
SENATE BILL No. 323

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-16.2; IC 3-6; IC 3-7-12; IC 3-11; IC 6-1.1-20-1.8.

Synopsis: Boards of voter registration. Provides that an appointed member of a board of registration may not be the county chairman or a relative of the county chairman who is making the appointment. Provides that the personnel policies, rules, and procedures that apply to a county employee apply to a board of registration members and employees. Provides that a county fiscal body's approval is required for board of registration members and employees to participate in the benefits offered to county employees. Repeals the chapter establishing the Tippecanoe County board of registration and elections, and establishes a board of registration in Monroe and Tippecanoe counties consisting of one member appointed by the county chairman of each of the major political parties of the county and the circuit court clerk, who serves as an ex officio board member.

Effective: July 1, 2012.

Lawson C, Steele

January 9, 2012, read first time and referred to Committee on Elections.

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Second Regular Session 117th General Assembly (2012)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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SENATE BILL No. 323



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

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

1 SECTION 1. IC 3-5-2-16.2, AS AMENDED BY P.L.225-2011,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 16.2. "County voter registration office" means the
4 following:

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

12 SECTION 2. IC 3-6-5-1 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in
14 subsection (b), a board is established in each county of the state known
15 as the (name of county) county election board.

16 (b) A county election board is not established in ~~the following~~
17 ~~counties:~~



1 (†) a county having a population of more than four hundred
2 thousand (400,000) but less than seven hundred thousand
3 (700,000).
4 (‡) ~~A county having a population of more than one hundred~~
5 ~~forty-eight thousand (148,000) but less than one hundred seventy~~
6 ~~thousand (170,000):~~
7 SECTION 3. IC 3-6-5.4 IS REPEALED [EFFECTIVE JULY 1,
8 2012]. (Tippecanoe County Board of Elections and Registration).
9 SECTION 4. IC 3-7-12-1, AS AMENDED BY P.L.225-2011,
10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2012]: Sec. 1. (a) This section does not apply to the following
12 counties:
13 (1) A county in which a board of elections and registration is
14 established under IC 3-6-5.2. ~~or IC 3-6-5.4.~~
15 (2) A county containing a consolidated city.
16 **(3) A county in which a board of registration is established**
17 **under section 2.5(2) or 2.5(3) of this chapter.**
18 (‡) ~~(4)~~ (4) A county in which a board of registration was established
19 by IC 3-7-12-3 (before its repeal).
20 (†) ~~(5)~~ (5) A county in which a board of registration exists under an
21 order adopted by a county acting under this chapter.
22 (b) The circuit court clerk:
23 (1) is the voter registration officer of each county; and
24 (2) shall supervise the registration of voters of the county.
25 SECTION 5. IC 3-7-12-2 IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this chapter, "board
27 of registration" includes a board of elections and registration
28 established under IC 3-6-5.2. ~~or IC 3-6-5.4.~~
29 SECTION 6. IC 3-7-12-2.3 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2012]: Sec. 2.3. (a) **As used in this chapter, "relative" means any**
32 **of the following:**
33 (1) **A spouse.**
34 (2) **A parent or stepparent.**
35 (3) **A child or stepchild.**
36 (4) **A brother, sister, stepbrother, or stepsister.**
37 (5) **A niece or nephew.**
38 (6) **An aunt or uncle.**
39 (7) **A daughter-in-law or son-in-law.**
40 (b) **For purposes of this section, an adopted child of an**
41 **individual is treated as a natural child of the individual.**
42 (c) **For purposes of this section, the terms "brother" and**

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1 **"sister" include a brother or sister by the half blood.**

2 SECTION 7. IC 3-7-12-2.5, AS ADDED BY P.L.225-2011,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 2.5. A board of registration is established in **the**
5 **following counties:**

- 6 (1) A county containing a consolidated city.
7 **(2) A county having a population of more than one hundred**
8 **thirty-five thousand (135,000) but less than one hundred**
9 **thirty-eight thousand (138,000).**
10 **(3) A county having a population of more than one hundred**
11 **seventy thousand (170,000) but less than one hundred**
12 **seventy-five thousand (175,000).**

