

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Elections, to which was referred House Bill No. 1242, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

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

1 registration office" means the following:

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

8 Page 3, between lines 1 and 2, begin a new paragraph and insert:

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

- 12 (1) A county in which a board of elections and registration is
 13 established under IC 3-6-5.2 or IC 3-6-5.4.
 14 (2) A county in which a board of registration is established **after**
 15 **June 30, 2011,**
 16 ~~(A) by this chapter; or~~
 17 ~~(B) by a county acting under this chapter.~~
 18 **(3) A county in which a board of registration was established**
 19 **before July 1, 2011, under this chapter.**

20 (b) The circuit court clerk:

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

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

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

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

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

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

1 **(1) after June 30, 2011, establishes a board of registration; or**
 2 **(2) continues a board of registration established before July**
 3 **1, 2011.**

4 **(b) This section does not apply to:**

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

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

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

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

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

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

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

22 Page 5, line 26, strike "clerk or board" and insert "**county voter**
 23 **registration office"**.

24 Page 5, between lines 31 and 32, begin a new paragraph and insert:

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

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

31 **(1) who submits a completed application; or**

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

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

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

37 **(1) who submits a completed application; or**

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

1 by mail to the election division shall be registered to vote in the
 2 election, if the application is postmarked not later than the
 3 twenty-ninth day before the election. If a postmark on an
 4 application submitted by mail is missing or illegible, an eligible
 5 applicant shall be registered to vote in the election, if the
 6 application is received by the election division not later than the
 7 Monday following the close of the registration period.

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

11 Page 8, between lines 17 and 18, begin a new paragraph and insert:

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

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

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

30 (b) A:

- 31 (1) declaration of intent to be a write-in candidate; or
- 32 (2) withdrawal of a declaration;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 population count."

2 Page 8, line 22, strike "January 1 of" and insert "**on the first date**
3 **that a declaration of candidacy may be filed under section 4 of this**
4 **chapter in**".

5 Page 8, line 23, strike "seventy-seven (77)" and insert "**ninety-one**
6 **(91)**".

7 Page 8, between lines 29 and 30, begin a new paragraph and insert:
8 "SECTION 25. IC 3-8-2-14 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) All questions
10 concerning the validity of a declaration filed with the secretary of state
11 shall be referred to and determined by the commission in accordance
12 with section 18 of this chapter. A statement questioning the validity of
13 a declaration must be filed with the election division under
14 IC 3-8-1-2(c) not later than noon ~~sixty-seven (67)~~ **eighty-one (81)** days
15 before the date of the primary election.

16 (b) All questions concerning the validity of a declaration of
17 candidacy filed with a circuit court clerk shall be referred to and
18 determined by the county election board not later than noon ~~fifty-four~~
19 ~~(54)~~ **sixty-eight (68)** days before the date of the primary election. A
20 statement questioning the validity of a declaration must be filed with
21 the county election board under IC 3-8-1-2(c) not later than noon
22 ~~sixty-seven (67)~~ **eighty-one (81)** days before the date of the primary
23 election.

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

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

38 (b) The list must designate the office for which the person is a

1 candidate and the political party the person represents.

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

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

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

20 SECTION 28. IC 3-8-2-20, AS AMENDED BY P.L.230-2005,
21 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2011]: Sec. 20. (a) A person who files a declaration of
23 candidacy under this chapter may, at any time not later than noon
24 ~~seventy-one (71)~~ **eight-five (85)** days before the date set for holding the
25 primary election, file a statement with the same office where the person
26 filed the declaration of candidacy, stating that the person is no longer
27 a candidate and does not wish the person's name to appear on the
28 primary election ballot as a candidate.

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

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

38 Page 8, line 33, strike "January 1 of" and insert "**on the first date**

1 **that a declaration of candidacy for a primary election may be filed**
 2 **under IC 3-8-2-4 in".**

3 Page 8, between lines 40 and 41, begin a new paragraph and insert:

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

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

10 (2) a primary election;

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

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

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

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

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

36 SECTION 31. IC 3-8-5-10.5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.5. (a) A person who
 38 desires to be nominated for a town office by a major political party

1 must file a declaration of candidacy with the circuit court clerk of the
2 county containing the greatest percentage of population of the town.

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

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

7 (2) not later than:

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

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

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

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

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

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

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

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

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

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

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

36 (6) The candidate's signature.

