district the member represents.

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

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

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

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

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

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

33 (1) Each candidate must file a petition of nomination with the  
34 circuit court clerk not later than seventy-four (74) days before  
35 the election at which members are to be elected. The petition  
36 of nomination must include the following information:

37 (A) The name of the candidate.

38 (B) The candidate's residence address and the district in  
39 which the candidate resides.

40 (C) The signatures of at least twenty (20) registered voters  
41 residing within the school corporation district the  
42 candidate seeks to represent.

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(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.

(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.

(b) The following apply to an election of the members of the governing body of the school corporation at large under section 3(a)(2) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) Three (3) candidates shall be elected at large. The three (3) candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.

Sec. 6. Voters who reside within the boundaries of the school corporation may vote for the candidates. Each voter may vote only for:

(1) one (1) candidate to represent the district in which the voter resides; and

(2) three (3) at-large candidates.

Sec. 7. The state board, with assistance from the county election board, shall establish balloting procedures under IC 3 for the election and all other procedures required to implement this chapter.

Sec. 8. The term of each person elected to serve on the governing body of the school corporation is four (4) years, beginning July 1 following the election.

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1           **Sec. 9.** The members of the governing body of the school  
2 corporation shall be elected at the primary election to be held in  
3 2012 and every four (4) years thereafter.

4           **Sec. 10.** A vacancy in the office of a member of the governing  
5 body of the school corporation shall be filled temporarily by the  
6 governing body as soon as practicable after the vacancy occurs. An  
7 individual filling a vacancy under this section serves until the  
8 expiration of the term of the member whose position the individual  
9 fills.

10          **Sec. 11. (a)** Before August 1 of each year, the school corporation  
11 shall file with the state superintendent the following information:  
12           (1) A list containing the names and addresses of each member  
13 of the governing body of the school corporation and the date  
14 of the expiration of each member's term of office.  
15           (2) A list containing the names and addresses of each of the  
16 school corporation's officers and the date of the expiration of  
17 each officer's term of office.

18          **(b)** The school corporation shall notify the state superintendent  
19 of any change in the information previously filed under subsection  
20 **(a)** not later than thirty (30) days after the change occurs.

21          **Sec. 12. (a)** Notwithstanding any other law, the terms of the  
22 members of the governing body of the East Chicago school  
23 corporation who hold office on June 30, 2012, expire July 1, 2012.

24          **(b)** On July 1, 2012, all powers, duties, and functions adhering  
25 to the governing body of the school corporation in existence on  
26 June 30, 2012, are transferred to the governing body established  
27 under this chapter.

28          **(c)** On July 1, 2012, the property and records of the governing  
29 body of the school corporation in existence on June 30, 2012, are  
30 transferred to the governing body established under this chapter.

31          **(d)** This section expires July 1, 2016.

32          SECTION 29. THE FOLLOWING ARE REPEALED [EFFECTIVE  
33 JULY 1, 2011]: IC 3-7-12-4; IC 3-11-4-6.1; IC 3-11-10-33;  
34 IC 3-11.5-1-1; IC 3-11.5-4-19; IC 3-11.5-5-1; IC 3-11.1-6-1.

35          SECTION 30. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 536, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

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

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

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

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

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

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

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

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

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

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

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

(2) A county in which a board of registration is established

(A) by this chapter; or

(B) by a county acting under this chapter.

(b) The circuit court clerk:

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

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

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SECTION 4. IC 3-7-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a) Except for:**

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

**(2) a county containing a consolidated city;**

**a board of registration established before July 1, 2011, is abolished on July 1, 2011, unless the county executive adopts an order under subsection (b) to reestablish the board.**

~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; **(c)**, **the county executive of a county may adopt an order to establish or reestablish** a board of registration. ~~is established in each county having a population of more than one hundred twenty-five thousand (125,000):~~

~~(b)~~ **(c)** A board of registration ~~is~~ **may not be** established in a county that has a board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

SECTION 5. IC 3-7-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Except as provided in subsection (b), an order adopted under section ~~4~~ **3** of this chapter takes effect immediately.

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

SECTION 6. IC 3-7-12-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. ~~In~~ **This section applies to** a county having a population of at least four hundred thousand (400,000) **that establishes or reestablishes a board of registration under section 3(b) of this chapter.** The board of registration shall appoint two (2) chief clerks who are members of different political parties."

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 8. IC 3-10-6-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.5. **(a) This section applies to a municipal office elected during a municipal or general election.**

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

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

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

~~(b)~~ **Except as provided in subsection (c); if there is an election for**

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any office of the municipality; all nominees for each office must be on the ballot.

(c) If:

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

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

SECTION 9. IC 3-10-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

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

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

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

(d) If:

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

the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of

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

Page 6, line 41, delete "FOLLOWS:" and insert "FOLLOWS [EFFECTIVE JULY 1, 2011]:".

Page 10, line 12, delete "The" and insert "(a) Except as provided in subsection (b), the".

