
HOUSE BILL No. 1284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-4-1.7; IC 3-6; IC 3-7; IC 3-8-1-1.7; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7-2-1; IC 3-12; IC 3-13-1; IC 3-14-2; IC 12-14; IC 12-15-1.5; IC 16-35-1.6; IC 36-5-1-10.1.

Synopsis: Various election law matters. Provides that a petition of nomination filed with a county voter registration office must contain the original signatures of voters, and not photocopies or other reproductions of signatures. Permits county vote center plans to use other titles to designate precinct election officials (rather than inspector, judge, poll clerk, assistant poll clerk, or election sheriff). Provides that the county vote center plan must specify which precinct election officer is to perform a duty required of a precinct election officer by the election code. Defines when a voter registration application is incomplete. Amends late registration procedures for military and overseas voters. Requires a county election board to transmit an absentee ballot to a military or overseas voter whose application requesting that an absentee ballot be sent by electronic mail is approved. Provides that the subscription of an entity to statewide voter registration file information expires on the first January 1 following payment of the annual fee. Amends the requirements concerning precinct polling place lists to update a reference to voter identification number and to add birth dates. Permits a vote center county to use notices mailed to the active voters of the county (or provided at the vote center) and presented at a vote center for the purpose of obtaining a voter's signature when casting a ballot (rather than having the voter sign a printed poll list). Permits the county election board of a county that is not a vote center county to adopt an order to use electronic poll lists. Specifies procedures for designation of a voter registration record as "inactive" following the return of a postage paid card to a county voter registration office. Requires
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Effective: Upon passage; July 1, 2012.

Richardson

January 11, 2012, read first time and referred to Committee on Elections and Apportionment.



Digest Continued

comparison of voter lists from certain neighboring states and others with the Indiana voter registration list to identify duplicate registrations. Establishes procedures for county processing of voter registration record cancellations. Specifies how primary vote history is to be recorded when a voter does not mark the poll list to indicate a political party choice. Amends ballot instructions concerning write-in candidates. Removes obsolete references to ballots formerly printed by the election division. Amends absentee ballot application procedures. Specifies that in-office absentee voting begins 28 days (rather than 29 days) before an election. Provides that a resolution to establish a satellite voting office expires January 1 of the year immediately after the year in which the resolution is adopted. Updates certain ballot counting rules to refer to ballot card and direct record electronic voting systems. Specifies the voting mark detection standards that must be met for certification of a ballot card voting system. Revises state recount commission contest and local recount procedures. Amends requirements for an individual seeking to be selected by a political party caucus to fill a vacant office. Specifies a penalty for forging a person's name on a petition of nomination or declaration of candidacy. Permits the family and social services administration and the department of health to transmit voter registration applications by regular first class mail. (Current law requires the use of certified mail, when mail is used.) Repeals superseded procedures relating to: (1) designation of voter registration agencies; (2) absent overseas and military voters; (3) administration of elections located in more than one county; and (4) sending orders of the state recount commission. Makes a technical correction.

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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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HOUSE BILL No. 1284



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 3-5-4-1.7, AS ADDED BY P.L.230-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1.7. (a) Except as otherwise expressly
4 authorized or required under this title, a filing by a person with a
5 commission, the election division, or an election board may not be
6 made by fax or electronic mail.

7 (b) **A petition of nomination filed with a county voter**
8 **registration office under IC 3-8-2, IC 3-8-3, or IC 3-8-6 must**
9 **contain the original signatures of voters. A county voter**
10 **registration office may not accept a photocopy or other**
11 **reproduction of the original signatures for processing.**

12 SECTION 2. IC 3-6-5-15 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as ~~otherwise~~
14 provided by law, ~~whenever in subsection (b), this section applies~~
15 **when an election is conducted in** a political subdivision (as defined



1 in IC 36-1-2-13 and other than a county) **that** contains territory in more
2 than one (1) county.

3 **(b) This section does not apply to an election:**

4 **(1) conducted at the same time as a primary or general**
5 **election during an even-numbered year; or**

6 **(2) in a town conducted by a town election board under**
7 **IC 3-10-7.**

8 **(c) To the extent authorized by this section,** the county election
9 board of the county that contains the greatest percentage of population
10 of the political subdivision shall conduct all elections for the political
11 subdivision. **This section does not apply to countywide elections. The**
12 **board may designate polling places for the election, which may be**
13 **located in any county in which the political subdivision is located,**
14 **and shall appoint precinct election officers to conduct the election.**
15 **However, each county election board shall provide poll lists for**
16 **voters, receive and approve absentee ballot applications, and issue**
17 **certificates of error or other documents for the voters of that**
18 **county.**

19 SECTION 3. IC 3-6-6-5.5 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 5.5. **(a) This section applies in a county**
22 **using vote centers under IC 3-11-18.1.**

23 **(b) The county vote center plan:**

24 **(1) may use other titles to designate precinct election officers;**
25 **and**

26 **(2) must specify which precinct election officer is to perform**
27 **a duty required under this title to be performed by a precinct**
28 **election officer.**

29 **(c) A precinct election officer in a vote center county must**
30 **comply with the requirements of section 7 of this chapter.**

31 SECTION 4. IC 3-7-13-10 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) After a**
33 **general or municipal election is conducted,** the registration period
34 **begins resumes on the following** December 1 **of each year** (or the first
35 Monday in December if December 1 falls on a Saturday or Sunday).

36 **(b) Except as provided in IC 3-7-36 for absent uniformed**
37 **services voters and overseas voters,** the registration period continues
38 through the twenty-ninth day before the date a primary election is
39 scheduled under this title.

40 **(c) Except as provided in IC 3-7-36 for absent uniformed**
41 **services voters and overseas voters,** the registration period resumes
42 fourteen (14) days after primary election day and continues through the

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1 twenty-ninth day before the date a general or municipal election is
2 scheduled under this article.

3 (d) This subsection applies in each precinct in which a special
4 election is to be conducted. **Except as provided in IC 3-7-36 for**
5 **absent uniformed services voters and overseas voters**, the
6 registration period ceases in that precinct on the twenty-ninth day
7 before a special election is conducted and resumes fourteen (14) days
8 after the special election occurs.

9 SECTION 5. IC 3-7-21-2 IS REPEALED [EFFECTIVE UPON
10 PASSAGE]. Sec. 2: Each county election board shall file the county's
11 NVRA implementation plan adopted under IC 3-6-5-14 with the
12 election division.

13 SECTION 6. IC 3-7-21-3 IS REPEALED [EFFECTIVE UPON
14 PASSAGE]. Sec. 3: A county NVRA implementation plan may
15 recommend that additional federal, state, and local governmental
16 offices (or nongovernmental offices) within the county be designated
17 as voter registration agencies.

18 SECTION 7. IC 3-7-21-4 IS REPEALED [EFFECTIVE UPON
19 PASSAGE]. Sec. 4: The commission shall review each county NVRA
20 implementation plan and determine the following:

21 (1) Whether the voter registration agencies located within the
22 county will adequately implement the legislative findings and
23 purposes set forth in NVRA and this article.

24 (2) Whether designating an office recommended as a voter
25 registration agency under section 3 of this chapter will implement
26 the legislative findings and purposes.

27 SECTION 8. IC 3-7-21-5 IS REPEALED [EFFECTIVE UPON
28 PASSAGE]. Sec. 5: (a) If the commission determines that the voter
29 registration agencies located within the county will not adequately
30 implement NVRA or this article, the commission shall recommend an
31 amendment to the county NVRA implementation plan to ensure that
32 NVRA and this article are adequately implemented.

33 (b) Unless the county election board files a written protest with the
34 NVRA official not later than noon thirty (30) days after the commission
35 recommends the plan amendment, the plan is amended as provided in
36 the recommendation. A written protest under this subsection is referred
37 to the commission for final determination.

38 (c) If recommended in the county NVRA implementation plan:

39 (1) as filed under section 2 of this chapter; or

40 (2) as amended under subsection (b);

41 the county election board shall enter into an agreement to designate an
42 office described in the plan as a voter registration agency. An

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1 agreement under this subsection is subject to review and approval by
2 the commission.

3 SECTION 9. IC 3-7-21-5.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2012]: **Sec. 5.5. The designation of an office as a voter
6 registration agency under a county NVRA implementation plan
7 before March 15, 2012, remains in effect until otherwise ordered
8 by the county election board.**

9 SECTION 10. IC 3-7-21-6 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) For the
11 purposes of this chapter, the officer, board, entity, or agency that has
12 the authority to enter into an agreement with the county election board
13 is the "governing body" under ~~IC 3-17-18~~: **IC 3-7-18.**

14 **(b) A county election board, by unanimous vote of its entire
15 membership, may enter into an agreement to designate an office
16 located within the county as a voter registration agency.**

17 SECTION 11. IC 3-7-26.4-12, AS AMENDED BY P.L.164-2006,
18 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 12. (a) This section does not apply to the chief
20 justice of the supreme court or to a person described by section 8 of
21 this chapter.

22 (b) Notwithstanding IC 5-14-3-8, the election division shall charge
23 each person described by section 6 of this chapter an annual
24 **subscription** fee of five thousand dollars (\$5,000) to receive the
25 following:

- 26 (1) A complete compilation of the voter registration information
27 contained in the computerized list.
- 28 (2) Updates of the voter registration information made during the
29 year covered by the fee.

30 **(c) A subscription to the statewide voter registration system
31 information expires on the first January 1 following the payment
32 of the subscription fee.**

33 SECTION 12. IC 3-7-28-14, AS AMENDED BY P.L.225-2011,
34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 14. (a) Each county voter registration office
36 shall provide a list of the names and addresses of all voters whose
37 registrations have been canceled under this article to the following
38 upon request:

- 39 (1) The county chairmen of the major political parties of the
40 county.
- 41 (2) The chairman of the following:
 - 42 (A) A bona fide political party of the county.

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

3 ~~After that date,~~ Upon request the county voter registration office shall
4 report cancellations daily and within forty-eight (48) hours after the day
5 on which the cancellations were made, until election day.

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

9 SECTION 13. IC 3-7-29-1, AS AMENDED BY P.L.81-2005,
10 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 1. (a) **This section does not apply to a
12 county:**

13 **(1) that has adopted an order under section 6 of this chapter;**
14 **or**

15 **(2) in which vote centers are used under IC 3-11-18.1.**

16 **(b)** Not later than ten (10) days before the election at which the
17 registration record is to be used, the county voter registration office
18 shall prepare certified copies of the list of registered voters for each
19 precinct in the county.

20 ~~(b)~~ **(c)** The lists must contain the following information concerning
21 each registered voter:

22 (1) The full name of the voter.

23 (2) The address of the voter.

24 (3) The assigned ~~county~~ **voter** identification number.

25 (4) Whether the voter is required to provide additional
26 identification before voting either in person or by absentee ballot.

27 **(5) The voter's date of birth.**

28 ~~(c)~~ **(d)** The names shall be arranged in the same order as they are in
29 the registration record of the precinct.

