



March 26, 2013

ENGROSSED HOUSE BILL No. 1311

DIGEST OF HB 1311 (Updated March 25, 2013 12:24 pm - DI 102)

Citations Affected: IC 3-5; IC 3-7; IC 3-10; IC 3-11; IC 3-11.5; IC 5-26.5; IC 20-23; IC 36-2; IC 36-3; IC 36-4; IC 36-5; IC 36-6; noncode.

Synopsis: Election matters. Permits a county election board to adopt an order, under certain conditions, approving the use of an electronic poll list and electronic signature pads in each precinct of the county. Provides that, if a county election board adopts an order to provide an electronic poll list to the inspector for use at a polling place or at a satellite office, electronic poll lists may be used at an election (rather than certified poll lists). Provides that an order adopted to allow the use of electronic poll lists at an election may include the use of electronic signatures to sign the poll lists. Establishes additional standards for electronic poll books and poll lists. Establishes a procedure for the certification of electronic poll books. Specifies procedures for the use of electronic poll lists in counties that count absentee ballots at a central location. Establishes penalties for violations involving electronic poll books. Requires a local unit (other than a school corporation) to adopt an ordinance to recertify its boundaries whenever the local unit determines that redistricting after a federal decennial census is not required. Requires the governing body of a school corporation to send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located
(Continued next page)

Effective: July 1, 2013.

Mayfield, Baird, Richardson

(SENATE SPONSOR — HEAD)

January 14, 2013, read first time and referred to Committee on Elections and Apportionment.

February 14, 2013, amended, reported — Do Pass.

February 18, 2013, read second time, amended, ordered engrossed.

February 19, 2013, engrossed. Read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Elections.

March 25, 2013, amended, reported favorably — Do Pass.

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and a certification that the school corporation's election districts satisfy statutory redistricting requirements if the school corporation elects governing body members by districts in which only the voters of a district may vote for the member representing that district. Requires this information to be sent to circuit court clerks not later than December 31, 2013. Requires the governing body of a school corporation to follow a similar process after a federal decennial census is conducted and each time the school corporation's plan is amended. Requires that a map of the legislative districts of a political subdivision be filed with the circuit court clerk each time the boundaries are redrawn or recertified. Specifies that a conflict between a map of a precinct and the description of the precinct set forth in a precinct establishment order is resolved in favor of the description. Provides that all school corporation district plans and local government redistricting ordinances have: (1) the same presumption of validity set forth in current law for certain school corporation district plans; and (2) the same method for resolving a conflict between a map of an election district and a description of the district set forth in the plan or ordinance. Specifies that the deadline to conduct redistricting in a metropolitan school corporation is December 31 of the year following the year in which a federal decennial census is conducted. (Current law requires that redistricting be completed one year after the effective date of the federal decennial census, which is April 1 of the year following the census). Provides that the Lake Station school corporation is subject to the same standards and procedures for the adoption of school board election districts as other school boards. (Current law establishes the Lake Station school board districts by descriptions in the Indiana Code.) Requires the census data advisory committee to study during the 2013 legislative interim: (1) the standards for determining residency for purposes of voting, candidacy, and holding office in Indiana; (2) allegations of voter suppression of African-Americans, Latinos, other ethnic minorities, and the elderly; (3) allegations of election fraud; (4) methods for improving election administration by reducing lines at polling places; (5) methods for reducing the cost of the election process; (6) methods for enabling an emergency first responder responding to an emergency declaration to receive an absentee ballot or absentee ballot application by electronic mail or facsimile machine; and (7) the impact of sending written communications to a voter containing false vote history information regarding that voter. Makes technical corrections.

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March 26, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1311

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

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

1 SECTION 1. IC 3-5-2-47.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 47.5. "Signing the poll list" means:**

4 (1) a voter writing the voter's name on the certified list of
5 registered voters for the precinct prepared in accordance with
6 IC 3-7-29-1; or

7 (2) a voter writing the voter's name on an electronic poll list
8 using an electronic signature pad at a polling place or satellite
9 office (as established under IC 3-11-10-26.3) where the use of
10 an electronic poll list is authorized in accordance with
11 IC 3-7-29-6.