13 SECTION 8. IC 3-7-12-4, AS AMENDED BY P.L.225-2011,
14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2012]: Sec. 4. (a) This section does not apply to:

- 16 (1) a county in which a board of elections and registration is
17 established under IC 3-6-5.2; ~~or IC 3-6-5.4;~~ ~~or~~
18 (2) a county containing a consolidated city; ~~or~~
19 **(3) a county in which a board of registration is established**
20 **under section 2.5(2) or 2.5(3) of this chapter.**

21 (b) After June 30, 2011, the county executive may adopt an order by
22 the unanimous vote of the entire membership of the county executive
23 to:

- 24 (1) establish a board of registration; or
25 (2) rescind a previously adopted order establishing a board of
26 registration.

27 SECTION 9. IC 3-7-12-5.5, AS ADDED BY P.L.225-2011,
28 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2012]: Sec. 5.5. (a) Except as provided in subsection (b), this
30 section applies to a county in which a board of registration was
31 established by IC 3-7-12-3 (before its repeal).

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

- 33 (1) A county in which a board of elections and registration is
34 established under IC 3-6-5.2. ~~or IC 3-6-5.4;~~
35 (2) A county containing a consolidated city.
36 **(3) A county in which a board of registration is established**
37 **under section 2.5(2) or 2.5(3) of this chapter.**

38 (c) A county executive may adopt an order by the unanimous vote
39 of the entire membership of the county executive to:

- 40 (1) abolish the board of registration; and
41 (2) designate the circuit court clerk as the voter registration
42 officer of the county to supervise the registration of voters of the

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1 county.

2 (d) An order adopted under subsection (c) during the final sixty (60)
3 days before an election becomes effective on the day following the
4 election.

5 SECTION 10. IC 3-7-12-8 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) **Except as**
7 **provided in subsection (b)**, a board of registration consists of two (2)
8 persons.

9 (b) **This subsection applies to a county in which a board of**
10 **registration is established under section 2.5(2) or 2.5(3) of this**
11 **chapter. The board of registration consists of three (3) members as**
12 **follows:**

13 (1) **One (1) member appointed by the county chairman of each**
14 **of the major political parties of the county as provided under**
15 **section 9(c) of this chapter.**

16 (2) **The circuit court clerk, who serves as an ex officio member**
17 **of the board. The circuit court clerk shall perform all the**
18 **duties of the circuit court clerk under this title.**

19 SECTION 11. IC 3-7-12-9 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The county
21 chairmen of the major political parties of a county that has a board of
22 registration shall each appoint one (1) member of the board.

23 (b) **This subsection applies to a county in which a board of**
24 **elections and registration is established under IC 3-6-5.2.** The two
25 (2) appointed persons must be voters of the county.

26 (c) **This subsection does not apply to a county in which a board**
27 **of elections and registration is established under IC 3-6-5.2. A**
28 **member appointed under this section:**

29 (1) **must be a voter of the county; and**

30 (2) **may not be:**

31 (A) **the county chairman who is making the appointment;**
32 **or**

33 (B) **a relative of the county chairman who is making the**
34 **appointment.**

35 SECTION 12. IC 3-7-12-9.5 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2012]: Sec. 9.5. (a) **This section does not apply to a county in**
38 **which a board of elections and registration is established under**
39 **IC 3-6-5.2.**

40 (b) **A person who is a candidate for elected office or a member**
41 **of a candidate's committee may not be appointed as a member of**
42 **a board of registration.**

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1 (c) If an appointed member of a board of registration becomes
2 a:

3 (1) candidate for elected office; or

4 (2) member of a candidate's committee;

5 the member may not continue to serve on the board of registration.

6 (d) An appointed member may not hold elected office while a
7 member of a board of registration.

8 (e) This subsection applies to a county in which a board of
9 registration is established under section 2.5(2) or 2.5(3) of this
10 chapter. The circuit court clerk may not be a member of a
11 candidate's committee other than the clerk's own candidate's
12 committee.