37 (e) This subsection does not apply to a town whose municipal
38 election is to be conducted by a county. Immediately after the deadline

- 1 for filing, the circuit court clerk shall do all of the following:
- 2 (1) Certify to the town clerk-treasurer and release to the public a
- 3 list of the candidates of each political party for each office. The
- 4 list shall indicate any candidates of a political party nominated for
- 5 an office under this chapter because of the failure of any other
- 6 candidates of that political party to file a declaration of candidacy
- 7 for that office.
- 8 (2) Post a copy of the list in a prominent place in the circuit court
- 9 clerk's office.
- 10 (3) File a copy of each declaration of candidacy with the town
- 11 clerk-treasurer.
- 12 (f) A person who files a declaration of candidacy for an elected
- 13 office for which a per diem or salary is provided for by law is
- 14 disqualified from filing a declaration of candidacy for another office for
- 15 which a per diem or salary is provided for by law until the original
- 16 declaration is withdrawn.
- 17 (g) A person who files a declaration of candidacy for an elected
- 18 office may not file a declaration of candidacy for that office in the same
- 19 year as a member of a different political party until the original
- 20 declaration is withdrawn.
- 21 (h) A person who files a declaration of candidacy under this section
- 22 may file a written notice withdrawing the person's declaration of
- 23 candidacy in the same manner as the original declaration was filed, if
- 24 the notice of withdrawal is filed not later than:
- 25 (1) noon August 1 before the municipal election if the town
- 26 nominates its candidates by convention; and
- 27 (2) the date that a declaration of candidacy may be withdrawn
- 28 under IC 3-8-2-20 if the town nominates its candidates in a
- 29 primary election.
- 30 (i) A declaration of candidacy must include a statement that the
- 31 candidate requests the name on the candidate's voter registration record
- 32 be the same as the name the candidate uses on the declaration of
- 33 candidacy. If there is a difference between the name on the candidate's
- 34 declaration of candidacy and the name on the candidate's voter
- 35 registration record, the officer with whom the declaration of candidacy
- 36 is filed shall forward the information to the voter registration officer of
- 37 the appropriate county as required by IC 3-5-7-6(e). The voter
- 38 registration officer of the appropriate county shall change the name on

1 the candidate's voter registration record to be the same as the name on
2 the candidate's declaration of candidacy."

3 Page 9, between lines 19 and 20, begin a new paragraph and insert:

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

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

10 **(2) qualified to vote for the candidate.**

11 SECTION 34. IC 3-8-6-10 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) Except as
13 provided in section 11 of this chapter, a petition of nomination must be
14 submitted to the county voter registration office of each county in
15 which the election district is located.

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

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

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

34 Page 15, between lines 40 and 41, begin a new paragraph and insert:

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

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

- 1 (2) A communication relating to the outcome of a public question.
- 2 (3) A communication described by this section in a medium
3 regulated by federal law to the extent that federal law regulates
4 the appearance, content, or placement of the communication in
5 the medium.
- 6 (4) Bumper stickers, pins, buttons, pens, and similar small items
7 upon which the disclaimer required by this section cannot be
8 conveniently printed.
- 9 (5) Skywriting, water towers, wearing apparel, or other means of
10 displaying an advertisement on which the inclusion of a
11 disclaimer would be impracticable.
- 12 (6) Checks, receipts, and similar items of minimal value that do
13 not contain a political message and are used for purely
14 administrative purposes.
- 15 (7) A communication by a political action committee organized
16 and controlled by a corporation soliciting contributions to the
17 political action committee by the stockholders, executives, or
18 employees of the corporation and the families of those
19 individuals.
- 20 (8) A communication by a political action committee organized
21 and controlled by a labor organization soliciting contributions to
22 the political action committee by the members or executive
23 personnel of the labor organization and the families of those
24 individuals.
- 25 (9) A direct mailing of one hundred (100) or less substantially
26 similar pieces of mail.
- 27 (b) This section applies whenever a person:
- 28 (1) makes an expenditure for the purpose of financing
29 communications expressly advocating the election or defeat of a
30 clearly identified candidate; or
- 31 (2) solicits a contribution;
- 32 through a newspaper, a magazine, an outdoor advertising facility, a
33 poster, a yard sign, a direct mailing, or any other type of general public
34 political advertising.
- 35 (c) For purposes of this section, a candidate is clearly identified if
36 any of the following apply:
- 37 (1) The name of the candidate involved appears.
- 38 (2) A photograph or drawing of the candidate appears.