12 SECTION 2. IC 3-7-29-1, AS AMENDED BY P.L.81-2005,
13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2013]: **Sec. 1. (a) This section does not apply to a county
15 that:**

16 (1) has adopted an order under section 6 of this chapter; or
17 (2) is a vote center county under IC 3-11-18.1.

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

5 **(b) (c)** The lists must contain the following information concerning
 6 each registered voter:

7 (1) The full name of the voter.

8 (2) The address of the voter.

9 (3) The assigned **county voter** identification number.

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

12 **(5) The date of birth of the voter.**

13 **(6) The scanned signature of the voter.**

14 **(7) Whether the voter is required to provide an affirmation of**
 15 **the voter's residence.**

16 **(8) A bar code that allows the county voter registration office**
 17 **to efficiently record whether the voter has signed the poll list.**

18 **(9) For a poll list used in a primary election, a letter**
 19 **abbreviation of the name of the major political party whose**
 20 **ballot the voter has requested.**

21 **(10) A space for a poll clerk to indicate when a voter has cast**
 22 **an absentee ballot.**

23 **(11) A space for a poll clerk to indicate when a voter has cast**
 24 **a provisional ballot.**

25 **(12) For a voter required to submit additional documentation**
 26 **required under IC 3-7-33-4.5, a space for a poll clerk to insert**
 27 **letters serving as an abbreviation for the type of**
 28 **documentation provided by the voter.**

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

31 **(e) The poll list must also contain a statement at the top of each**
 32 **page indicating that an individual who knowingly makes a false**
 33 **statement by signing a poll list or indicating on a poll list that a**
 34 **voter's address has changed commits a Class D felony as provided**
 35 **by IC 3-14-2-11.**

36 **(f) This subsection applies to a county that has adopted an order**
 37 **under section 6 of this chapter or is a vote center county under**
 38 **IC 3-11-18.1. The precinct election board shall post in a location**
 39 **within the precinct or vote center a notice that:**

40 (1) is clearly visible to an individual (or to an individual
 41 providing assistance under IC 3-11-9) who is providing
 42 information to a precinct election officer using an electronic

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1 poll list; and
2 (2) indicates that an individual commits a Class D felony
3 under IC 3-14-2-11, if the individual knowingly makes a false
4 statement to a precinct election officer:

- 5 (A) concerning the individual's name; or
- 6 (B) indicating that the individual's address has changed.

7 SECTION 3. IC 3-7-29-2 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) **This section does not apply**
9 **to a county that:**

- 10 (1) has adopted an order under section 6 of this chapter; or
- 11 (2) is a vote center county under IC 3-11-18.1.

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

18 SECTION 4. IC 3-7-29-3, AS AMENDED BY P.L.164-2006,
19 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2013]: Sec. 3. When the inspector of a precinct procures the
21 ballots and other election supplies for an election, the inspector shall
22 also procure from the county voter registration office the certified
23 copies of the registration record of the precinct with the information
24 required under section 1 of this chapter (or an electronic poll list in
25 a county in which an order is adopted under section 6 of this
26 chapter or that is a vote center county under IC 3-11-18.1) and
27 other necessary registration supplies.

28 SECTION 5. IC 3-7-29-4, AS AMENDED BY P.L.164-2006,
29 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2013]: Sec. 4. (a) **This section does not apply to a county**
31 **that:**

- 32 (1) has adopted an order under section 6 of this chapter; or
- 33 (2) is a vote center county under IC 3-11-18.1.

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

39 SECTION 6. IC 3-7-29-6 IS ADDED TO THE INDIANA CODE
40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
41 1, 2013]: Sec. 6. (a) **If a county election board adopts an order to**
42 **provide an electronic poll list to the inspector for use at a polling**

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1 place or at a satellite office established under IC 3-11-10-26.3,
2 electronic poll lists may be used at an election (rather than certified
3 poll lists prepared under this chapter).