30 SECTION 14. IC 3-7-29-1.5 IS ADDED TO THE INDIANA CODE
31 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: **Sec. 1.5. (a) This subsection applies to a county:**

33 **(1) that has adopted an order under section 6 of this chapter;**
34 **or**

35 **(2) in which vote centers are used under IC 3-11-18.1.**

36 **(b)** Not later than ten (10) days before an election, the county
37 voter registration office shall mail a notice of the election to each
38 active voter (as defined in IC 3-11-18.1-2) of the county. The notice
39 under this subsection must provide the following:

40 **(1) Information regarding the locations of vote centers in the
41 county.**

42 **(2) A space for the voter to sign the notice.**

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1 **(3) Instructions for the voter to return the signed notice to a**
 2 **vote center location to cast a ballot.**

3 SECTION 15. IC 3-7-29-2 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) This section**
 5 **does not apply to a county:**

6 **(1) that has adopted an order under section 6 of this chapter;**
 7 **or**

8 **(2) in which vote centers are used under IC 3-11-18.1.**

9 **(b)** After the county election board receives a request from the
 10 county chairman of a major political party, not more than two (2)
 11 copies of the list required by this chapter shall be prepared and
 12 furnished to the inspector of the precinct for use at the polls on election
 13 day. The inspector may provide a list furnished under this section to
 14 any other precinct officer.

15 SECTION 16. IC 3-7-29-3, AS AMENDED BY P.L.164-2006,
 16 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 3. When the inspector of a precinct procures
 18 the ballots and other election supplies for an election, the inspector
 19 shall also procure from the county voter registration office the certified
 20 copies of the registration record of the precinct with the information
 21 required under section 1 of this chapter **(or an electronic poll list in**
 22 **a county in which vote centers are used or an order is adopted**
 23 **under section 6 of this chapter)** and other necessary registration
 24 supplies.

25 SECTION 17. IC 3-7-29-4, AS AMENDED BY P.L.164-2006,
 26 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 4. **(a) This section does not apply to a**
 28 **county:**

29 **(1) that has adopted an order under section 6 of this chapter;**
 30 **or**

31 **(2) in which:**

32 **(A) vote centers are used under IC 3-11-18.1; and**

33 **(B) an electronic poll list containing available scanned**
 34 **images of the signatures of voters is provided at the vote**
 35 **centers.**

36 **(b)** The county voter registration office may also provide the
 37 inspector of each precinct in the county with a certified photocopy of
 38 the signature on the affidavit of registration of each voter of the
 39 precinct for the comparison of signatures under IC 3-10-1-24.6 or
 40 IC 3-11-8-25.1.

41 SECTION 18. IC 3-7-29-6 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: **Sec. 6. If a county election board adopts an**
 2 **order to provide an electronic poll list to the inspector for use at a**
 3 **polling place or at a satellite office established under**
 4 **IC 3-11-10-26.3, electronic poll lists may be used at the election**
 5 **(rather than certified poll lists prepared under this chapter).**

6 SECTION 19. IC 3-7-34-1.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2012]: **Sec. 1.5. As used in this chapter, a registration form is**
 9 **"incomplete" when the applicant does not provide any of the**
 10 **following:**

- 11 (1) **The name of the applicant.**
- 12 (2) **The residence address of the applicant (other than the ZIP**
 13 **code).**
- 14 (3) **The mailing address of the applicant (other than the ZIP**
 15 **code).**
- 16 (4) **The date of birth of the applicant.**
- 17 (5) **The voter identification number of the applicant or a**
 18 **statement that the applicant has no voter identification**
 19 **number.**
- 20 (6) **The applicant's response to the question, "Are you a**
 21 **citizen of the United States of America?"**.
- 22 (7) **The applicant's response to the question, "Will you be at**
 23 **least eighteen (18) years of age on or before election day?"**.
- 24 (8) **A map or diagram of the voter's residence (if the applicant**
 25 **has no residence address with a street number or name**
 26 **included on this application).**
- 27 (9) **The signature of the applicant to the statement swearing**
 28 **or affirming that:**
 - 29 (A) **the applicant meets the requirements for approval of**
 30 **the application;**
 - 31 (B) **the information and all other statements on the**
 32 **application are true; and**
 - 33 (C) **the applicant understands if the applicant signs the**
 34 **statement knowing that the statement is not true, the**
 35 **applicant is committing perjury, and understands the**
 36 **penalties for committing perjury.**

37 SECTION 20. IC 3-7-34-2, AS AMENDED BY P.L.81-2005,
 38 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2012]: **Sec. 2. (a) This section applies when a county voter**
 40 **registration office receives a registration form that is not fully and**
 41 **properly completed so that the county voter registration office can:**

- 42 (1) **administer voter registration and other parts of the**

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1 **election process (as provided by 42 U.S.C. 1973gg-7); or**
 2 **(2) determine if the applicant is eligible to register under this**
 3 **article, or including when the applicant fails to answer either of**
 4 **the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4).**

5 (b) As required by 42 U.S.C. 15483, the county voter registration
 6 office shall promptly make:

- 7 (1) one (1) effort to contact the voter by mail if possible; and
 8 (2) one (1) effort to contact the voter by telephone if a telephone
 9 number is listed.

10 SECTION 21. IC 3-7-36-11 IS REPEALED [EFFECTIVE UPON
 11 PASSAGE]. Sec. 11. (a) This section applies only to a person described
 12 in subsection (b) who applies to register to vote:

- 13 (1) after the date described in IC 3-7-13-11; and
 14 (2) before the date that the certified list of voters is prepared
 15 under IC 3-7-29-1.

16 (b) An absent uniformed services voter who is absent from Indiana
 17 during the registration period described in IC 3-7-13-10 and who
 18 otherwise would be entitled to register to vote under Indiana law may,
 19 upon returning to Indiana during the period described in subsection (a)
 20 following discharge from service or reassignment, register to vote by
 21 doing the following:

22 (1) Showing either of the following to the circuit court clerk or
 23 board of registration:

24 (A) A discharge from service, dated not earlier than the
 25 beginning of the registration period that ended on the date
 26 described in IC 3-7-13-11, of:

- 27 (i) the voter;
 28 (ii) the voter's spouse; or
 29 (iii) the individual of whom the voter is a dependent.

30 (B) A copy of the government movement orders, with a
 31 reporting date not earlier than the beginning of the registration
 32 period that ended on the date described in IC 3-7-13-11, of:

- 33 (i) the voter;
 34 (ii) the voter's spouse; or
 35 (iii) the individual of whom the voter is a dependent.

36 (2) Completing a registration affidavit.

37 (c) A voter who registers under this section may vote at the
 38 upcoming election as provided in this title.

39 SECTION 22. IC 3-7-36-14 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section
 41 applies to a person described in subsection (b) who applies to register
 42 to vote during the period:

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1 (1) beginning on the ~~date that the certified list of voters is~~
 2 ~~prepared under IC 3-7-29-1; ninth day before the election;~~ and

3 (2) ending at noon election day.

4 (b) An absent uniformed services voter who is absent from Indiana
 5 during the registration period ~~described in IC 3-7-13-10~~ **applicable**
 6 **under this chapter to the voter** and who otherwise would be entitled
 7 to register to vote under Indiana law may, upon returning to Indiana
 8 during the period described in subsection (a) following discharge from
 9 service or reassignment, register to vote by doing the following:

10 (1) Showing either of the following to the county voter
 11 registration office:

12 (A) A discharge from service, dated not earlier than the
 13 beginning of the registration period that ended on the ~~date~~
 14 ~~described in IC 3-7-13-11; tenth day before the election,~~ of:

- 15 (i) the voter;
 16 (ii) the voter's spouse; or
 17 (iii) the individual of whom the voter is a dependent.

18 (B) A copy of the government movement orders, with a
 19 reporting date not earlier than the beginning of the registration
 20 period that ended on the ~~date described in IC 3-7-13-11; tenth~~
 21 ~~day before the election,~~ of:

- 22 (i) the voter;
 23 (ii) the voter's spouse; or
 24 (iii) the individual of whom the voter is a dependent.

25 (2) Completing a registration affidavit.

26 (c) A voter who registers under this section may vote at the
 27 upcoming election only by absentee ballot at the office of the circuit
 28 court clerk at the time the voter registers under this section or at any
 29 time after the voter registers under this section and before noon on
 30 election day. A voter who wants to vote under this subsection must do
 31 both of the following:

- 32 (1) Complete an application for an absentee ballot.
 33 (2) Sign an affidavit that the voter has not voted at any other
 34 precinct in the election.

35 The voter may vote at subsequent elections as otherwise provided in
 36 this title.

37 (d) If the voter votes by absentee ballot under this section, the
 38 circuit court clerk shall do the following:

- 39 (1) Certify in writing that the voter registered under this section.
 40 (2) Attach the certification to the voter's absentee ballot envelope.

41 (e) If the county has a board of registration, the board of registration
 42 shall promptly deliver the voter's registration affidavit to the circuit

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1 court clerk to permit the voter to vote under subsection (c).

2 (f) If the voter chooses not to vote under subsection (c), the county
3 voter registration office shall register the voter on the first day of the
4 next registration period.

5 SECTION 23. IC 3-7-38.2-2, AS AMENDED BY P.L.1-2007,
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program
8 conducted under this chapter must:

9 (1) be uniform, nondiscriminatory, and in compliance with the
10 Voting Rights Act of 1965 (42 U.S.C. 1973);

11 (2) not result in the removal of the name of a person from the
12 official list of voters solely due to the person's failure to vote; and

13 (3) be completed not later than ninety (90) days before a primary,
14 general, or municipal election.

15 (b) A county voter registration office may conduct a voter list
16 maintenance program that complies with subsection (a). In conducting
17 a voter list maintenance program, the county voter registration office
18 shall mail a notice described in subsection (d) to each registered voter
19 at the residence address:

20 (1) listed in the voter's registration record; and

21 (2) determined by the county voter registration office not to be the
22 voter's current residence address.

23 (c) A county voter registration office may use information only from
24 the following sources to make the determination under subsection
25 (b)(2):

26 (1) The United States Postal Service National Change of Address
27 Service.

28 (2) A court regarding jury duty notices.

29 (3) The return of a mailing sent by the county voter registration
30 office to all voters in the county.

31 (4) The bureau of motor vehicles concerning the surrender of a
32 voter's Indiana license for the operation of a motor vehicle to
33 another jurisdiction.