Page 10, between lines 15 and 16, begin a new paragraph and insert:

**"(b) A county election board may, by the unanimous vote of the board's entire membership, adopt a resolution to count absentee ballots in the precincts on election day. The resolution must state the board's reasons for having the absentee ballots counted in the precincts."**

Page 12, line 21, delete "single".

Page 12, line 21, delete "that is considered the primary" and insert "of the".

Page 12, line 22, after "clerk" delete ".".

Page 12, line 23, reset in roman "or" and insert "the board of registration that is used for the registration of voters of the county."

Page 12, delete line 30, begin a new line block indented and insert:

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

Page 12, delete line 31.

Page 12, line 34, delete "(a)(1) or" and insert "(a)(1)",

Page 12, line 35, delete "(b)(1)",

Page 12, line 35, delete "or the board".

Page 12, line 36, delete "of elections and registration".

Page 14, between lines 32 and 33, begin a new paragraph and insert:  
"SECTION 27. IC 3-11-18.1-4, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 4. The plan required by section 3 of this chapter must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center.
- (3) The effective date of the order.
- (4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:
  - (A) The total number of voters within the county.

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- (B) The number of active voters within the county.
- (C) The number of inactive voters within the county.
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section ~~12~~ **13** of this chapter.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer consistent with section ~~12~~ **13** of this chapter.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
  - (A) the number and type of ballot variations that will be provided at the vote center; and
  - (B) whether these ballots will be:
    - (i) delivered to the vote center before the opening of the polls; or
    - (ii) printed on demand for a voter's use.
- (10) A detailed description of any hardware, firmware, or software used:
  - (A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or
  - (B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.
- (11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:
  - (A) the county election board; and
  - (B) the electronic poll lists used by precinct election officers at all other vote centers in the county.
- (12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.
- (13) The security and contingency plans to be implemented by the county to do all of the following:
  - (A) Prevent a disruption of the vote center process.
  - (B) Ensure that the election is properly conducted if a

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disruption occurs.

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

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

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

- (A) equipment; and
- (B) precinct election officers;

within the vote center.

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

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

SECTION 28. IC 3-11-18.1-10, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 10. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan adopted with the county election board's order under section ~~4~~ **3** of this chapter.

SECTION 29. IC 3-11-18.1-15, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 15. (a) A county may amend a plan adopted with a county election board's order under section ~~4~~ **3** of this chapter.

(b) For a county to amend its plan:

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

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

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

Page 17, line 1, delete "FOLLOWS:" and insert "FOLLOWS [EFFECTIVE JULY 1, 2011]:".

Page 17, line 10, delete "FOLLOWS:" and insert "FOLLOWS [EFFECTIVE JULY 1, 2011]:".

Page 17, line 30, after "JULY 1, 2011]:" insert "IC 3-7-12-4;".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 536 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 6, Nays 2.

SENATE MOTION

Madam President: I move that Senate Bill 536 be amended to read as follows:

Page 6, line 8, delete "IC 3-11-10-1.5." and insert "IC 3-11-10-1.5 or".

Page 9, delete lines 39 through 42.

Delete pages 10 through 12.

Page 13, delete lines 1 through 9.

Page 13, line 15, delete "using the procedures in" and insert "**in accordance with**".

Page 13, between lines 21 and 22, begin a new paragraph and insert: "SECTION 14. IC 3-11-10-17, AS AMENDED BY P.L.198-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) If the inspector finds under section 15 of this chapter that any of the following applies, a ballot may not be accepted or counted:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

(B) on the absentee ballot application.

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

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

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

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

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

Page 15, line 18, reset in roman "section 1.5 of this".

Page 15, line 18, delete "chapter;" and insert "chapter.".

Page 15, delete line 20.

Page 15, line 27, strike "The" and insert "One (1)".

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Page 15, line 29, strike "or".

Page 15, line 29, delete "the board of registration that is used for the" and insert "**designated by the circuit court clerk.**".

Page 15, delete line 30.

Page 16, line 25, strike "(e)," and insert "(g)".

Page 19, line 22, reset in roman "However, a plan must provide for at".

Page 19, reset in roman lines 23 through 25.

Page 20, between lines 9 and 10, begin a new paragraph and insert:  
"SECTION 22. IC 3-11.5-1-4, AS AMENDED BY P.L.66-2010, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. To the extent that they are in conflict with this article, the following statutes do not apply to a county that ~~has adopted a resolution described by section † of this chapter:~~ **counts absentee ballots at a central location under IC 3-11-10-11.5:**