13 SECTION 13. IC 3-7-12-15 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) This section
15 applies to a board of registration member appointed under section
16 8(b)(1) or 9 of this chapter.

17 (b) The salary of a board of registration member shall be fixed in the
18 manner prescribed by IC 36-2-5 or IC 36-3-6 and paid out of the county
19 general fund under IC 3-5-3-1 as other election expenses are paid.

20 (c) This subsection does not apply to a county in which a board
21 of elections and registration is established under IC 3-6-5.2. The
22 personnel policies, rules, and procedures that apply to an employee
23 of the county apply to a board of registration member.

24 (d) This subsection does not apply to a county in which a board
25 of elections and registration is established under IC 3-6-5.2. Board
26 of registration members are not eligible to participate in the
27 benefits offered to county employees unless the county fiscal body
28 (as defined in IC 36-1-2-6) approves the board's participation.

29 SECTION 14. IC 3-7-12-18.5 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2012]: Sec. 18.5. Each board of registration
32 member appointed under section 8(b)(1) of this chapter may,
33 subject to the approval of the county chairman who appointed the
34 board member, appoint a deputy to assist the board member.

35 SECTION 15. IC 3-7-12-20.5 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2012]: Sec. 20.5. (a) This section applies to a
38 county in which a board of registration is established under section
39 2.5(2) or 2.5(3) of this chapter.

40 (b) The board of registration may designate and assign an
41 employee to duties subject to the consent of the county chairman
42 who nominated the employee to be a member of the staff.

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1 (c) An employee of the board of registration may be
 2 cross-trained and assist other employees of the board with other
 3 duties subject to the direction of the board of registration.

4 (d) The board of registration shall make final determinations
 5 with respect to the duties and assignments of board employees.

6 SECTION 16. IC 3-7-12-21 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) The salary of an
 8 employee shall be:

- 9 (1) fixed in the manner prescribed by IC 36-2-5 or IC 36-3-6; and
 10 (2) paid as provided in IC 3-5-3-1.

11 (b) This subsection does not apply to a county in which a board
 12 of elections and registration is established under IC 3-6-5.2. The
 13 personnel policies, rules, and procedures that apply to an employee
 14 of the county apply to an employee of the board of registration.

15 (c) This subsection does not apply to a county in which a board
 16 of elections and registration is established under IC 3-6-5.2.
 17 Employees of the board of registration are not eligible to
 18 participate in the benefits offered to county employees unless the
 19 county fiscal body (as defined in IC 36-1-2-6) approves the board's
 20 participation.

21 SECTION 17. IC 3-11-4-4, AS AMENDED BY P.L.66-2010,
 22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2012]: Sec. 4. (a) Applications may be made on application
 24 forms approved by the commission by any of the following means:

- 25 (1) In person.
 26 (2) By fax transmission.
 27 (3) By mail (including United States mail or bonded courier).
 28 (4) By electronic mail with a scanned image of the application
 29 and signature of the applicant, if transmitted by an absent
 30 uniformed services voter or an overseas voter acting under section
 31 6 of this chapter.

32 (b) Application forms shall:

- 33 (1) be furnished to a central committee of the county at the
 34 request of the central committee;
 35 (2) be:
 36 (A) mailed;
 37 (B) transmitted by fax; or
 38 (C) transmitted by electronic mail with a scanned image of the
 39 application;
 40 upon request, to a voter applying by mail, by telephone, by
 41 electronic mail, or by fax; and
 42 (3) be delivered to a voter in person who applies at the circuit

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1 court clerk's office.

2 (c) A county election board shall accept an application for an
3 absentee ballot transmitted by fax even though the application is
4 delivered to the county election board by a person other than the person
5 submitting the application.

6 (d) When an application is received under subsection (a)(4), the
7 circuit court clerk's office (or, in a county subject to IC 3-6-5.2, ~~or~~
8 ~~IC 3-6-5.4~~, the office of the board of elections and registration) shall
9 send an electronic mail receipt acknowledging receipt of the voter's
10 application.