4 (b) An order adopted under subsection (a) must require the use
5 of an electronic signature (as defined in IC 26-2-8-102) to sign an
6 electronic poll list at an election (rather than requiring voters to
7 sign certified poll lists prepared under this chapter).

8 (c) The county voter registration office shall download the
9 information required to be available on an electronic poll list
10 before the electronic poll list is delivered and installed as required
11 by IC 3-11-3-11(b).

12 SECTION 7. IC 3-7-48-1 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as otherwise provided
14 by NVRA or in this chapter, a person whose name does not appear on
15 the registration record may not vote, unless the circuit court clerk or
16 board of county voter registration provides office issues a signed
17 certificate of error immediately available for inspection in the county
18 voter registration office where the permanent registration record is
19 kept showing that the voter is legally registered in the precinct where
20 the voter resides.

21 (b) A person whose name does not appear on the registration record
22 may cast a provisional ballot as provided in IC 3-11.7.

23 SECTION 8. IC 3-7-48-2, AS AMENDED BY P.L.81-2005,
24 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2013]: Sec. 2. A certificate of error issued under section 1 of
26 this chapter:

27 (1) may be issued at any time after:

28 (A) the production of the certified list under IC 3-7-29; or

29 (B) the downloading of the information into an electronic
30 poll list under IC 3-7-29-6(c);

31 (2) shall be executed by the circuit court clerk, or in a county with
32 a board of registration, by both members of the board; and

33 (3) shall be numbered serially in the method prescribed for entry
34 in the computerized list maintained under IC 3-7-26.3.

35 SECTION 9. IC 3-7-48-3 IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) This section does not apply
37 whenever a county voter registration office provides confirmation
38 of the issuance of a certificate of error to a precinct election officer
39 by transmitting the confirmation through an electronic poll list
40 used at a precinct or vote center.

41 (b) One (1) copy of the certificate of error shall be delivered to the
42 inspector of the precinct of the voter's residence. The inspector shall

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1 return that copy to the circuit court clerk with other election material
 2 at the close of the polls as provided in this title. ~~The other copy shall be~~
 3 ~~delivered to the county election board and returned to the circuit court~~
 4 ~~clerk when the polls are closed.~~

5 SECTION 10. IC 3-10-1-7.1, AS AMENDED BY P.L.164-2006,
 6 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2013]: Sec. 7.1. (a) **This subsection does not apply to a**
 8 **county in which electronic poll lists are used under IC 3-7-29-6 or**
 9 **IC 3-11-18.1.** Each county election board shall furnish the inspector of
 10 each precinct for use on primary election day a certified copy under
 11 IC 3-7-29 of the list of all voters registered to vote in the precinct.

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

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

23 SECTION 11. IC 3-10-1-8, AS AMENDED BY P.L.164-2006,
 24 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2013]: Sec. 8. A person who will be a voter at the general
 26 election for which the primary is being held and whose name does not
 27 appear on the registration record of the precinct, ~~or on~~ the certified
 28 copy of the registration record prepared under IC 3-7-29, **or the**
 29 **electronic poll list** may:

30 (1) vote if the county voter registration office provides a signed
 31 certificate of error; or

32 (2) cast a provisional ballot under IC 3-11.7, as provided by 42
 33 U.S.C. 15482.

34 SECTION 12. IC 3-10-1-24, AS AMENDED BY P.L.164-2006,
 35 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 24. (a) A voter who desires to vote must give the
 37 voter's name and political party to the poll clerks of the precinct on
 38 primary election day. The poll clerks shall require the voter to write the
 39 following on the poll list **or to provide the following information for**
 40 **entry into the electronic poll list:**

41 (1) The voter's name.