34 (d) The notice described in subsection (b) must:

35 (1) be sent by first class United States mail, postage prepaid, by
36 a method that requires the notice to be forwarded to the voter; and

37 (2) include a postage prepaid return card that:

38 (A) is addressed to the county voter registration office;

39 (B) states a date **(which must be at least thirty (30) days**
40 **after the date the notice is mailed)** by which the card must be
41 returned or the voter's registration will become inactive until
42 the information is provided to the county voter registration

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1 office; and
 2 (C) permits the voter to provide the voter's current residence
 3 address.
 4 (e) If a voter returns the card described in subsection (d)(2) and
 5 provides a current residence address that establishes that the voter
 6 resides:
 7 (1) in the county, the county voter registration office shall update
 8 the voter's registration record; or
 9 (2) outside the county, the county voter registration office shall
 10 cancel the voter's registration.
 11 **(f) If a voter returns the card described in subsection (d)(2) after**
 12 **the date specified in the notice, the county voter registration office**
 13 **shall, when registration reopens after the next primary, general, or**
 14 **municipal election following the date specified in the notice,**
 15 **process any update or cancellation of the voter registration record**
 16 **indicated on the card by the voter under subsection (e). If a card is**
 17 **returned as undeliverable by the United States Postal Service after**
 18 **the date specified in subsection (d)(2)(B), the county voter**
 19 **registration office shall, when registration reopens after the next**
 20 **primary, general, or municipal election, designate the voter as**
 21 **inactive.**
 22 ~~(f)~~ **(g)** If a voter does not return the card described in subsection
 23 (d)(2) by the date specified in subsection (d)(2)(B), the county voter
 24 registration office shall indicate in the voter's registration record that
 25 the voter's registration is inactive.
 26 ~~(g)~~ **(h)** A voter's registration that becomes inactive under subsection
 27 (f) **or (g)** remains in inactive status from the date described in
 28 subsection (d)(2)(B) until the earlier of the following:
 29 (1) The date the county voter registration office updates or
 30 cancels the voter's registration under subsection (e) after the voter
 31 provides a current residence address.
 32 (2) The day after the second general election in which the voter
 33 has not voted or appeared to vote.
 34 ~~(h)~~ **(i)** After the date described in subsection ~~(g)(2)~~, **(h)(2)**, the
 35 county voter registration office shall remove the voter's registration
 36 from the voter registration records.
 37 SECTION 24. IC 3-7-38.2-5, AS AMENDED BY P.L.164-2006,
 38 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 5. **(a)** To assist in performing voter list
 40 maintenance under this chapter, the NVRA official ~~may~~ **shall** submit
 41 the names of all registered voters in Indiana to the United States Postal
 42 Service National Change of Address Service. The submission under

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1 this chapter shall be compiled from the county voter registration
2 information submitted to the election division under IC 3-7-26.3.

3 **(b) To assist in performing voter list maintenance under this**
4 **chapter, not later than December 31 of each calendar year the**
5 **NVRA official shall request that the chief state election official who**
6 **is responsible for the coordination of state responsibilities under**
7 **NVRA in each of the following states provide a list of the registered**
8 **voters in that state:**

- 9 (1) Florida.
- 10 (2) Illinois.
- 11 (3) Kentucky.
- 12 (4) Michigan.
- 13 (5) Ohio.

14 **(c) The NVRA official shall request a list of registered voters**
15 **from any other state in which the NVRA official determines there**
16 **is a reasonable possibility that a significant number of individuals**
17 **who have registered to vote in Indiana may also be registered to**
18 **vote in that state.**

19 SECTION 25. IC 3-7-38.2-7.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. The NVRA official shall**
22 **do both of the following:**

- 23 **(1) Compare the lists of voters described in section 5(b) and**
24 **5(c) of this chapter with the list of registered voters in Indiana**
25 **to identify any individuals who are registered to vote in more**
26 **than one (1) state.**
- 27 **(2) Provide each county voter registration office with a list of**
28 **potential duplicate registrations not later than thirty (30) days**
29 **after receipt of a list of voters of a state.**

30 SECTION 26. IC 3-7-43-6, AS AMENDED BY P.L.164-2006,
31 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: **Sec. 6. (a) This section applies to a voter who**
33 **requests a cancellation of voter registration under IC 3-7-39-6.**

34 **(b) The county voter registration office of the county in which a**
35 **voter registers shall send the authorization of cancellation to the county**
36 **voter registration office using the computerized list, on an expedited**
37 **basis, as required by IC 3-7-26.3. A county voter registration office**
38 **is not required to forward a paper copy of the request for**
39 **cancellation of registration to another county voter registration**
40 **office if the authorization of cancellation has been transmitted to**
41 **the other county voter registration office using the computerized**
42 **list. The county voter registration office shall retain the paper copy**

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of the request for cancellation for the two (2) year period required under 42 U.S.C. 1974.

SECTION 27. IC 3-8-1-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.7. **(a) Except as provided in subsection (b)**, as used in this chapter, "before the election" refers to a general, municipal, or special election.

(b) This subsection applies to a candidate for selection for an appointment pro tempore to an office. For purposes of section 5.7 of this chapter, "before the election" refers to the date:

- (1) the caucus is required to fill the vacant office; or**
- (2) that the county political chairman appoints an individual to fill the vacant office.**

SECTION 28. IC 3-10-1-7.1, AS AMENDED BY P.L.164-2006, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. **(a) This subsection does not apply to a county in which electronic poll lists are used under IC 3-7-29-6 or IC 3-11-18.1.** Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll lists with the ability to display signatures of voters are used under IC 3-7-29-6 or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 29. IC 3-10-1-8, AS AMENDED BY P.L.164-2006, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record of the precinct, ~~or on~~ the certified copy of the registration record prepared under IC 3-7-29, **or the electronic poll list** may:

- (1) vote if the county voter registration office provides a signed certificate of error; or**
- (2) cast a provisional ballot under IC 3-11.7, as provided by 42 U.S.C. 15482.**

SECTION 30. IC 3-10-1-24, AS AMENDED BY P.L.164-2006,

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1 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 24. (a) A voter who desires to vote must give
3 the voter's name and political party to the poll clerks of the precinct on
4 primary election day. The poll clerks shall require the voter to write the
5 following on the poll list:

- 6 (1) The voter's name.
- 7 (2) Except as provided in subsection (d), the voter's current
8 residence address.
- 9 (3) The name of the voter's party.

10 (b) The poll clerks shall:

- 11 (1) ask the voter to provide or update the voter's voter
12 identification number;
- 13 (2) tell the voter the number the voter may use as a voter
14 identification number; and
- 15 (3) explain to the voter that the voter is not required to provide a
16 voter identification number at the polls.

17 (c) If the voter is unable to sign the voter's name, the voter must sign
18 the poll list by mark, which must be witnessed by one (1) of the poll
19 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the
20 poll clerk's or assistant poll clerk's initials after or under the mark.

21 (d) Each line on a poll list sheet provided to take a voter's current
22 residence address must include a box under the heading "Address
23 Unchanged" so that a voter whose residence address shown on the poll
24 list is the voter's current residence address may check the box instead
25 of writing the voter's current residence address on the poll list.

26 **(e) For purposes of this section and section 7.2 of this chapter,**
27 **in a county using vote centers under IC 3-11-18.1, a voter is**
28 **considered to have written on the poll list or signed the poll list**
29 **when the voter executes the notice mailed to the voter under**
30 **IC 3-7-29-1.5(b).**

31 **(f) If a voter fails to bring the notice mailed to the voter under**
32 **IC 3-7-29-1.5(b), the precinct election board shall provide a**
33 **replacement notice to the voter at the vote center. The voter is**
34 **considered to have written on the poll list or signed the poll list**
35 **when the voter executes the replacement notice.**

36 SECTION 31. IC 3-10-1-24.6, AS AMENDED BY P.L.164-2006,
37 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 24.6. (a) In case of doubt concerning a voter's
39 identity, the precinct election board shall compare the voter's signature
40 with the signature on the affidavit of registration record or any
41 certified copy of the signature provided under section 7.1 of this
42 chapter. If the board determines that the voter's signature is authentic,

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the voter may then vote.
(b) If either poll clerk doubts the voter's identity following the comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. If the poll clerk does not execute a challenger's affidavit under IC 3-11-8-21 or if the voter executes a challenged voter's affidavit under IC 3-11-8-22.1, the voter may then vote.

SECTION 32. IC 3-10-1-31.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.3. (a) This subsection applies to a primary election in which more than one (1) political party chooses the party's nominees or in which a nonpartisan ballot is available for a voter to vote for an office or on a public question. A voter whose political party is not recorded on the poll list as required under section 24 of this chapter shall be shown on the voter's registration record as having cast an unknown ballot in that primary.**

(b) This subsection applies to a primary election in which only one (1) political party chooses its nominees and a nonpartisan ballot is not available. A voter whose political party is not recorded on the poll list as required under section 24 of this chapter shall be shown on the voter's registration record as having cast a ballot for the political party choosing that political party's nominees in that primary election.

SECTION 33. IC 3-10-6-9 IS REPEALED [EFFECTIVE UPON PASSAGE]. **Sec. 9:** In accordance with IC 3-11-1.5 and to the extent applicable and feasible, the circuit court clerk, the county fiscal body, the county executive, and the county election board of each county in which there are voters who may vote in a municipal election, but who live in a county adjacent to the county in which the greatest percentage of the population of the municipality resides, shall:

- (1) upon written request of their counterpart election officers in the county with the greatest percentage of the population of the municipality, establish precincts for municipal election purposes; and
- (2) supply the precincts established with poll lists and perform all other duties under this title as if the voters were inhabitants of a municipality with the greatest percentage of its population within that county.

SECTION 34. IC 3-10-6-10 IS REPEALED [EFFECTIVE UPON PASSAGE]. **Sec. 10:** The commission shall, if necessary, implement section 9 of this chapter by orders and rules. Local governments may

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1 use IC 36-1-7 for contractual agreements concerning the costs of
 2 services, supplies, and equipment required.
 3 SECTION 35. IC 3-10-8-7.5 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: **Sec. 7.5. (a) This section applies to a special
 6 election to fill one (1) or more vacancies in the office of United
 7 States Representative under 2 U.S.C. 8(b).**
 8 **(b) A special election conducted under this section shall be
 9 governed by other provisions of this title as far as applicable.**
 10 **(c) A political party entitled to fill a candidate vacancy under
 11 IC 3-13-2 may nominate a candidate for election to the office under
 12 IC 3-13-2-3.**
 13 **(d) If a candidate does not intend to affiliate with a political
 14 party described by subsection (c), the candidate may:**
 15 **(1) be nominated as an independent or a candidate of a
 16 political party by petition in accordance with IC 3-8-6; or
 17 (2) file a declaration of intent to be a write-in candidate under
 18 IC 3-8-2-4(b).**
 19 **(e) A certificate of candidate selection under IC 3-13-2-8, a
 20 petition of nomination, or a declaration of intent to be a write-in
 21 candidate must be filed with the election division not later than
 22 noon thirty-five (35) days before the special election is to be
 23 conducted.**
 24 **(f) A candidate may file a notice of withdrawal with the election
 25 division not later than noon thirty-three (33) days before the
 26 special election is to be conducted.**
 27 **(g) As required under 2 U.S.C. 8(b)(5)(B), and notwithstanding
 28 IC 3-11-10-14, an absentee ballot cast by an absent uniformed
 29 services voter or an overseas voter may be received by a county
 30 election board up to forty-five (45) days after the absentee ballot
 31 was transmitted to the voter.**
 32 **(h) Notwithstanding IC 3-12-5-8(a), if the ballot is determined
 33 by the county election board to be otherwise valid, the circuit court
 34 clerk shall file an amendment to the certified statement previously
 35 filed under IC 3-12-5-6 with the election division not later than
 36 noon seven (7) days following the determination of the validity of
 37 the ballot. Notwithstanding IC 3-12-5-9, the election division, the
 38 secretary of state, and the governor shall prepare, execute, and
 39 transmit a replacement certificate of election if the amendment
 40 filed under this subsection results in a different candidate receiving
 41 the highest number of votes for the office.**
 42 SECTION 36. IC 3-10-11-10 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. If the person
 2 executes the affidavit under this chapter before the inspector of the
 3 precinct of the person's former residence on the day of the election, the
 4 inspector shall **do both of the following:**

5 **(1) Provide the person with a voter registration application,**
 6 **if the person's current address is located within the same**
 7 **county as the precinct of the person's former residence, and**
 8 **request that the person complete and sign the application.**

9 **(2) Return the original affidavit and any completed voter**
 10 **registration application to the circuit court clerk or board of**
 11 **county voter registration office after the closing of the polls.**

12 SECTION 37. IC 3-10-12-3.4, AS ADDED BY P.L.230-2005,
 13 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 3.4. (a) This section applies to a voter who:

15 (1) changes residence from a precinct in a county to another
 16 precinct:

17 (A) in the same county; and

18 (B) in the same congressional district;

19 as the former precinct; and

20 (2) does not notify the county voter registration office of the
 21 change of address before election day.