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

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

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

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

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

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

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

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

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

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

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

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

4 (A) a candidate;

5 (B) an authorized political committee of a candidate; or

6 (C) the committee's agents;

7 the communication must clearly state that the communication has
8 been paid for by the authorized political committee.

9 (2) If the communication is paid for by other persons but
10 authorized by:

11 (A) a candidate;

12 (B) an authorized political committee of a candidate; or

13 (C) the committee's agents;

14 the communication must clearly state that the communication is
15 paid for by the other persons and authorized by the authorized
16 political committee.

17 (3) If the communication is not authorized by:

18 (A) a candidate;

19 (B) an authorized political committee of a candidate; or

20 (C) the committee's agents;

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

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

28 ~~(h)~~ **(i)** A communication by a regular party committee consisting of:

29 (1) a printed slate card, a sample ballot, or other printed listing of
30 three (3) or more candidates for public office at an election;

31 (2) campaign materials such as handbills, brochures, posters,
32 party tabloids or newsletters, and yard signs distributed by
33 volunteers and used by the regular party committee in connection
34 with volunteer activities on behalf of any nominee of the party; or

35 (3) materials distributed by volunteers as part of the regular
36 party's voter registration or get-out-the-vote efforts;

37 must clearly state the name of the person who paid for the
38 communication but is not required to state that the communication is

1 authorized by any candidate or committee.

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

- 7 (1) Fails to file with the election division a report in the manner
8 required under IC 3-9-5.
- 9 (2) Fails to file a statement of organization required under
10 IC 3-9-1.
- 11 (3) Is a committee or a member of a committee who disburses or
12 expends money or other property for any political purpose before
13 the money or other property has passed through the hands of the
14 treasurer of the committee.
- 15 (4) Makes a contribution other than to a committee subject to this
16 article or to a person authorized by law or a committee to receive
17 contributions on the committee's behalf.
- 18 (5) Is a corporation or labor organization that exceeds any of the
19 limitations on contributions prescribed by IC 3-9-2-4.
- 20 (6) Makes a contribution in the name of another person.
- 21 (7) Accepts a contribution made by one (1) person in the name of
22 another person.
- 23 (8) Is not the treasurer of a committee subject to this article, and
24 pays any expenses of an election or a caucus except as authorized
25 by this article.
- 26 (9) Commingles the funds of a committee with the personal funds
27 of an officer, a member, or an associate of the committee.
- 28 (10) Wrongfully uses campaign contributions in violation of
29 IC 3-9-3-4.
- 30 (11) Violates IC 3-9-2-12.
- 31 (12) Fails to designate a contribution as required by IC 3-9-2-5(c).
- 32 (13) Violates IC 3-9-3-5.
- 33 (14) Serves as a treasurer of a committee in violation of any of the
34 following:
- 35 (A) IC 3-9-1-13(1).
- 36 (B) IC 3-9-1-13(2).
- 37 (C) IC 3-9-1-18.
- 38 (15) Fails to comply with section 4(d) of this chapter.

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

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

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

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

35 (e) This subsection applies to a person who is subject to a civil
36 penalty under subsection (a)(5). If the commission determines that a
37 person is subject to a civil penalty under subsection (a)(5), the
38 commission may assess a civil penalty of not more than three (3) times

1 the amount of the contribution in excess of the limit prescribed by
 2 IC 3-9-2-4, plus any investigative costs incurred and documented by
 3 the election division.

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

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

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

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

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

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

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

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

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

38 **(k) This subsection applies to a person who is subject to a civil**

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (10) Wrongfully uses campaign contributions in violation of

- 1 IC 3-9-3-4.
- 2 (11) Fails to designate a contribution as required by IC 3-9-2-5(c).
- 3 (12) Violates IC 3-9-3-5.
- 4 (13) Serves as a treasurer of a committee in violation of any of the
- 5 following:

- 6 (A) IC 3-9-1-13(1).
- 7 (B) IC 3-9-1-13(2).
- 8 (C) IC 3-9-1-18.

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

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

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

37 (d) This subsection applies to a person who is subject to a civil
 38 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or

1 (a)(10). If the county election board determines that a person is subject
 2 to a civil penalty under subsection (a), the board may assess a civil
 3 penalty of not more than one thousand dollars (\$1,000), plus any
 4 investigative costs incurred and documented by the board.