42 (2) Except as provided in subsection (d), the voter's current

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1 residence address.
 2 (3) The name of the voter's party.
 3 (b) The poll clerks shall:
 4 (1) ask the voter to provide or update the voter's voter
 5 identification number;
 6 (2) tell the voter the number the voter may use as a voter
 7 identification number; and
 8 (3) explain to the voter that the voter is not required to provide a
 9 voter identification number at the polls.
 10 (c) If the voter is unable to sign the voter's name, the voter must sign
 11 the poll list by mark, which must be witnessed by one (1) of the poll
 12 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the
 13 poll clerk's or assistant poll clerk's initials after or under the mark.
 14 (d) **The electronic poll list (or each line on a poll list sheet**
 15 **provided to take a voter's current residence address) must include a box**
 16 **under the heading "Address Unchanged" so that the voter may check**
 17 **the box instead of writing the voter's current address on the poll**
 18 **list, or if an electronic poll list is used, the poll clerk may check the**
 19 **box a voter whose after stating to the voter the address shown on**
 20 **the electronic poll list and receiving an oral affirmation from the**
 21 **voter that the voter's residence address shown on the poll list is the**
 22 **voter's current residence address may check the box instead of writing**
 23 **the voter's current residence address on the poll list or reentering the**
 24 **address in the electronic poll list.**
 25 (e) If the voter makes:
 26 (1) **a written affirmation on the poll list that the voter resides**
 27 **at an address within the precinct but not at the address shown**
 28 **on the poll list for the precinct; or**
 29 (2) **an oral affirmation of a change of address under**
 30 **IC 3-7-39-7;**
 31 **the county election board shall direct the county voter registration**
 32 **office to transfer the individual's voter registration record to the**
 33 **address within the precinct indicated by the voter.**
 34 SECTION 13. IC 3-10-1-24.6, AS AMENDED BY P.L.164-2006,
 35 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 24.6. (a) In case of doubt concerning a voter's
 37 identity, the precinct election board shall compare the voter's signature
 38 with the signature on the ~~affidavit~~ of registration **record** or any
 39 certified copy of the signature provided under section 7.1 of this
 40 chapter. If the board determines that the voter's signature is authentic,
 41 the voter may then vote.
 42 (b) If either poll clerk doubts the voter's identity following the

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1 comparison of the signatures, the poll clerk shall challenge the voter in
 2 the manner prescribed by IC 3-11-8. If the poll clerk does not execute
 3 a challenger's affidavit under IC 3-11-8-21 or if the voter executes a
 4 challenged voter's affidavit under IC 3-11-8-22.1, the voter may then
 5 vote.

6 SECTION 14. IC 3-11-1.5-10.7 IS ADDED TO THE INDIANA
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2013]: **Sec. 10.7. If a conflict exists between:**

9 **(1) a map showing the boundaries of a precinct; and**
 10 **(2) a description of the boundaries of that precinct;**
 11 **submitted by a county and approved under this chapter, the**
 12 **precinct boundaries are the description of the boundaries, not the**
 13 **boundaries shown on the map, to the extent there is a conflict**
 14 **between the description and the map.**

15 SECTION 15. IC 3-11-3-11, AS AMENDED BY P.L.230-2005,
 16 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 11. **(a) Except as provided in subsection (b),** the
 18 county election board shall deliver the following to each inspector or
 19 the inspector's representative:

- 20 (1) The supplies provided for the inspector's precinct by the
 21 election division.
 22 (2) The local sample ballots, the ballot labels, if any, and all poll
 23 lists, registration lists, and other supplies considered necessary to
 24 conduct the election in the inspector's precinct.
 25 (3) The local ballots printed under the direction of the county
 26 election board as follows:
 27 (A) In those precincts where ballot card voting systems are to
 28 be used, the number of ballots at least equal to one hundred
 29 percent (100%) of the number of voters in the inspector's
 30 precinct, according to the poll list.
 31 (B) In those precincts where electronic voting systems are to
 32 be used, the number of ballots that will be required to be
 33 printed and furnished to the precincts for emergency purposes
 34 only.
 35 (C) Provisional ballots in the number considered necessary by
 36 the county election board.
 37 (4) Twenty (20) ink pens suitable for printing the names of
 38 write-in candidates on the ballot or ballot envelope.
 39 (5) Copies of the voter's bill of rights for posting as required by 42
 40 U.S.C. 15482.
 41 (6) Copies of the instructions for a provisional voter required by
 42 42 U.S.C. 15482. The county election board shall provide at least

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1 the number of copies of the instructions as the number of
2 provisional ballots provided under subdivision (3).