22 (b) A voter described by subsection (a) may:

23 (1) correct the voter registration record; and

24 (2) vote in the precinct where the voter formerly resided;

25 if the voter makes an oral affirmation as described in subsection (e) or
 26 a written affirmation as described in section 4 of this chapter of the
 27 voter's current residence address.

28 (c) A voter who moved outside of a municipality may not return to
 29 the precinct where the voter formerly resided to vote in a municipal
 30 election.

31 (d) A voter who moved from a location outside a municipality to a
 32 location within a municipality ~~within thirty (30) days~~ before a:

33 (1) municipal primary election;

34 (2) municipal election; or

35 (3) special election held only within the municipality;

36 may not vote in the election in the precinct of the person's former
 37 residence.

38 (e) A voter entitled to make a written affirmation under subsection
 39 (b) may make an oral affirmation. The voter must make the oral
 40 affirmation before the poll clerks of the precinct. After the voter makes
 41 an oral affirmation under this subsection, the poll clerks shall:

42 (1) reduce the substance of the affirmation to writing at an

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1 appropriate location on the poll list; and
 2 (2) initial the affirmation.
 3 SECTION 38. IC 3-10-12-4, AS AMENDED BY P.L.230-2005,
 4 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 4. (a) The written affirmation described in
 6 section 3.4 of this chapter may be executed as follows:
 7 (1) At the county voter registration office for the county of the
 8 precinct of the person's former residence, not later than 4 p.m. on
 9 the day before the election.
 10 (2) Before the inspector of the precinct of the person's former
 11 residence, if the application and statement are executed on the day
 12 of the election.
 13 (3) When the application for an absentee ballot is filed with the
 14 county election board of the county of the precinct of the person's
 15 former residence.
 16 (b) If the person executes the affidavit under this section at the
 17 county voter registration office before the day of the election, the office
 18 shall furnish a copy of the affirmation to the person. The person shall
 19 present the copy to the inspector of the precinct of the person's former
 20 residence when the person offers to vote in that precinct under
 21 IC 3-11-8.
 22 (c) If the person executes the affirmation under this section when
 23 filing an application for an absentee ballot, the county election board
 24 shall attach the original or a copy of the affirmation to the person's
 25 application for an absentee ballot before the application and ballot are
 26 delivered to the inspector of the precinct of the person's former
 27 residence.
 28 (d) If the person executes the affirmation under this section before
 29 the inspector of the precinct of the person's former residence on the day
 30 of the election, the inspector shall **do both of the following:**
 31 **(1) Provide the person with a voter registration application,**
 32 **if the person's current address is located within the same**
 33 **county as the precinct of the person's former residence, and**
 34 **request that the person complete and sign the application.**
 35 **(2) Return the original affirmation to the county election board.**
 36 The county election board shall forward the affidavit **and any**
 37 **completed voter registration application** to the county voter
 38 registration office after the closing of the polls.
 39 SECTION 39. IC 3-11-3-16, AS AMENDED BY P.L.164-2006,
 40 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 16. Each county election board shall prepare
 42 and have delivered to the inspectors of the precincts, at the time they

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1 receive the ballots for their precincts, a suitable number of voter
 2 registration lists certified under IC 3-7-29 **(or an electronic poll list in**
 3 **a county described by IC 3-7-29-6 or IC 3-11-18.1)** and any other
 4 forms, papers, certificates, and oaths that are required to be furnished
 5 to precinct election boards. The forms and papers must be prepared in
 6 compliance with IC 3-5-4-8. The county voter registration office shall
 7 cooperate with the county election board in the preparation of the lists
 8 certified under IC 3-7-29 **(or in the use of the electronic poll lists).**

9 SECTION 40. IC 3-11-4-3, AS AMENDED BY P.L.225-2011,
 10 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 3. (a) Except as provided in section 6 of this
 12 chapter, an application for an absentee ballot must be received by the
 13 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of
 14 the board of elections and registration) not earlier than the date the
 15 registration period resumes under IC 3-7-13-10 nor later than the
 16 following:

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

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

20 (A) completes the application in the office of the circuit court
 21 clerk **and votes an absentee ballot under IC 3-11-10-26;** or
 22 (B) is an absent uniformed services voter or overseas voter
 23 who requests that the ballot be transmitted by electronic mail
 24 or fax under section 6(h) of this chapter.

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

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

29 (B) the applicant requests that the absentee ballots be
 30 delivered to the applicant by an absentee voter board **under**
 31 **IC 3-11-10-25.**

32 (4) 11:59 p.m. on the eighth day before election day if the
 33 application:

34 (A) is a mailed application; **or**

35 (B) was transmitted by fax; **or**

36 **(C) was hand delivered;**

37 from other voters **who request to vote by mail under**
 38 **IC 3-11-10-24.**

39 (b) An application for an absentee ballot received by the election
 40 division by the time and date specified by subsection (a)(2)(B), (a)(3),
 41 or (a)(4) is considered to have been timely received for purposes of
 42 processing by the county. The election division shall immediately

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1 transmit the application to the circuit court clerk, or the director of the
 2 board of elections and registration, of the county where the applicant
 3 resides. The election division is not required to complete or file the
 4 affidavit required under section 2(h) of this chapter whenever the
 5 election division transmits an application under this subsection.

6 SECTION 41. IC 3-11-4-5.1, AS AMENDED BY P.L.1-2006,
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 5.1. (a) The commission shall prescribe the
 9 form of an application for an absentee ballot.

10 (b) This subsection does not apply to the form for an absentee ballot
 11 application to be submitted by an absent uniformed services voter or
 12 overseas voter that contains a standardized oath for those voters. The
 13 form of the application for an absentee ballot must do all of the
 14 following:

15 (1) Require the applicant to swear to or affirm under the penalties
 16 of perjury that all of the information set forth on the application
 17 is true to the best of the applicant's knowledge and belief.

18 (2) Require a person who assisted with the completion of the
 19 application to swear to or affirm under the penalties of perjury the
 20 statements set forth in section 2(f) of this chapter.

21 (3) Set forth the penalties for perjury.

22 (c) The form prescribed by the commission shall require that a voter
 23 who:

24 (1) requests an absentee ballot; and

25 (2) is eligible to vote in the precinct under IC 3-10-11 or
 26 IC 3-10-12;

27 must include the affidavit required by IC 3-10-11 or a written
 28 affirmation described in IC 3-10-12.

29 **(d) This subsection applies after December 31, 2012. The form**
 30 **prescribed by the commission must include a statement that**
 31 **permits an applicant to indicate whether:**

32 **(1) the applicant has been certified and is currently a**
 33 **participant in the address confidentiality program under**
 34 **IC 5-26.5-2; and**

35 **(2) the applicant's legal residence is at the address set forth in**
 36 **the applicant's voter registration.**

37 **If the applicant confirms these statements, the applicant may**
 38 **indicate the address of the office of the attorney general as the**
 39 **address at which the applicant resides and to which the absentee**
 40 **ballot is to be mailed.**

41 SECTION 42. IC 3-11-4-6, AS AMENDED BY P.L.225-2011,
 42 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 6. (a) This section applies, notwithstanding
 2 any other provision of this title, to absentee ballot applications for the
 3 following:

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

8 (b) A county election board shall make blank absentee ballot
 9 applications available for persons covered by this section. A person
 10 may apply for an absentee ballot at any time after the registration
 11 period resumes under IC 3-7-13-10.

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

- 15 (1) A combined absentee registration form and absentee ballot
 16 request approved under 42 U.S.C. 1973ff(b)(2).
 17 (2) A form prescribed under IC 3-5-4-8 that identifies the
 18 applicant as an absent uniformed services voter or an overseas
 19 voter. A form prescribed under this subdivision must permit the
 20 applicant to designate whether the applicant wishes to receive the
 21 absentee ballot by electronic mail, fax, or United States mail.

22 (d) If the county election board receives an absentee ballot
 23 application from a person described by subsection (c), the circuit court
 24 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
 25 3406, all ballots for the election immediately upon receipt of the ballots
 26 under section 15 of this chapter, unless the person has indicated under
 27 subsection (c) that the person wishes to receive the absentee ballot by
 28 electronic mail or fax.

29 (e) Whenever a voter files an application for an absentee ballot and
 30 indicates on the application that the voter is an absent uniformed
 31 services voter or an overseas voter, the application is an adequate
 32 application for an absentee ballot for an election conducted during the
 33 period that ends on December 31 following the date the application is
 34 filed, unless an absentee ballot mailed to the voter at the address set
 35 forth in the application is returned to the county election board during
 36 that period as undeliverable. The circuit court clerk and county election
 37 board shall process this application and send general election absentee
 38 ballots to the voter in the same manner as other general election and
 39 special election absentee ballot applications and ballots are processed
 40 and sent under this chapter.

41 (f) Whenever a voter described in subsection (a)(2) files an
 42 application for a primary election absentee ballot and indicates on the

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1 application that the voter is an address confidentiality program
 2 participant, the application is an adequate application for a general
 3 election absentee ballot under this chapter and an absentee ballot for a
 4 special election conducted during the period that ends on December 31
 5 following the date the application is filed. The circuit court clerk and
 6 county election board shall process this application and send general
 7 election and special election absentee ballots to the voter in the same
 8 manner as other general election and special election absentee ballot
 9 applications and ballots are processed and sent under this chapter.

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

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

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

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

- 32 (1) If the voter provides a fax number to which a confirmation
 33 may be sent, the county election board shall send the confirmation
 34 to the voter at the fax number provided by the voter.
- 35 (2) If the voter provides an electronic mail address to which a
 36 confirmation may be sent, the county election board shall send the
 37 confirmation to the voter at the electronic mail address provided
 38 by the voter.
- 39 (3) If:
 - 40 (A) the voter does not provide a fax number or an electronic
 41 mail address; or
 - 42 (B) the number or address provided does not permit the board

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1 to send the confirmation not later than the end of the first
 2 business day after the board receives the voter's absentee
 3 ballot;
 4 the county election board shall send the confirmation by United
 5 States mail.