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

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

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

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

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

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

33 **(i) This subsection applies to a person who is subject to a civil**
 34 **penalty under subsection (a)(14). If the board determines that a**
 35 **person is subject to a civil penalty under subsection (a)(14), the**
 36 **board may assess a civil penalty of not more than one thousand**
 37 **dollars (\$1,000) for each communication circulated or published**
 38 **(but not for each of the copies of the communication actually**

1 **circulated or published), plus any investigative costs incurred and**
 2 **documented by the election division.**

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

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

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

13 Page 16, between lines 26 and 27, begin a new paragraph and insert:

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

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

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

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

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

29 ~~(c)~~ If:

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

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

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

36 the county election board may, by unanimous vote of the entire
 37 membership of the board; adopt a resolution providing that an election
 38 will be held only in the legislative body districts within the

1 municipality in which voters will elect legislative body members under
 2 subdivision (2). The names of unopposed candidates for an office to be
 3 voted on by all voters of the municipality shall not be placed on the
 4 ballot used for the election of municipal legislative body members
 5 under this subsection.

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

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

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

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

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

22 (d) ~~if:~~

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

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

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

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

38 SECTION 47. IC 3-10-9-3 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. If a local public
2 question must be certified to an election board by law, that certification
3 must occur no later than noon:

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

9 Page 17, between lines 12 and 13, begin a new paragraph and insert:

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

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

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

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

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

33 (d) If:

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

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

3 (e) If:

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

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

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

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

18 Page 17, between lines 34 and 35, begin a new paragraph and insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 36 (1) A combined absentee registration form and absentee ballot
 37 request approved under 42 U.S.C. 1973ff(b)(2).
 38 (2) A form prescribed under IC 3-5-4-8 that identifies the

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

5 (d) If the county election board receives an absentee ballot
 6 application from a person described by subsection (c), the circuit court
 7 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
 8 3406, all ballots for the election immediately upon receipt of the ballots
 9 under section 15 of this chapter, unless the person has indicated under
 10 subsection (c) that the person wishes to receive the absentee ballot by
 11 electronic mail or fax.

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

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

17 the application is an adequate application for an absentee ballot for
 18 ~~both subsequent general elections and any municipal or special an~~
 19 ~~election conducted during that the period that ends on December 31~~
 20 ~~following the date the application is filed, unless an absentee ballot~~
 21 ~~mailed to the voter at the address set forth in the application is returned~~
 22 ~~to the county election board during that period as undeliverable. The~~
 23 ~~circuit court clerk and county election board shall process this~~
 24 ~~application and send general election absentee ballots to the voter in~~
 25 ~~the same manner as other general election and special election absentee~~
 26 ~~ballot applications and ballots are processed and sent under this~~
 27 ~~chapter.~~

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

1 and sent under this chapter.

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

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

11 (2) As directed by a court order.

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

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

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

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

31 (3) If:

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

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

38 the county election board shall send the confirmation by United

1 States mail.

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

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

19 Page 18, between lines 40 and 41, begin a new paragraph and insert:

20 "SECTION 58. IC 3-11-10-17, AS AMENDED BY P.L.198-2005,
21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2011]: Sec. 17. (a) If the inspector finds under section 15 of
23 this chapter that any of the following applies, a ballot may not be
24 accepted or counted:

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

27 (A) the two (2) members of the absentee voter board in the
28 office of the circuit court clerk under IC 3-11-4-19 or section
29 27 of this chapter;