11 SECTION 18. IC 3-11-4-5.7, AS ADDED BY P.L.66-2010,
12 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2012]: Sec. 5.7. (a) As used in this section, "MOVE" refers to
14 the Military and Overseas Voter Empowerment Act (Sections 577
15 through 589 of the National Defense Authorization Act for Fiscal Year
16 2010).

17 (b) Except as expressly provided by law, the state delegates its
18 responsibilities to carry out the requirements of MOVE to each county
19 election board (or board of elections and registration established under
20 IC 3-6-5.2). ~~or IC 3-6-5.4~~.

21 (c) To implement 42 U.S.C. 1973ff-1, electronic mail, fax, and web
22 publication are designated as means of communication for an absent
23 uniformed services voter or an overseas voter to request a voter
24 registration application and an absentee ballot application from the
25 election division, a county election board, or a county voter registration
26 office.

27 (d) An office described in subsection (c) that receives an electronic
28 mail or fax from a voter shall provide an absentee ballot application or
29 a voter registration application by electronic mail or fax to the voter if:

- 30 (1) requested by the voter; and
31 (2) the voter provides an electronic mail address or a fax number
32 that permits the office to send an application not later than the end
33 of the first business day after the office receives the
34 communication from the voter.

35 If the electronic mail address or the fax number provided by the voter
36 does not permit the office to send the voter an application not later than
37 the end of the first business day after the office receives the
38 communication, the office shall send the application to the voter by
39 United States mail.

40 (e) As required by 42 U.S.C. 1973ff-1, to the extent practicable and
41 permitted under state law (including IC 3-7 and IC 5-14-3), an office
42 described in subsection (c) shall ensure that the procedures used to

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1 transmit an absentee ballot application or a voter registration
 2 application to an absent uniformed services voter or overseas voter
 3 protect the security and integrity of the application request processes,
 4 and that the privacy of the identity and other personal data of the voter
 5 who requests or is sent an application under subsection (d) is protected
 6 throughout the process of making the request or being sent the
 7 application.

8 (f) As required under 42 U.S.C. 1973ff-1, an office described in
 9 subsection (c) shall include information regarding the use of electronic
 10 mail, fax, and web publication with all informational and instructional
 11 materials that are sent with an absentee ballot application or an
 12 absentee ballot to an absent uniformed services voter or overseas voter.

13 (g) To implement Section 580 of MOVE, and in accordance with
 14 IC 3-7-26.3-3, the secretary of state, with the approval of the election
 15 division, shall develop a free access system that permits an absent
 16 uniformed services voter or overseas voter to determine whether the
 17 voter's absentee ballot has been received by the appropriate county
 18 election board (or board of elections and registration), regardless of the
 19 manner in which the absentee ballot was transmitted by the voter to the
 20 board. To the extent permitted by IC 3-7 and IC 5-14-3, the system
 21 must contain reasonable procedures to protect the security,
 22 confidentiality, and integrity of personal information collected, stored,
 23 or otherwise used on the system.

24 SECTION 19. IC 3-11-9-1, AS AMENDED BY P.L.66-2010,
 25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2012]: Sec. 1. This chapter applies to:

- 27 (1) each precinct; and
 28 (2) absentee voting, including the casting of an absentee ballot
 29 before an absentee voter board:

30 (A) in the office of the:

- 31 (i) circuit court clerk; or
 32 (ii) board of elections and registration in a county subject to
 33 IC 3-6-5.2; ~~or IC 3-6-5.4;~~ or

34 (B) at a satellite office established under IC 3-11-10-26.3.

35 SECTION 20. IC 3-11-15-13.1, AS AMENDED BY P.L.190-2011,
 36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2012]: Sec. 13.1. (a) If a voting system has the capability, the
 38 voting system must display on the medium used by the voter to cast the
 39 voter's ballot the name of each candidate.