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

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

24 SECTION 43. IC 3-11-4-18, AS AMENDED BY P.L.66-2010,
 25 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 18. (a) If a voter satisfies any of the
 27 qualifications described in IC 3-11-10-24 that entitle a voter to cast an
 28 absentee ballot by mail, the county election board shall, at the request
 29 of the voter, mail the official ballot, postage fully prepaid, to the voter
 30 at the address stated in the application.

31 (b) If the county election board mails an absentee ballot to a voter
 32 required to file additional documentation with the county voter
 33 registration office before voting by absentee ballot under this chapter,
 34 the board shall include a notice to the voter in the envelope mailed to
 35 the voter under section 20 of this chapter. The notice must inform the
 36 voter that the voter must file the additional documentation required
 37 under IC 3-7-33-4.5 with the county voter registration office not later
 38 than noon on election day for the absentee ballot to be counted as an
 39 absentee ballot, and that, if the documentation required under
 40 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
 41 ballot will be processed as a provisional ballot. The commission shall
 42 prescribe the form of this notice under IC 3-5-4-8.

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1 (c) Except as provided in section 18.5 of this chapter, the ballot
2 shall be mailed:

3 (1) on the day of the receipt of the voter's application; or

4 (2) not more than five (5) days after the date of delivery of the
5 ballots under section 15 of this chapter;

6 whichever is later. **If the election board determines that the county
7 voter registration office has received an application from the
8 applicant for registration at an address within the precinct
9 indicated on the application, and that this application is pending
10 under IC 3-7-33, the ballot shall be mailed in accordance with the
11 applicable deadline set forth in subdivision (1) or (2) after the
12 registration application is approved.**

13 (d) As required by 42 U.S.C. 15481, an election board shall
14 establish a voter education program (specific to a paper ballot or
15 optical scan ballot card provided as an absentee ballot under this
16 chapter) to notify a voter of the effect of casting multiple votes for a
17 single office.

18 (e) As provided by 42 U.S.C. 15481, when an absentee ballot is
19 mailed under this section, the mailing must include:

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

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

24 SECTION 44. IC 3-11-8-3, AS AMENDED BY P.L.230-2005,
25 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 3. (a) **This section does not apply to a
27 county using vote centers under IC 3-11-18.1.**

28 (b) Before each election each county executive shall secure for each
29 precinct of the county an accessible facility in which to hold the
30 election.

31 ~~(b)~~ (c) If an accessible facility is not available within the precinct,
32 then the polls may be located in another precinct in the county if the
33 polls are:

34 (1) either:

35 (A) not more than five (5) miles from the closest boundary of
36 the precinct for which it is the polls; or

37 (B) located in the same township as the precinct that does not
38 have an accessible facility available; and

39 (2) located in an accessible facility.

40 ~~(e)~~ (d) If the county election board, by a unanimous vote of its entire
41 membership, determines that an accessible facility is not available
42 under subsection ~~(b)~~; (c), the board may locate the polls in the most

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1 convenient available accessible facility in the county.

2 ~~(d)~~ (e) If the county election board, by unanimous vote of its entire
3 membership, determines that:

- 4 (1) an accessible facility is not available under subsection ~~(b)~~ (c)
5 or ~~(c)~~; (d); and
6 (2) the most convenient accessible facility is located in an
7 adjoining county;

8 the board may locate the polls in the facility described in subdivision
9 (2) with the unanimous consent of the entire membership of the county
10 election board of the county in which the facility is located.

11 SECTION 45. IC 3-11-8-4.1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. **(a) This**
13 **section does not apply to a county using vote centers under**
14 **IC 3-11-18.1.**

15 **(b)** The polls for each precinct may be located in only one (1) place.

16 SECTION 46. IC 3-11-8-10.3, AS ADDED BY P.L.1-2011,
17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 10.3. (a) As used in this section, "electronic
19 poll list" refers to a poll list that is maintained in a computer data base.

20 (b) An electronic poll list must satisfy all of the following:

21 (1) An electronic poll list must be programmed so that the
22 coordinated action of two (2) election officers who are not
23 members of the same political party is necessary to access the
24 electronic poll list.

25 (2) An electronic poll list may not be connected to a voting
26 system.

27 (3) An electronic poll list may not permit access to voter
28 information other than information provided on the certified list
29 of voters prepared under IC 3-7-29-1.

30 **(4) The information contained on an electronic poll list must**
31 **be encrypted and placed on a dedicated, private server to**
32 **secure connectivity between a precinct polling place or**
33 **satellite absentee office and the county election board.**

34 **(5) The electronic poll list must permit a poll clerk to enter**
35 **information regarding an individual who has appeared to vote**
36 **to verify whether the individual is eligible to vote, and if so,**
37 **whether the voter has already cast a ballot at the election.**

38 **(6) After the voter has been provided with a ballot, the**
39 **electronic poll list must permit a poll clerk to enter**
40 **information indicating that the voter has voted at the election.**

41 **(7) The electronic poll list must transmit the information in**
42 **subdivision (6) to the county election board so that the board**

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1 may transmit the information immediately to every other
2 polling place or satellite absentee office in the county in which
3 an electronic poll list is being used.

4 **(8) The electronic poll list must permit reports to be generated**
5 **for a watcher appointed under IC 3-6-8 at any time during**
6 **election day and must permit reports to be electronically**
7 **transmitted by the county election board to a political party**
8 **or independent candidate who has appointed a watcher under**
9 **IC 3-6-8.**

10 **(9) After election day, the electronic poll list must permit**
11 **voter history to be quickly and accurately uploaded into the**
12 **computerized list.**

13 SECTION 47. IC 3-11-8-19 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. **(a)** Voters shall
15 approach and enter the chute in the order in which they appear for the
16 purpose of voting. A voter shall immediately announce the voter's full
17 and true name to the challengers.

18 **(b) If requested to do so by a challenger, a voter shall provide**
19 **proof of identification for the purpose of executing a challenge**
20 **under section 20 of this chapter.**

21 **(c) If the voter declines or is unable to produce proof of**
22 **identification to the challenger, the challenger shall execute the**
23 **prescribed affidavit under section 21 of this chapter and provide**
24 **the affidavit to the voter to permit the voter to execute the affidavit**
25 **of a challenged voter under section 23 of this chapter.**

26 SECTION 48. IC 3-11-8-23, AS AMENDED BY P.L.164-2006,
27 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]: Sec. 23. (a) If a challenged voter has already made
29 an affirmation or executed an affidavit under IC 3-7-48-7.5,
30 IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is
31 not required to execute an additional affidavit under this section.

32 **(b) The affidavit of a challenged voter required by section 22.1 of**
33 **this chapter must be sworn and affirmed and must contain the**
34 **following:**

- 35 (1) A statement that the voter is a citizen of the United States.
- 36 (2) The voter's date of birth to the best of the voter's information
- 37 and belief.
- 38 (3) A statement that the voter has been a resident of the precinct
- 39 for thirty (30) days immediately before this election or is qualified
- 40 to vote in the precinct under IC 3-10-10, IC 3-10-11, or
- 41 IC 3-10-12.
- 42 (4) The voter's name and a statement that the voter is generally

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- 1 known by that name.
- 2 (5) A statement that the voter has not voted and will not vote in
- 3 any other precinct in this election.
- 4 (6) The voter's occupation.
- 5 (7) The voter's current residential address, including the street or
- 6 number, and if applicable, the voter's residential address thirty
- 7 (30) days before the election, and the date the voter moved.
- 8 (8) A statement that the voter understands that making a false
- 9 statement on the affidavit is punishable under the penalties of
- 10 perjury.
- 11 (9) If the individual's name does not appear on the registration
- 12 list, a statement that the individual registered to vote and where
- 13 the individual believes the individual registered to vote during the
- 14 registration period described by
- 15 (A) IC 3-7-13-10. ~~or~~
- 16 (B) ~~IC 3-7-36-11, if the voter registered under that section.~~
- 17 SECTION 49. IC 3-11-8-25.1, AS AMENDED BY P.L.53-2009,
- 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e),
- 20 a voter who desires to vote an official ballot at an election shall provide
- 21 proof of identification.
- 22 (b) Except as provided in subsection (e), before the voter proceeds
- 23 to vote in the election, a precinct election officer shall ask the voter to
- 24 provide proof of identification. **One (1) of each of the precinct**
- 25 **election officers nominated by each county chairman of a major**
- 26 **political party of the county under IC 3-6-6-9 is entitled to ask the**
- 27 **voter to provide proof of identification.** The voter shall produce the
- 28 proof of identification **to each precinct officer requesting the proof**
- 29 **of identification** before being permitted to sign the poll list.
- 30 (c) If:
- 31 (1) the voter is unable or declines to present the proof of
- 32 identification; or
- 33 (2) a member of the precinct election board determines that the
- 34 proof of identification provided by the voter does not qualify as
- 35 proof of identification under IC 3-5-2-40.5;
- 36 a member of the precinct election board shall challenge the voter as
- 37 prescribed by this chapter.
- 38 (d) If the voter executes a challenged voter's affidavit under section
- 39 22.1 of this chapter, the voter may:
- 40 (1) sign the poll list; and
- 41 (2) receive a provisional ballot.
- 42 (e) A voter who votes in person at a precinct polling place that is

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1 located at a state licensed care facility where the voter resides is not
2 required to provide proof of identification before voting in an election.

3 (f) After a voter has passed the challengers or has been sworn in, the
4 voter shall be instructed by a member of the precinct election board to
5 proceed to the location where the poll clerks are stationed. The voter
6 shall announce the voter's name to the poll clerks or assistant poll
7 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
8 election board shall require the voter to write the following on the poll
9 list **or to provide the following information for entry into the**
10 **electronic poll list:**

11 (1) The voter's name.

12 (2) Except as provided in subsection (k), the voter's current
13 residence address.

14 (g) The poll clerk, an assistant poll clerk, or a member of the
15 precinct election board shall:

16 (1) ask the voter to provide or update the voter's voter
17 identification number;

18 (2) tell the voter the number the voter may use as a voter
19 identification number; and

20 (3) explain to the voter that the voter is not required to provide or
21 update a voter identification number at the polls.

22 (h) The poll clerk, an assistant poll clerk, or a member of the
23 precinct election board shall ask the voter to provide proof of
24 identification.

25 (i) In case of doubt concerning a voter's identity, the precinct
26 election board shall compare the voter's signature with the signature on
27 the affidavit of registration or any certified copy of the signature
28 provided under IC 3-7-29 **or enter the information into the**
29 **electronic poll list.** If the board determines that the voter's signature is
30 authentic, the voter may then vote. If either poll clerk doubts the voter's
31 identity following comparison of the signatures, the poll clerk shall
32 challenge the voter in the manner prescribed by section 21 of this
33 chapter.