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

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

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

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

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

- 1 ~~(5)~~ **(4)** The absentee voter has not registered.
- 2 ~~(6)~~ **(5)** The ballot is open or has been opened and resealed. This
- 3 subdivision does not permit an absentee ballot transmitted by fax
- 4 or electronic mail under IC 3-11-4-6 to be rejected because the
- 5 ballot was sealed in the absentee ballot envelope by the individual
- 6 designated by the circuit court to receive absentee ballots
- 7 transmitted by fax or electronic mail.
- 8 ~~(7)~~ **(6)** The ballot envelope contains more than one (1) ballot of
- 9 any kind for the same office or public question.
- 10 ~~(8)~~ **(7)** In **the** case of a primary election, if the absentee voter has
- 11 not previously voted, the voter failed to execute the proper
- 12 declaration relative to age and qualifications and the political
- 13 party with which the voter intends to affiliate.
- 14 ~~(9)~~ **(8)** The ballot has been challenged and not supported.
- 15 (b) Subsection (c) applies whenever a voter with a disability is
- 16 unable to make a signature:
- 17 (1) on an absentee ballot application that corresponds to the
- 18 voter's signature in the records of the county voter registration
- 19 office; or
- 20 (2) on an absentee ballot secrecy envelope that corresponds with
- 21 the voter's signature:
- 22 (A) in the records of the county voter registration office; or
- 23 (B) on the absentee ballot application.
- 24 (c) The voter may request that the voter's signature or mark be
- 25 attested to by:
- 26 (1) the absentee voter board under section 25(b) of this chapter;
- 27 (2) a member of the voter's household; or
- 28 (3) an individual serving as attorney in fact for the voter.
- 29 (d) An attestation under subsection (c) provides an adequate basis
- 30 for an inspector to determine that a signature or mark complies with
- 31 subsection (a)(2).
- 32 SECTION 59. IC 3-11-10-24, AS AMENDED BY P.L.120-2009,
- 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2011]: Sec. 24. (a) Except as provided in subsection (b), a
- 35 voter who satisfies any of the following is entitled to vote by mail:
- 36 (1) The voter has a specific, reasonable expectation of being
- 37 absent from the county on election day during the entire twelve
- 38 (12) hours that the polls are open.

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

- 1 delivery to the county election board; or
- 2 (2) authorize a member of the voter's household or the individual
- 3 designated as the voter's attorney in fact to:
- 4 (A) deposit the sealed envelope in the United States mail; or
- 5 (B) deliver the sealed envelope in person to the county
- 6 election board.
- 7 (d) If a member of the voter's household or the voter's attorney in
- 8 fact delivers the sealed envelope containing a voter's absentee ballot to
- 9 the county election board, the individual delivering the ballot shall
- 10 complete an affidavit in a form prescribed by the commission. The
- 11 affidavit must contain the following information:
- 12 (1) The name and residence address of the voter whose absentee
- 13 ballot is being delivered.
- 14 (2) A statement of the full name, residence and mailing address,
- 15 and daytime and evening telephone numbers (if any) of the
- 16 individual delivering the absentee ballot.
- 17 (3) A statement indicating whether the individual delivering the
- 18 absentee ballot is a member of the voter's household or is the
- 19 attorney in fact for the voter. If the individual is the attorney in
- 20 fact for the voter, the individual must attach a copy of the power
- 21 of attorney for the voter, unless a copy of this document has
- 22 already been filed with the county election board.
- 23 (4) The date and location at which the absentee ballot was
- 24 delivered by the voter to the individual delivering the ballot to the
- 25 county election board.
- 26 (5) A statement that the individual delivering the absentee ballot
- 27 has complied with Indiana laws governing absentee ballots.
- 28 (6) A statement that the individual delivering the absentee ballot
- 29 is executing the affidavit under the penalties of perjury.
- 30 (7) A statement setting forth the penalties for perjury.
- 31 (e) The county election board shall record the date and time that the
- 32 affidavit under subsection (d) was filed with the board.
- 33 (f) After a voter has mailed or delivered an absentee ballot to the
- 34 office of the circuit court clerk, the voter may not recast a ballot, except
- 35 as provided in
- 36 ~~(1)~~ section 1.5 of this chapter. ~~or~~
- 37 ~~(2)~~ section 33 of this chapter.
- 38 SECTION 60. IC 3-11-10-26, AS AMENDED BY P.L.66-2010,

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

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

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

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

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

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

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

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

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

26 (2) provide proof of identification;

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

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

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

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

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

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

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

15 (1) permitted to verify in a private and independent manner the
16 votes selected by the voter before the ballot is cast and counted;
17 (2) provided with the opportunity to change the ballot or correct
18 any error in a private and independent manner before the ballot is
19 cast and counted, including the opportunity to receive a
20 replacement ballot if the voter is otherwise unable to change or
21 correct the ballot; and

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

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

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

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

31 ~~(i)~~ (k) If:

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

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

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

1 (†)(I) A voter casting an absentee ballot under this section is entitled
2 to cast the voter's ballot in accordance with IC 3-11-9.

3 SECTION 61. IC 3-11-10-30 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. Even though the
5 voter may have applied for and received an absentee ballot, a voter who
6 returns to the voter's place of residence before the close of the polls on
7 election day may vote in person under the conditions prescribed by
8 section 31 ~~or 32~~ of this chapter.