3 **(7) Copies of the notice for posting as required by**
4 **IC 3-7-29-1(f).**

5 **(8) The blank voter registration applications required to be**
6 **provided under IC 3-7-48-7(b).**

7 **(b) This subsection applies to a county that:**

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

9 **(2) is a vote center county under IC 3-11-18.1.**

10 **The county election board shall deliver and install the hardware,**
11 **firmware, and software necessary to use an electronic poll list in**
12 **each precinct or vote center.**

13 SECTION 16. IC 3-11-3-16, AS AMENDED BY P.L.164-2006,
14 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2013]: Sec. 16. Each county election board shall prepare and
16 have delivered to the inspectors of the precincts, at the time they
17 receive the ballots for their precincts, a suitable number of voter
18 registration lists certified under IC 3-7-29 **(or an electronic poll list in**
19 **a county described by IC 3-7-29-6 or IC 3-11-18.1)** and any other
20 forms, papers, certificates, and oaths that are required to be furnished
21 to precinct election boards. The forms and papers must be prepared in
22 compliance with IC 3-5-4-8. The county voter registration office shall
23 cooperate with the county election board in the preparation of the lists
24 certified under IC 3-7-29 **(or in the use of the electronic poll lists).**

25 SECTION 17. IC 3-11-8-10.3, AS ADDED BY P.L.1-2011,
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2013]: Sec. 10.3. (a) As used in this section, "electronic poll
28 list" refers to a poll list that is maintained in a computer data base.

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

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

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

36 (3) An electronic poll list may not permit access to voter
37 information other than:

38 **(A) information provided on the certified list of voters**
39 **prepared under IC 3-7-29-1; or**

40 **(B) information concerning any of the following received**
41 **or issued after the electronic poll list has been downloaded**
42 **by the county election board under IC 3-7-29-6:**

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- (i) The county's receipt of an absentee ballot from the voter.
 - (ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.
 - (iii) The county's issuance of a certificate of error.
- (4) The information contained on an electronic poll list must be encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board.
- (5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:
- (A) already cast a ballot at the election;
 - (B) returned an absentee ballot; or
 - (C) submitted any additional documentation required under IC 3-7-33-4.5.
- (6) After the voter has been provided with a ballot, the electronic poll list must permit a poll clerk to enter information indicating that the voter has voted at the election.
- (7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.
- (8) The electronic poll list must permit reports to be:
- (A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and
 - (B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.
- (9) After election day, the electronic poll list must permit voter history to be quickly and accurately uploaded into the computerized list.
- (10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.
- (11) The electronic poll list must be used with a signature pad that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision

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- (10).**
- (12) The electronic poll list must include a bar code reader that:**
 - (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader; and**
 - (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.**
- (13) The electronic poll list must be compatible with:**
 - (A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;**
 - (B) the statewide voter registration system; and**
 - (C) any software system used to prepare voter information to be included on the electronic poll list.**
- (14) The electronic poll list must have the ability to be used in conformity with this title for:**
 - (A) any type of election conducted in Indiana; or**
 - (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.**
- (15) The procedures for setting up, using, and shutting down an electronic poll list must:**
 - (A) be reasonably easy for a precinct election officer to learn, understand, and perform; and**
 - (B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.**
- (16) The electronic poll list must enable a precinct election officer to verify that the electronic poll list:**
 - (A) has been set up correctly;**
 - (B) is working correctly so as to verify the eligibility of the voter;**
 - (C) is correctly recording that a voter has voted; and**
 - (D) has been shut down correctly.**
- (17) The electronic poll list must include the following documentation:**
 - (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.**
 - (B) Training materials that:**
 - (i) may be in written or video form; and**