34 (j) If, in a precinct governed by subsection (g):

35 (1) the poll clerk does not execute a challenger's affidavit; or

36 (2) the voter executes a challenged voter's affidavit under section
37 22.1 of this chapter or executed the affidavit before signing the
38 poll list;

39 the voter may then vote.

40 (k) Each line on a poll list sheet provided to take a voter's current
41 address must include a box under the heading "Address Unchanged"
42 so that a voter whose residence address shown on the poll list is the

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1 voter's current residence address may check the box instead of writing
2 the voter's current residence address on the poll list.

3 SECTION 50. IC 3-11-8-26.1, AS AMENDED BY P.L.164-2006,
4 SECTION 103, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 26.1. (a) If a voter:

6 (1) cannot sign; or

7 (2) is a voter with a disability that makes it difficult for the voter
8 to sign;

9 the voter's name and address, the poll clerks shall, by proper
10 interrogation, satisfy themselves that the voter is the person the voter
11 represents the voter to be.

12 (b) If satisfied as to the voter's identity under subsection (a), one (1)
13 of the poll clerks shall then place the following on the poll list **or enter**
14 **the information into the electronic poll list:**

15 (1) The voter's name.

16 (2) Except as provided in subsection (e), the voter's current
17 residence address.

18 (c) The poll clerks shall:

19 (1) ask the voter to provide or update the voter's voter
20 identification number;

21 (2) tell the voter the number the voter may use as a voter
22 identification number; and

23 (3) explain to the voter that the voter is not required to provide or
24 update a voter identification number at the polls.

25 (d) The poll clerk shall then add the clerk's initials in parentheses,
26 after or under the signature. The voter then may vote.

27 (e) **The electronic poll list (or each line on a poll list sheet**
28 **provided to take a voter's current residence address) must include a box**
29 **under the heading "Address Unchanged" so that the poll clerk may**
30 **check the box to indicate that the residence address shown on the poll**
31 **list is the voter's current residence address instead of writing the voter's**
32 **current residence address on the poll list or reentering the address in**
33 **the electronic poll list.**

34 SECTION 51. IC 3-11-10-8 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) If a county
36 election board (or the absentee voter board in the office of the circuit
37 court clerk) unanimously finds that the signature on a ballot envelope
38 or transmitted affidavit is genuine, the board shall enclose immediately
39 the accepted and unopened ballot envelope together with the voter's
40 application for the absentee ballot in a ~~large~~ **or** carrier envelope. **The**
41 **board may enclose in the same carrier envelope all absentee ballot**
42 **envelopes and voter applications to be transmitted to the same**

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1 **precinct.**

2 (b) The envelope shall be securely sealed and endorsed with the
3 **name and** official title of the circuit court clerk and the following
4 words: "This envelope contains an absentee ballot and must be opened
5 only at the polls on election day while the polls are open."

6 SECTION 52. IC 3-11-10-26, AS AMENDED BY P.L.225-2011,
7 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 26. (a) This subsection applies to all counties,
9 except for a county to which IC 3-6-5.2 applies. As an alternative to
10 voting by mail, a voter is entitled to cast an absentee ballot before an
11 absentee voter board at any of the following:

12 (1) One (1) location of the office of the circuit court clerk
13 designated by the circuit court clerk.

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

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

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

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

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

27 (d) The voter must:

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

30 (2) provide proof of identification;

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

33 (e) The voter may vote before the board not more than ~~twenty-nine~~
34 **twenty-eight (28)** days nor later than noon on the day before
35 election day.

36 (f) An absent uniformed services voter who is eligible to vote by
37 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
38 may vote before the board not earlier than ~~twenty-nine (29)~~
39 **twenty-eight (28)** days before the election and not later than noon on
40 election day. If a voter described by this subsection wishes to cast an
41 absentee ballot during the period beginning at noon on the day before
42 election day and ending at noon on election day, the county election

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

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

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

13 (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 (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 (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.

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

41 SECTION 53. IC 3-11-10-26.3, AS AMENDED BY P.L.225-2011,
42 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 26.3. (a) A county election board may adopt
 2 a resolution to authorize the circuit court clerk to establish satellite
 3 offices in the county where voters may cast absentee ballots before an
 4 absentee voter board.

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

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

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

9 (2) State the hours at which absentee voting may occur at the
 10 satellite offices.

11 (d) The resolution may contain other provisions the board considers
 12 useful.

13 (e) If a resolution is adopted under this section for a primary
 14 election, the locations of the satellite offices and the hours at which
 15 absentee voting may occur at the satellite offices established for the
 16 primary election must be used for the subsequent general or municipal
 17 election.

18 (f) If a resolution is adopted under this section, the procedure for
 19 casting an absentee ballot at a satellite office must, except as provided
 20 in this section, be substantially the same as the procedure for casting an
 21 absentee ballot in the office of the circuit court clerk.

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

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

27 **(i) A resolution adopted under this section expires January 1 of**
 28 **the year immediately after the year in which the resolution is**
 29 **adopted.**

30 SECTION 54. IC 3-11.5-1-4, AS AMENDED BY P.L.225-2011,
 31 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 4. To the extent that they are in conflict with
 33 this article, the following statutes do not apply to a county that has
 34 adopted a resolution described by section 1 of this chapter **(before its**
 35 **repeal) or section 1.1 of this chapter:**

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

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

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

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

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

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

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

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

23 SECTION 55. IC 3-11.5-5-14, AS AMENDED BY P.L.66-2010,
 24 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 14. (a) This section applies to the counting of
 26 federal write-in absentee ballots described in IC 3-11-4-12.5.

27 (b) If a voter writes an abbreviation, a misspelling, or other minor
 28 variation instead of the correct name of a candidate or political party,
 29 that vote shall be counted if the intent of the voter can be determined.

30 (c) If a voter casts a ballot under this section for President or Vice
 31 President and writes in the name of a candidate or political party that
 32 has not:

- 33 (1) certified a list of electors under IC 3-10-4-5; **or**
 34 (2) **included a list of electors on the declaration of intent to be**
 35 **a write-in candidate filed by a write-in candidate under**
 36 **IC 3-8-2-2.5;**

37 the vote for President or Vice President is void. The remaining votes on
 38 the ballot may be counted.

39 (d) **As required by 42 U.S.C. 1973ff-2(b), and except as provided**
 40 **in this section, an absentee ballot subject to this section shall be**
 41 **submitted and processed in the same manner provided by this title**
 42 **for a regular absentee ballot.**

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- 1 ~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.
- 2 ~~(e)~~ (f) **As required under 42 U.S.C. 1973ff-2(b)**, a ballot subject
- 3 to this section may not be counted if:
- 4 (1) the ballot was submitted:
- 5 **(A) by an overseas voter who is not an absent uniformed**
- 6 **services voter; and**
- 7 **(B) from within the United States;**
- 8 (2) the **overseas** voter's application for a regular absentee ballot
- 9 was received by the ~~circuit court clerk or county election~~ board
- 10 ~~of registration~~ less than thirty (30) days before the election;
- 11 (3) the voter's completed regular state absentee ballot was
- 12 received by the ~~circuit court clerk or county election~~ board of
- 13 ~~registration~~ by the deadline for receiving absentee ballots under
- 14 IC 3-11.5-4-7; or
- 15 (4) the ballot subject to this section was not received by the ~~circuit~~
- 16 ~~court clerk or county election~~ board of ~~registration~~ by the
- 17 deadline for receiving absentee ballots under IC 3-11.5-4-7.
- 18 SECTION 56. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006,
- 19 SECTION 121, IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As provided by 42 U.S.C.
- 21 15482, this section applies to the following individuals:
- 22 (1) An individual:
- 23 (A) whose name does not appear on the registration list; and
- 24 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the
- 25 voter makes an oral or a written affirmation under IC 3-7-48-5
- 26 or IC 3-7-48-7 or after the voter produces a certificate of error
- 27 under IC 3-7-48-1.
- 28 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
- 29 IC 3-11-8-27.5 who is challenged as not eligible to vote.
- 30 (3) An individual who seeks to vote in an election as a result of a
- 31 court order (or any other order) extending the time established for
- 32 closing the polls under IC 3-11-8-8.
- 33 (b) As required by 42 U.S.C. 15483, a voter who has registered to
- 34 vote but has not:
- 35 (1) presented identification required under 42 U.S.C. 15483 to the
- 36 poll clerk before voting in person under IC 3-11-8-25.1; or
- 37 (2) filed a copy of the identification required under 42 U.S.C.
- 38 15483 to the county voter registration office before the voter's
- 39 absentee ballot is cast;
- 40 is entitled to vote a provisional ballot under this article.
- 41 (c) A precinct election officer shall inform an individual described
- 42 by subsection (a)(1) or (a)(2) that the individual may cast a provisional

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- 1 ballot if the individual:
- 2 (1) is eligible to vote under IC 3-7-13-1;
- 3 (2) submitted a voter registration application during the
- 4 registration period described by IC 3-7-13-10; ~~(or IC 3-7-36-11,~~
- 5 ~~if the voter registered under that section);~~ and
- 6 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

7 (d) A precinct election officer shall inform an individual described

8 by subsection (a)(3) that the individual may cast a provisional ballot.

9 SECTION 57. IC 3-12-1-5 IS AMENDED TO READ AS

10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a) This**

11 **subsection does not apply to a ballot card voting system or an**

12 **electronic voting system.** A voting mark made by a voter on or in a

13 voting square at the left of a candidate's name **or political party's**

14 **name shall be counted as a vote for the candidate or the candidates of**

15 **the political party.**

16 **(b) This subsection applies to a ballot card voting system. A**

17 **voting mark made by a voter:**

- 18 (1) on or in a circle, oval, or square; or
- 19 (2) to connect a connectable arrow;
- 20 **immediately below or beside a candidate's name or political party's**
- 21 **name shall be counted as a vote for the candidate or the candidates**
- 22 **of the political party.**

23 **(c) This subsection applies to a direct record electronic voting**

24 **system. A voting mark made by a voter touching a touch sensitive**

25 **point or button below or beside a candidate's name or political**

26 **party's name shall be counted as a vote for the candidate or the**

27 **candidates of the political party.**

28 SECTION 58. IC 3-12-1-9 IS AMENDED TO READ AS

29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A voting

30 mark that touches a circle, **an oval**, or a square shall be counted as if

31 it were on or in the circle, **oval**, or square. **A voting mark that**

32 **partially connects a connectable arrow shall be counted as if the**

33 **voting mark completed the connection of the arrow.**

- 34 (b) A voting mark that:
- 35 (1) does not touch a circle, **oval**, or square; and
- 36 (2) is not on or in the circle, **oval**, or square;
- 37 may not be counted.