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

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

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

24 Page 19, line 34, strike "However, school board offices, public".

25 Page 19, strike lines 35 through 37.

26 Page 22, between lines 20 and 21, begin a new paragraph and insert:
27 "SECTION 66. IC 3-11-18.1-4, AS ADDED BY SEA 32-2011,
28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 4. The plan required
30 by section 3 of this chapter must include at least the following:

- 31 (1) The total number of vote centers to be established.
- 32 (2) The location of each vote center.
- 33 (3) The effective date of the order.
- 34 (4) The following information according to the computerized list
35 (as defined in IC 3-7-26.3-2) as of the date of the order:
 - 36 (A) The total number of voters within the county.
 - 37 (B) The number of active voters within the county.
 - 38 (C) The number of inactive voters within the county.

- 1 (5) For each vote center designated under subdivision (2), a list
2 of the precincts whose polls will be located at the vote center
3 consistent with section ~~12~~ **13** of this chapter.
- 4 (6) For each vote center designated under subdivision (2), the
5 number of precinct election boards that will be appointed to
6 administer an election at the vote center.
- 7 (7) For each precinct election board designated under subdivision
8 (6), the number and name of each precinct the precinct election
9 board will administer consistent with section ~~12~~ **13** of this
10 chapter.
- 11 (8) For each vote center designated under subdivision (2), the
12 number and title of the precinct election officers who will be
13 appointed to serve at the vote center.
- 14 (9) For each vote center designated under subdivision (2):
15 (A) the number and type of ballot variations that will be
16 provided at the vote center; and
17 (B) whether these ballots will be:
18 (i) delivered to the vote center before the opening of the
19 polls; or
20 (ii) printed on demand for a voter's use.
- 21 (10) A detailed description of any hardware, firmware, or
22 software used:
23 (A) to create an electronic poll list for each precinct whose
24 polls are to be located at a vote center; or
25 (B) to establish a secure electronic connection between the
26 county election board and the precinct election officials
27 administering a vote center.
- 28 (11) A description of the equipment and procedures to be used to
29 ensure that information concerning a voter entered into any
30 electronic poll list used by precinct election officers at a vote
31 center is immediately accessible to:
32 (A) the county election board; and
33 (B) the electronic poll lists used by precinct election officers
34 at all other vote centers in the county.
- 35 (12) For each precinct designated under subdivision (5), the
36 number of electronic poll lists to be provided for the precinct.
- 37 (13) The security and contingency plans to be implemented by the
38 county to do all of the following:

- 1 (A) Prevent a disruption of the vote center process.
- 2 (B) Ensure that the election is properly conducted if a
3 disruption occurs.
- 4 (C) Prevent access to an electronic poll list without the
5 coordinated action of two (2) precinct election officers who are
6 not members of the same political party.
- 7 (14) A certification that the vote center complies with the
8 accessibility requirements applicable to polling places under
9 IC 3-11-8.
- 10 (15) A sketch depicting the planned layout of the vote center,
11 indicating the location of:
- 12 (A) equipment; and
13 (B) precinct election officers;
14 within the vote center.
- 15 (16) The total number of ~~vote centers to be established at and~~
16 **locations of** satellite offices ~~that are to be~~ established under
17 IC 3-11-10-26.3 **at voter center locations designated under**
18 **subdivision (2)** to allow voters to cast absentee ballots in
19 accordance with IC 3-11. However, a plan must provide for at
20 least one (1) vote center to be established as a satellite office
21 under IC 3-11-10-26.3 on the two (2) Saturdays immediately
22 preceding an election day.
- 23 (17) The method and timing of providing voter data to persons
24 who are entitled to receive the data under this title. Data shall be
25 provided to all persons entitled to the data without unreasonable
26 delay.

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

34 SECTION 68. IC 3-11-18.1-15, AS ADDED BY SEA 32-2011,
35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 15. (a) A county may
37 amend a plan adopted with a county election board's order under
38 section ~~4~~ **3** of this chapter.