40 (b) A county election board (or a board of elections and registration
 41 established under IC 3-6-5.2) ~~or IC 3-6-5.4)~~ may require a voting
 42 system to display on the medium used by the voter to cast the voter's

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1 ballot a ballot number or other candidate designation uniquely
2 associated with the candidate.

3 SECTION 21. IC 3-11-18.1-3, AS ADDED BY P.L.1-2011,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 3. (a) A county must comply with this section to
6 become a vote center county.

7 (b) As used in this section, "board" refers to any of the following:

8 (1) The county election board.

9 (2) The board of elections and registration established under
10 IC 3-6-5.2. ~~or IC 3-6-5.4.~~

11 (c) The board shall hold a public hearing to present a draft plan for
12 administration of vote centers in the county.

13 (d) After presentation of the draft plan under subsection (c), the
14 board shall accept written public comments on the draft plan.

15 (e) At least thirty (30) days after the hearing held under subsection
16 (c), the board shall hold a public hearing to consider the following:

17 (1) The draft plan.

18 (2) The written public comments.

19 (3) Any other public comment that the board may permit on the
20 draft plan.

21 (f) After consideration of the draft plan and the public comments,
22 the board may do the following:

23 (1) Adopt an order approving the draft plan.

24 (2) Amend the draft plan and adopt an order approving the
25 amended draft plan.

26 The board may adopt the order to approve a plan only by unanimous
27 vote of the entire membership of the board.

28 (g) All members of the board must sign the order adopting the plan.

29 (h) The order and the adopted plan must be filed with the election
30 division and must include a copy of:

31 (1) a resolution adopted by the county executive; and

32 (2) a resolution adopted by the county fiscal body;

33 approving the designation of the county as a vote center county.

34 SECTION 22. IC 3-11-18.1-15, AS AMENDED BY P.L.225-2011,
35 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2012]: Sec. 15. (a) A county may amend a plan adopted with
37 a county election board's order under section 3 of this chapter.

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

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

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- 1 (2) all members of the board must sign the amendment; and
- 2 (3) the amendment must be filed with the election division.
- 3 (c) A plan amendment takes effect immediately upon filing with the
- 4 election division, unless otherwise specified by the county election
- 5 board.

6 SECTION 23. IC 6-1.1-20-1.8, AS ADDED BY P.L.219-2007,
 7 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2012]: Sec. 1.8. As used in this chapter, "county voter
 9 registration office" means the following:

- 10 (1) A board of registration established under IC 3-7-12 or by a
- 11 county executive acting under IC 3-7-12.
- 12 (2) A board of elections and registration established under
- 13 IC 3-6-5.2. ~~or IC 3-6-5.4.~~
- 14 (3) The office of the circuit court clerk of a county in which a
- 15 board has not been established as described in subdivision (1) or
- 16 (2).

17 SECTION 24. [EFFECTIVE JULY 1, 2012] **(a) The definitions in**
 18 **IC 3-5-2 apply throughout this SECTION.**

19 **(b) As used in this SECTION, "board" refers to the board of**
 20 **registration established under IC 3-7-12-2.5(3), as added by this**
 21 **act.**

22 **(c) On July 1, 2012, the board becomes the owner of all personal**
 23 **property of the Tippecanoe County board of elections and**
 24 **registration, which is abolished by this act.**

25 **(d) All assets and liabilities of the Tippecanoe County board of**
 26 **elections and registration, which is abolished by this act, are**
 27 **transferred to the board.**

28 **(e) The county fiscal body shall determine and transfer to the**
 29 **board:**

- 30 **(1) appropriations for the period beginning July 1, 2012, and**
- 31 **ending December 31, 2012, that were intended for the**
- 32 **operation and use of the Tippecanoe County board of**
- 33 **elections and registration, which is abolished by this act; and**
- 34 **(2) the available balance in any account intended for the**
- 35 **registration of voters or the administration of the Tippecanoe**
- 36 **County board of elections and registration, which is abolished**
- 37 **by this act.**

38 **(f) This SECTION expires January 1, 2013.**

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