38 **(c) For purposes of the certification of voting systems under**

39 **IC 3-11, a ballot card voting system complies with this section if the**

40 **system can detect a voting mark within the circle, oval, or square,**

41 **even if manual inspection of the ballot is required to detect a voting**

42 **mark that only touches the outside edge of the circle, oval, or**

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SECTION 59. IC 3-12-4-18, AS AMENDED BY P.L.221-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems are used in a precinct, the county election board may, ~~request authorization from the state recount commission to~~ **upon the adoption of an order by unanimous vote of the entire membership of the board,** inspect the registering counter or other recording device on any electronic voting system showing the number of votes cast for any candidate or public question. ~~If authorized by the state recount commission,~~ The board may conduct an inspection, **after filing notice of the order authorizing the inspection with the secretary of state,** either before it proceeds to count and tabulate the vote or within one (1) day after the count and tabulation are finished.

SECTION 60. IC 3-12-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each petitioner shall furnish a cash deposit or file a bond with corporate surety to the approval of the court for the payment of all costs of the recount. The minimum amount of the cash deposit or bond is one hundred dollars (\$100). **The maximum amount of the cash deposit or bond may not exceed the amount specified in subsection (b) or (c).**

(b) This subsection applies if, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is not more than one percent (1%) of the total votes cast for all candidates for the nomination or office. If the number of precincts to be recounted exceeds ten (10), the amount of the deposit or bond shall be increased by ten dollars (\$10) for each precinct in excess of ten (10).

(c) This subsection applies if, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is more than one percent (1%) of the total votes cast for all candidates for the nomination or office. If the number of precincts to be recounted exceeds ten (10), the amount of the deposit or bond shall be increased by one hundred dollars (\$100) for each precinct in excess of ten (10).

(d) If a petition is joint, a joint bond may be furnished.

(e) The costs of a recount may include the following:

- (1) Compensation of recount commissioners.
- (2) Compensation of additional employees required to conduct the recount, including overtime payments to regular employees who are eligible to receive such payments.

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- 1 (3) Postage and telephone charges directly related to the recount.
 2 (f) The costs of a recount may not include the following:
 3 (1) General administrative costs.
 4 (2) Security.
 5 (3) Allowances for meals or lodging.
 6 (g) If the recount results in a reduction of at least fifty percent (50%)
 7 but less than one hundred percent (100%) of the margin of the total
 8 certified votes, the petitioner shall receive a refund of that percentage
 9 of the unexpended balance. If after a recount, it is determined that a
 10 petitioner has been nominated or elected, the deposit or the bond
 11 furnished by that petitioner shall be returned to that petitioner in full.
 12 (h) Any unexpended balance remaining in a deposit after payment
 13 of all costs of the recount and the refund, if a refund is made, shall be
 14 deposited in the county general fund.
 15 SECTION 61. IC 3-12-6-16, AS AMENDED BY P.L.221-2005,
 16 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A recount commission
 18 consists of three (3) persons.
 19 (b) Two (2) members of the commission must be voters who:
 20 (1) are members of different major political parties of the state;
 21 and
 22 (2) were qualified to vote at the election in a county in which the
 23 election district for the office is located.
 24 (c) This subsection applies to a recount commission conducting a
 25 recount of an election in which only paper ballots were used. The third
 26 member of the commission must be a person who:
 27 (1) is a member of a major political party of the state; and
 28 (2) was qualified to vote at the election ~~in a county in which the~~
 29 ~~election district for of the office. is located.~~
 30 (d) This subsection applies to a recount of an election in which a
 31 voting method other than only paper ballots was used. The third
 32 member of the commission must be a competent mechanic who is
 33 familiar with the ballot card voting systems or electronic voting
 34 systems used in that election. The mechanic is not required to be
 35 qualified to vote at the election in a county in which the election
 36 district for the office is located.
 37 SECTION 62. IC 3-12-10-9 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The state police
 39 department shall:
 40 (1) serve any notices, **subpoenas, impoundment orders,**
 41 **discovery orders, protective orders,** or other papers;
 42 (2) secure or transport any election records or equipment; and

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1 (3) perform any other law enforcement duties;
2 ordered by the state recount commission.

3 SECTION 63. IC 3-12-10-12.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) This section does not**
6 **apply to the filing of a recount petition, contest petition, or**
7 **cross-petition under IC 3-12-11.**

8 (b) **Notwithstanding IC 3-5-4-1.7, the state recount commission**
9 **may receive filings by electronic mail from attorneys representing**
10 **an individual or party in a recount or contest proceeding following**
11 **the filing of the original recount petition, contest petition, or**
12 **cross-petition.**

13 SECTION 64. IC 3-12-11-9, AS AMENDED BY P.L.221-2005,
14 SECTION 124, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Upon the filing of a
16 petition for a recount or contest with the election division, the ~~secretary~~
17 ~~of state~~ **recount commission** shall issue a notice of the filing and
18 pendency of the petition to each opposing candidate and deliver the
19 notice to the state police department.

20 (b) This subsection applies if an attorney has filed an appearance
21 with the election division as the representative of a candidate. The state
22 police shall serve the notice on the attorney for the candidate.

23 (c) If subsection (b) does not apply, the state police department shall
24 ~~immediately~~ serve the notice upon each opposing candidate in person
25 or by leaving a copy at the last and usual place of residence.

26 (d) The state police department shall make immediate return of the
27 service under this section.

28 SECTION 65. IC 3-12-11-12, AS AMENDED BY P.L.221-2005,
29 SECTION 126, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Except as provided in
31 subsection (d) or (e), the state recount commission shall grant the
32 petitions and cross-petitions that have been filed and order the recount
33 of the votes in the precincts upon:

- 34 (1) the filing of a petition and cash deposit or bond under this
35 chapter;
- 36 (2) the expiration of the period under section 4 of this chapter for
37 filing a cross-petition; and
- 38 (3) proof of service of all notices.

39 (b) Except as provided in subsection (d), whenever a petition filed
40 under section 2 of this chapter requests a recount in all precincts in the
41 election district, the state recount commission may order a recount in
42 the precincts upon:

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1 (1) the filing of a cash deposit or bond under this chapter; and
 2 (2) proof of service of all notices.
 3 (c) Except as provided in subsection (d), the state recount
 4 commission shall ~~grant~~ **accept** a petition for a contest that has been
 5 filed and order a contest proceeding upon:
 6 (1) the filing of a petition under this chapter; and
 7 (2) proof of service of all notices.
 8 (d) Whenever a motion to dismiss a petition or cross-petition for a
 9 recount or a petition for a contest is filed with the state recount
 10 commission or is made by a member of the commission, the
 11 commission shall rule on the motion to dismiss before ordering or
 12 continuing with a recount or a contest. The motion to dismiss must:
 13 (1) state that the petitioner or cross-petitioner has failed to comply
 14 with this chapter; and
 15 (2) specifically identify the requirement that the petitioner or
 16 cross-petitioner has failed to comply with.
 17 (e) Whenever the petitioner and each cross-petitioner or respondent
 18 file a joint motion to dismiss a recount or contest, the commission shall
 19 rule on the motion to dismiss before ordering or continuing with a
 20 recount or contest.
 21 **(f) If the state recount commission orders a recount proceeding**
 22 **or contest proceeding, the commission shall send notice of the**
 23 **order to each candidate or party chair named in the petition.**
 24 **However, if an attorney has filed an appearance with the**
 25 **commission on behalf of a candidate or party chair, the notice shall**
 26 **be sent to the attorney. A notice under this subsection shall be sent**
 27 **by:**
 28 **(1) electronic mail if the candidate, party chair, or attorney**
 29 **has provided an electronic mail address to the commission; or**
 30 **(2) certified mail, in all other cases.**
 31 SECTION 66. IC 3-12-11-13, AS AMENDED BY P.L.221-2005,
 32 SECTION 127, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE UPON PASSAGE]: Sec. 13. If there is a consolidation
 34 of petitions and cross-petitions **for a recount**, the state recount
 35 commission shall by consolidated order grant the consolidated petitions
 36 and cross-petitions and order a consolidated recount of all votes in each
 37 precinct in the election district for the office requested in the petitions
 38 and cross-petitions.
 39 SECTION 67. IC 3-12-11-15 IS REPEALED [EFFECTIVE UPON
 40 PASSAGE]. ~~Sec. 15. On the day when the order of a recount or contest~~
 41 ~~proceeding is made and entered by the state recount commission, the~~
 42 ~~election division shall send a certified copy of the order by certified~~

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1 mail to each opposing candidate named in the petition at the address
 2 stated in the petition; if a petition was filed, at the candidate's last
 3 known address. The commission shall charge the cost of mailing the
 4 order to the petitioner.

5 SECTION 68. IC 3-12-11-17 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) After a
 7 recount is ordered under section 12 of this chapter, the state recount
 8 commission or its designee shall convene at a place fixed by order of
 9 the state recount commission and expeditiously complete the recount
 10 of all votes ordered recounted. Each candidate affected by the recount
 11 may have a watcher present at the recount and may also be present in
 12 person. The candidate has the same rights as a watcher appointed under
 13 IC 3-6-8-4. Representatives of the media may also attend the recount
 14 and have the same rights as media watchers appointed under IC 3-6-10.

15 (b) ~~At least two (2) days~~ After a contest proceeding is ordered under
 16 section 12 of this chapter, the state recount commission or its designee
 17 shall convene at a place fixed by order of the state recount commission
 18 and conduct a hearing on the contest petition. Each candidate affected
 19 by the contest may be present in person. The candidate has the same
 20 rights as a watcher appointed under IC 3-6-8-4. Representatives of the
 21 media may also attend the hearing and have the same rights as media
 22 watchers appointed under IC 3-6-10.

23 (c) The proceedings of the state recount commission under this
 24 section shall be performed in public under IC 5-14-1.5. However, the
 25 commission may restrict access to parts of a room where the recount or
 26 contest proceeding is being conducted to safeguard the election
 27 material or other evidence and to permit the material to be handled or
 28 transported by the commission.

29 SECTION 69. IC 3-13-1-1 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as
 31 provided in section 18 or 20 of this chapter **or IC 3-10-8-7.5**, this
 32 chapter applies to the filling of a candidate vacancy that arises for any
 33 reason if the vacancy leaves a major political party without a candidate
 34 for the office and occurs before the thirtieth day before a general,
 35 special, or municipal election.

36 SECTION 70. IC 3-13-1-4 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **Except as**
 38 **provided in IC 3-10-8-7.5**, a candidate vacancy for United States
 39 Representative shall be filled by a caucus comprised by the precinct
 40 committeemen of the political party whose precincts are within the
 41 congressional district.

42 SECTION 71. IC 3-13-1-21 IS ADDED TO THE INDIANA CODE

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1 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: **Sec. 21. (a) This section applies to a certificate
3 of candidate selection filed under section 15 or 20 of this chapter.**

4 **(b) To enforce the requirements of IC 3-5-4-1.9, the election
5 division, a circuit court clerk, or any other official responsible for
6 receiving a certificate of candidate selection may not receive a
7 filing of a certificate of candidate selection if:**

8 **(1) a notice of a caucus or meeting;**

9 **(2) a declaration of candidacy filed by the individual selected
10 as the candidate; or**

11 **(3) the certificate of candidate selection;**

12 **is or was offered to be filed after the deadline for the filing
13 provided by this chapter.**

14 SECTION 72. IC 3-14-2-3, AS AMENDED BY P.L.103-2005,
15 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 3. A person who:

17 (1) subscribes the name of another person to an affidavit of
18 registration, **a petition of nomination, a declaration of
19 candidacy**, or application for an absentee ballot knowing that the
20 **affidavit, petition, declaration, or** application contains a false
21 statement; or

22 (2) subscribes the name of another person to an affidavit of
23 registration, **a petition of nomination, a declaration of
24 candidacy**, or application for an absentee ballot without writing
25 on it the person's own name and address as an attesting witness;
26 commits a Class D felony.