- 1 (b) For a county to amend its plan:
- 2 (1) the county election board (or board of elections and
- 3 registration established under IC 3-6-5.2 or IC 3-6-5.4), by
- 4 unanimous vote of the entire membership of the board, must
- 5 approve the plan amendment;
- 6 (2) all members of the board must sign the amendment; and
- 7 (3) the amendment must be filed with the election division.
- 8 (c) A plan amendment takes effect immediately upon filing with the
- 9 election division, unless otherwise specified by the county election
- 10 board.
- 11 SECTION 69. IC 3-11.5-1-4, AS AMENDED BY P.L.66-2010,
- 12 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2011]: Sec. 4. To the extent that they are in conflict with this
- 14 article, the following statutes do not apply to a county that has adopted
- 15 a resolution described by section 1 of this chapter:
- 16 (1) IC 3-11-4-22.
- 17 (2) IC 3-11-10-1.5.
- 18 (3) IC 3-11-10-3.
- 19 (4) IC 3-11-10-5.
- 20 (5) IC 3-11-10-6.
- 21 (6) IC 3-11-10-7.
- 22 (7) IC 3-11-10-8.
- 23 (8) IC 3-11-10-9.
- 24 (9) IC 3-11-10-11.
- 25 (10) IC 3-11-10-12.
- 26 (11) IC 3-11-10-12.5.
- 27 (12) IC 3-11-10-13.
- 28 (13) IC 3-11-10-14.
- 29 (14) IC 3-11-10-15.
- 30 (15) IC 3-11-10-16.
- 31 (16) IC 3-11-10-17.
- 32 (17) IC 3-11-10-18.
- 33 (18) IC 3-11-10-20.
- 34 (19) IC 3-11-10-21.
- 35 (20) IC 3-11-10-22.
- 36 (21) IC 3-11-10-23.
- 37 (22) IC 3-11-10-31.
- 38 (23) IC 3-11-10-32.

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

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

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

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

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

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

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

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

- 38 ~~(e)~~ **(d)** The couriers shall immediately return the envelope described

1 in subsection ~~(c)~~ **(b)** to the county election board. Upon delivering the
 2 envelope to the county election board, each courier shall sign a
 3 statement printed on the envelope indicating that the courier has not
 4 opened or tampered with the envelope since the envelope was delivered
 5 to the courier.

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

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

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

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

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

38 SECTION 72. IC 3-11.7-5-1, AS AMENDED BY P.L.164-2006,

1 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) After the close of the polls,
 3 provisional ballots shall be counted as provided in this chapter.

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

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

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

13 (2) cast a provisional ballot;

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

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

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

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

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

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

27 the county election board shall find that the voter's provisional ballot
 28 is valid and direct that the provisional ballot be opened under section
 29 4 of this chapter and processed in accordance with this chapter.

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

33 (1) the voter is the same individual who:

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

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

37 (2) the voter:

38 (A) is:

- 1 (i) indigent; and
 2 (ii) unable to obtain proof of identification without the
 3 payment of a fee; or

4 (B) has a religious objection to being photographed;
 5 the county election board shall determine whether the voter has been
 6 challenged for any reason other than the voter's inability or declination
 7 to present proof of identification to the precinct election board.

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

- 12 (1) find that the voter's provisional ballot is valid; and
 13 (2) direct that the provisional ballot be:
 14 (A) opened under section 4 of this chapter; and
 15 (B) processed in accordance with this chapter.

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

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

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

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

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

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

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

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

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

14 Page 25, between lines 7 and 8, begin a new paragraph and insert:

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

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

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

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

27 commits a Class D felony.

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

33 (1) IC 3-13-4;

34 (2) IC 3-13-5;

35 (3) IC 3-13-6;

36 (4) IC 3-13-7;

37 (5) IC 3-13-8;

38 (6) IC 3-13-9;

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

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

13 (b) For an officeholder who:

14 (1) is:

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

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

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

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

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

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

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

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

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

31 (2) is entitled to the compensation established for;

32 the office for the period of the temporary appointment."

33 Page 25, between lines 33 and 34, begin a new paragraph and insert:

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

1 corporation covered by IC 20-23-12 or **IC 20-23-17**.

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

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

6 **Sec. 1. This chapter applies to a school corporation located in a**
7 **city that has a population of more than thirty-two thousand**
8 **(32,000) but less than thirty-two thousand eight hundred (32,800).**

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

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

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

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

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

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

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

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

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

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

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

1 **(B) The candidate's residence address and the district in**
 2 **which the candidate resides.**

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

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

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

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

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

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

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

24 **(B) The candidate's residence address.**

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

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

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

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

35 **Sec. 6. Voters who reside within the boundaries of the school**
 36 **corporation may vote for the candidates elected under section 3 of**
 37 **this chapter. Each voter may vote only for:**

38 **(1) one (1) candidate to represent the district in which the**

- 1 voter resides; and
 2 (2) three (3) at-large candidates.