- (1) IC 3-11-4-22.
- (2) IC 3-11-10-1.5.
- (3) IC 3-11-10-3.
- (4) IC 3-11-10-5.
- (5) IC 3-11-10-6.
- (6) IC 3-11-10-7.
- (7) IC 3-11-10-8.
- (8) IC 3-11-10-9.
- (9) IC 3-11-10-11.
- (10) IC 3-11-10-12.
- (11) IC 3-11-10-12.5.
- (12) IC 3-11-10-13.
- (13) IC 3-11-10-14.
- (14) IC 3-11-10-15.
- (15) IC 3-11-10-16.
- (16) IC 3-11-10-17.
- (17) IC 3-11-10-18.
- (18) IC 3-11-10-20.
- (19) IC 3-11-10-21.
- (20) IC 3-11-10-22.
- (21) IC 3-11-10-23.
- (22) IC 3-11-10-31.
- (23) IC 3-11-10-32.
- ~~(24) IC 3-11-10-33.~~
- ~~(25)~~ **(24)** IC 3-11-10-34.
- ~~(26)~~ **(25)** IC 3-11-10-35.
- ~~(27)~~ **(26)** IC 3-11-10-36.

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

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

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

Page 21, delete lines 36 through 42.

Delete page 22.

Page 23, delete lines 1 through 6.

Page 23, line 8, delete "IC 3-11-4-22;".

Page 23, delete lines 9 through 11.

Page 23, line 12, delete "IC 3-11-10-21; IC 3-11-10-22; IC 3-11-10-23;".

Page 23, line 13, delete "IC 3-11-10-35; IC 3-11.5-1;" and insert "IC 3-11.5-1-1;".

Page 23, line 14, delete "IC 3-11.5-6-1; IC 3-12-3-14; IC 3-12-3.5-7." and insert "IC 3-11.1-6-1."

Re-number all SECTIONS consecutively.

(Reference is to SB 536 as printed February 16, 2011.)

LAWSON C

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SENATE MOTION

Madam President: I move that Senate Bill 536 be amended to read as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert:

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

(b) A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5."

Page 23, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 37. IC 5-9-4-8, AS AMENDED BY P.L.1-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Except as provided in subsection (b), during



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the officeholder's leave of absence, the officeholder's office must be filled by a temporary appointment made under:

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

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

(b) For an officeholder who:

(1) is:

(A) a justice of the supreme court, a judge of the court of appeals, or a judge of the tax court; or

(B) a judge of a circuit, city, county, probate, or superior court; and

(2) is taking a leave of absence under this chapter;

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

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

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

(2) the officeholder's term of office expires.

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

(1) assumes all the rights and duties of; and

(2) is entitled to the compensation established for;

the office for the period of the temporary appointment.

SECTION 38. IC 20-23-8-5, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2011]: Sec. 5. As used in this chapter, "school corporation" means a local public school corporation established under the laws of Indiana. The term does not include a school township or a school corporation covered by IC 20-23-12 or IC 20-23-17.

SECTION 39. IC 20-23-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

**Chapter 17. Election of School Board Members in East Chicago**

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

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

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

**(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.**

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

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

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

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

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

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

**(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:**

**(A) The name of the candidate.**

**(B) The candidate's residence address and the district in**

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which the candidate resides.

(C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.

(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.

(b) The following apply to an election of the members of the governing body of the school corporation at large under section 3(a)(2) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) Three (3) candidates shall be elected at large. The three (3) candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.

Sec. 6. Voters who reside within the boundaries of the school corporation may vote for the candidates. Each voter may vote only for:

(1) one (1) candidate to represent the district in which the voter resides; and

(2) three (3) at-large candidates.

Sec. 7. The state board, with assistance from the county election board, shall establish balloting procedures under IC 3 for the election and all other procedures required to implement this

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chapter.

**Sec. 8.** The term of each person elected to serve on the governing body of the school corporation is four (4) years, beginning July 1 following the election.

**Sec. 9.** The members of the governing body of the school corporation shall be elected at the primary election to be held in 2012 and every four (4) years thereafter.

**Sec. 10.** A vacancy in the office of a member of the governing body of the school corporation shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs. An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.

**Sec. 11. (a)** Before August 1 of each year, the school corporation shall file with the state superintendent the following information:

- (1) A list containing the names and addresses of each member of the governing body of the school corporation and the date of the expiration of each member's term of office.
- (2) A list containing the names and addresses of each of the school corporation's officers and the date of the expiration of each officer's term of office.

**(b)** The school corporation shall notify the state superintendent of any change in the information previously filed under subsection (a) not later than thirty (30) days after the change occurs.

**Sec. 12. (a)** Notwithstanding any other law, the terms of the members of the governing body of the East Chicago school corporation who hold office on June 30, 2012, expire July 1, 2012.

**(b)** On July 1, 2012, all powers, duties, and functions adhering to the governing body of the school corporation in existence on June 30, 2012, are transferred to the governing body established under this chapter.

**(c)** On July 1, 2012, the property and records of the governing body of the school corporation in existence on June 30, 2012, are transferred to the governing body established under this chapter.

**(d)** This section expires July 1, 2016."

Renumber all SECTIONS consecutively.

(Reference is to SB 536 as printed February 16, 2011.)

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