27 SECTION 73. IC 3-14-2-29, AS AMENDED BY P.L.103-2005,
28 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 UPON PASSAGE]: Sec. 29. A person who knowingly inspects a voting
30 system under IC 3-12-4-18 without: ~~obtaining authorization from the~~
31 ~~state recount commission~~

32 **(1) the adoption of an order under IC 3-12-4-18** to conduct the
33 inspection; **or**

34 **(2) the filing of an order adopted under IC 3-12-4-18 with the
35 secretary of state;**

36 commits a Class D felony.

37 SECTION 74. IC 12-14-1.5-4 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As required
39 under 42 U.S.C. 1973gg-5(d)(1), the county director or designated
40 office employee shall transmit ~~a copy~~ of a completed voter registration
41 application:

42 (1) to the circuit court clerk or board of registration of the county

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1 in which the individual's residential address (as indicated on the
2 application) is located; and
3 (2) not later than five (5) days after the application is accepted at
4 the office.

5 (b) The county director or designated employee shall transmit a
6 ~~copy of~~ the voter registration application (or a separate declination
7 form) on which the individual declined to register to vote by
8 specifically declining to register or by failing to complete the voter
9 registration portion of the application.

10 (c) The declination must be transmitted:
11 (1) to the circuit court clerk or board of registration of the county
12 in which the individual's residential address (as indicated on the
13 application) is located; and
14 (2) not later than five (5) days after the application is accepted at
15 the office.

16 SECTION 75. IC 12-14-1.5-6 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A county
18 director or designated employee may use any of the following methods
19 to transmit voter registration applications or declinations under section
20 4 or 5 of this chapter:

21 (1) Hand delivery to the circuit court clerk or board of
22 registration.

23 (2) ~~Certified Delivery by the United States Postal Service,~~
24 ~~using first class mail. return receipt requested.~~

25 SECTION 76. IC 12-14-1.5-8 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. ~~(a)~~ The
27 ~~co-directors of the~~ election division shall provide the division with a
28 list of the current addresses and telephone numbers of the ~~offices of the~~
29 ~~circuit court clerk or board of county voter~~ registration office in each
30 county. The division shall promptly forward the list and each revision
31 of the list to each county office.

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

35 SECTION 77. IC 12-14-25-3 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) As required
37 under 42 U.S.C. 1973gg-5(d)(1), the designated office employee shall
38 transmit a ~~copy of~~ a completed voter registration application:

39 (1) to the circuit court clerk or board of registration of the county
40 in which the individual's residential address (as indicated on the
41 application) is located; and

42 (2) not later than five (5) days after the application is accepted at

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1 the office.
2 (b) The designated employee shall transmit a copy of the voter
3 registration application (or a separate declination form) on which the
4 individual declined to register to vote by specifically declining to
5 register or by failing to complete the voter registration portion of the
6 application.

7 (c) The declination must be transmitted:
8 (1) to the circuit court clerk or board of registration of the county
9 in which the individual's residential address (as indicated on the
10 application) is located; and
11 (2) not later than five (5) days after the application is accepted at
12 the office.

13 SECTION 78. IC 12-15-1.5-4 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section
15 does not apply to a voter registration application or declination to
16 register accepted at a county office during the final five (5) days before
17 the end of a registration period under IC 3-7-13.

18 (b) As required under 42 U.S.C. 1973gg-5(d)(1), the county director
19 or designated office employee shall transmit a copy of a completed
20 voter registration application:

21 (1) to the circuit court clerk or board of registration of the county
22 in which the individual's residential address (as indicated on the
23 application) is located; and
24 (2) not later than ten (10) days after the application is accepted at
25 the office.

26 (c) The county director or designated employee shall transmit a copy
27 of the voter registration application (or a separate declination form) on
28 which the individual declined to register to vote by specifically
29 declining to register or by failing to complete the voter registration
30 portion of the application.

31 (d) The declination must be transmitted:
32 (1) to the circuit court clerk or board of registration of the county
33 in which the individual's residential address (as indicated on the
34 application) is located; and
35 (2) not later than ten (10) days after the application is accepted at
36 the office.

37 SECTION 79. IC 12-15-1.5-6 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A county
39 director or designated employee may use any of the following methods
40 to transmit voter registration applications or declinations under section
41 4 or 5 of this chapter:

42 (1) Hand delivery to the circuit court clerk or board of

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1 registration.

2 (2) ~~Certified Delivery by the United States Postal Service,~~
3 ~~using first class mail. return receipt requested.~~

4 (3) Electronic transfer, after approval by the co-directors of the
5 election division.

6 SECTION 80. IC 12-15-1.5-8, AS AMENDED BY P.L.44-2009,
7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 8. ~~(a) The codirectors of the~~ election division
9 shall provide the division of family resources with a list of the current
10 addresses and telephone numbers of the ~~offices of the circuit court~~
11 ~~clerk or board of~~ county voter registration office in each county. The
12 division of family resources shall promptly forward the list and each
13 revision of the list to each county office.

14 (b) ~~The codirectors shall provide the division of family resources~~
15 ~~with pre-addressed packets for county offices to transmit applications~~
16 ~~under section 6(1) or 6(2) of this chapter.~~

17 SECTION 81. IC 16-35-1.6-5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As required
19 under 42 U.S.C. 1973gg-5(d)(1), the designated office employee shall
20 transmit a copy of a completed voter registration application:

21 (1) to the circuit court clerk or board of registration of the county
22 in which the individual's residential address (as indicated on the
23 application) is located; and

24 (2) not later than five (5) days after the application is accepted at
25 the office.

26 (b) The employee shall transmit a copy of the voter registration
27 application (or a separate declination form) on which the individual
28 declined to register to vote by specifically declining to register or by
29 failing to complete the voter registration portion of the application.

30 (c) The declination must be transmitted:

31 (1) to the circuit court clerk or board of registration of the county
32 in which the individual's residential address (as indicated on the
33 application) is located; and

34 (2) not later than five (5) days after the application is accepted at
35 the office.

36 SECTION 82. IC 16-35-1.6-7 IS REPEALED [EFFECTIVE UPON
37 PASSAGE]. Sec. 7: ~~A designated employee may use any of the~~
38 ~~following methods to transmit voter registration applications or~~
39 ~~declinations under section 5 or 6 of this chapter:~~

40 ~~(1) Hand delivery to the circuit court clerk or board of~~
41 ~~registration.~~

42 ~~(2) Certified mail; return receipt requested.~~

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1 SECTION 83. IC 16-35-1.6-8 IS REPEALED [EFFECTIVE UPON
2 PASSAGE]. Sec. 8: If a designated employee transmits registration
3 applications or declinations by hand delivery under section 7(1) of this
4 chapter, the circuit court clerk or board of registration shall provide the
5 designated employee with a receipt for the forms. The receipt must
6 state the date and time of delivery, and the printed name and signature
7 of the person who received the forms.

8 SECTION 84. IC 16-35-1.6-9 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The
10 ~~co-directors of the~~ election division shall provide the commissioner
11 with a list of the current ~~addresses~~ **address** and telephone ~~numbers~~
12 **number** of the ~~offices of the circuit court clerk or board of~~ **county**
13 **voter** registration **office** in each county. The commissioner shall
14 promptly forward the list and each revision of the list to each WIC
15 office.

16 (b) The ~~co-directors~~ shall provide the commissioner with
17 pre-addressed packets for WIC offices to transmit applications under
18 section 7(1) or 7(2) of this chapter.

19 SECTION 85. IC 36-5-1-10.1, AS AMENDED BY P.L.113-2010,
20 SECTION 123, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2012]: Sec. 10.1. (a) Except as provided in
22 subsection (g), if the county executive makes the findings required by
23 section 8 of this chapter, it may adopt an ordinance incorporating the
24 town. The ordinance must:

25 (1) provide that:

26 (A) all members of the town legislative body are to be elected
27 at large (if the town would have a population of less than three
28 thousand five hundred (3,500)); or

29 (B) divide the town into not less than three (3) nor more than
30 seven (7) districts; and

31 (2) direct the county election board to conduct an election in the
32 town on the date of the next general or municipal election to be
33 held in any precincts in the county.

34 An election conducted under this section must comply with IC 3
35 concerning town elections. ~~If on the date that an ordinance was adopted~~
36 ~~under this section, absentee ballots for a general or municipal election~~
37 ~~have been delivered under IC 3-11-4-15 for voters within a precinct in~~
38 ~~the town, is not later than June 1 of a general or municipal election~~
39 **year**, the election must be conducted on the date of the next general or
40 municipal election held in any precincts in the county after the election
41 for which absentee balloting is being conducted. However, a primary
42 election may not be conducted before an election conducted under this

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- 1 section, regardless of the population of the town.
- 2 (b) Districts established by an ordinance adopted under this section
3 must comply with IC 3-11-1.5.
- 4 (c) If any territory in the town is not included in one (1) of the
5 districts established under this section, the territory is included in the
6 district that:
- 7 (1) is contiguous to that territory; and
8 (2) contains the least population of all districts contiguous to that
9 territory.
- 10 (d) If any territory in the town is included in more than one (1) of
11 the districts established under this section, the territory is included in
12 the district that:
- 13 (1) is one (1) of the districts in which the territory is described in
14 the ordinance adopted under this section;
15 (2) is contiguous to that territory; and
16 (3) contains the least population of all districts contiguous to that
17 territory.
- 18 (e) Except as provided in subsection (f), an ordinance adopted under
19 this section becomes effective when filed with:
- 20 (1) the office of the secretary of state; and
21 (2) the circuit court clerk of each county in which the town is
22 located.
- 23 (f) An ordinance incorporating a town under this section may not
24 take effect during the year preceding a year in which a federal
25 decennial census is conducted. An ordinance under this section that
26 would otherwise take effect during the year preceding a year in which
27 a federal decennial census is conducted takes effect January 1 of the
28 year in which a federal decennial census is conducted.
- 29 (g) Proceedings to incorporate a town across county boundaries
30 must have the approval of the county executive of each county that
31 contains a part of the proposed town. Each county that contains a part
32 of the proposed town must adopt identical ordinances providing for the
33 incorporation of the town.
- 34 (h) Notwithstanding subsection (f) as that subsection existed on
35 December 31, 2009, an ordinance that took effect January 2, 2010,
36 because of the application of subsection (f), as that subsection existed
37 on December 31, 2009, is instead considered to take effect January 1,
38 2010, without the adoption of an ordinance or an amended ordinance
39 or any other additional action being required.
- 40 **SECTION 86. An emergency is declared for this act.**

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