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

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

10 **Sec. 9.** The members of the governing body of the school
 11 corporation shall be elected at the primary election to be held in
 12 2012 and every four (4) years thereafter.

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

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

21 (1) A list containing the names and addresses of each member
 22 of the governing body of the school corporation and the date
 23 of the expiration of each member's term of office.

24 (2) A list containing the names and addresses of each of the
 25 school corporation's officers and the date of the expiration of
 26 each officer's term of office.

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

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

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

37 (c) On July 1, 2012, the property and records of the governing
 38 body of the school corporation in existence on June 30, 2012, are

1 transferred to the governing body established under this chapter.

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

3 SECTION 88. IC 36-2-2-5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible
5 for election to the executive, a person must meet the qualifications
6 prescribed by IC 3-8-1-21.

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

8 (1) the county as provided in Article 6, Section 6 of the
9 Constitution of the State of Indiana; and

10 (2) the district from which the member was elected.

11 (c) **Except as provided in subsection (e)**, if the person does not
12 remain a resident of the county and district after taking office, the
13 person forfeits the office. The county fiscal body shall declare the
14 office vacant whenever a member of the executive forfeits office under
15 this subsection.

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

17 (1) more than four hundred thousand (400,000) but less than
18 seven hundred thousand (700,000); or

19 (2) more than two hundred thousand (200,000) but less than three
20 hundred thousand (300,000);

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

25 **(e) This subsection applies to a member of the executive who
26 must reside within the district from which the member was elected.**

27 **A person who:**

28 **(1) has begun a term of office as a member of the executive;
29 and**

30 **(2) is relocated outside the member's district as the result of
31 the state's acquisition of the member's residence for a public
32 use;**

33 **may complete the member's term of office as long as the member
34 remains a resident of the county that contains the member's
35 district.**

36 SECTION 89. IC 36-2-3-5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible
38 to serve as a member of the fiscal body, a person must meet the

- 1 qualifications prescribed by IC 3-8-1-22.
- 2 (b) A member of the fiscal body must reside within:
- 3 (1) the county as provided in Article 6, Section 6 of the
- 4 Constitution of the State of Indiana; and
- 5 (2) the district from which the member was elected, if applicable.
- 6 (c) **Except as provided in subsection (d)**, a member who fails to
- 7 comply with subsection (b) forfeits the office.
- 8 **(d) This subsection applies to a member of the fiscal body who**
- 9 **must reside within the district from which the member was elected.**
- 10 **A person who:**
- 11 **(1) has begun a term of office as a member of the fiscal body;**
- 12 **and**
- 13 **(2) is relocated outside the member's district as the result of**
- 14 **the state's acquisition of the member's residence for a public**
- 15 **use;**
- 16 **may complete the member's term of office as long as the member**
- 17 **remains a resident of the county that contains the member's**
- 18 **district."**
- 19 Page 26, line 6, after "IC 3-5-4-6;" insert "IC 3-7-12-3;
- 20 IC 3-11-4-6.1;".
- 21 Page 26, line 6, after "IC 3-11-8-6.5;" insert "IC 3-11-10-33;".
- 22 Page 26, line 7, delete "IC 3-11-11-1.6." and insert "IC 3-11-11-1.6;
- 23 IC 3-11.5-4-19."
- 24 Page 26, after line 7, begin a new paragraph and insert:
- 25 "SECTION 92. [EFFECTIVE JULY 1, 2011] **(a) The definitions**
- 26 **set forth in IC 3-5-2 apply to this SECTION.**
- 27 **(b) This SECTION applies to a petition approved by the**
- 28 **commission under IC 3-5-4-8 after December 1, 2010, for a**
- 29 **primary candidate under IC 3-8-2-8 or IC 3-8-3.**
- 30 **(c) Notwithstanding IC 3-8-2 and IC 3-8-3, both as amended by**
- 31 **this act, a petition approved by the commission complies with the**
- 32 **requirements of IC 3 and may be used by a candidate.**

- 1 **(d) This SECTION expires December 31, 2012.**
- 2 **SECTION 93. An emergency is declared for this act."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1242 as printed January 28, 2011.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

Landske

Chairperson