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- 1 (ii) must be in a format suitable for use at a polling place,
2 such as simple "how to" guides.
- 3 (C) Failsafe data recovery procedures for information
4 included in the electronic poll list.
- 5 (D) Usability tests:
- 6 (i) that are conducted by the manufacturer of the
7 electronic poll list using individuals who are
8 representative of the general public;
- 9 (ii) that include the setting up, using, and shutting down
10 of the electronic poll list; and
- 11 (iii) that report their results using the ANSI/INCITS-354
12 Common Industry Format (CIF) for Usability Test
13 Reports approved by the American National Standards
14 Institute (ANSI) on December 12, 2001.
- 15 (E) A clear model of the electronic poll list system
16 architecture and the following documentation:
- 17 (i) End user documentation.
- 18 (ii) System-level documentation.
- 19 (iii) Developer documentation.
- 20 (F) Detailed information concerning:
- 21 (i) electronic poll list consumables; and
- 22 (ii) the vendor's supply chain for those consumables.
- 23 (G) Vendor internal quality assurance procedures and any
24 internal or external test data and reports available to the
25 vendor concerning the electronic poll list.
- 26 (H) Repair and maintenance policies for the electronic poll
27 list.
- 28 (I) As of the date of the vendor's application for approval
29 of the electronic poll list by the secretary of state as
30 required by IC 3-11-18.1-12(2), the following:
- 31 (i) A list of customers who are using or have previously
32 used the vendor's electronic poll list.
- 33 (ii) A description of any known anomalies involving the
34 functioning of the electronic poll list, including how those
35 anomalies were resolved.
- 36 (18) The electronic poll list and any hardware attached to the
37 poll book must be designed to prevent injury or damage to
38 any individual or the hardware, including fire and electrical
39 hazards.
- 40 (19) The electronic poll list must demonstrate that it correctly
41 processes all activity regarding each voter registration record
42 included on the list, including the use, alteration, storage, and

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transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll list.

(20) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2).

SECTION 18. IC 3-11-8-25.1, AS AMENDED BY P.L.53-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

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

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

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

- (1) The voter's name.

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- 1 (2) Except as provided in subsection (k), the voter's current
2 residence address.
- 3 (g) The poll clerk, an assistant poll clerk, or a member of the
4 precinct election board shall:
- 5 (1) ask the voter to provide or update the voter's voter
6 identification number;
- 7 (2) tell the voter the number the voter may use as a voter
8 identification number; and
- 9 (3) explain to the voter that the voter is not required to provide or
10 update a voter identification number at the polls.
- 11 (h) The poll clerk, an assistant poll clerk, or a member of the
12 precinct election board shall ask the voter to provide proof of
13 identification.
- 14 (i) In case of doubt concerning a voter's identity, the precinct
15 election board shall compare the voter's signature with the signature on
16 the affidavit of registration or any certified copy of the signature
17 provided under IC 3-7-29 **or enter the information into the**
18 **electronic poll list.** If the board determines that the voter's signature is
19 authentic, the voter may then vote. If either poll clerk doubts the voter's
20 identity following comparison of the signatures, the poll clerk shall
21 challenge the voter in the manner prescribed by section 21 of this
22 chapter.
- 23 (j) If, in a precinct governed by subsection (g):
- 24 (1) the poll clerk does not execute a challenger's affidavit; or
25 (2) the voter executes a challenged voter's affidavit under section
26 22.1 of this chapter or executed the affidavit before signing the
27 poll list;
- 28 the voter may then vote.
- 29 (k) **The electronic poll list (or each line on a poll list sheet**
30 **provided to take a voter's current address) must include a box under the**
31 **heading "Address Unchanged" so that the voter may check the box**
32 **instead of writing the voter's current address on the poll list, or if**
33 **an electronic poll list is used, the poll clerk may check the box a**
34 **voter whose after stating to the voter the address shown on the**
35 **electronic poll list and receiving an oral affirmation from the voter**
36 **that the voter's residence address shown on the poll list is the voter's**
37 **current residence address may check the box instead of writing the**
38 **voter's current residence address on the poll list or reentering the**
39 **address in the electronic poll list.**
- 40 (l) **If the voter makes:**
- 41 (1) **a written affirmation on the poll list that the voter resides**
42 **at an address within the precinct but not at the address shown**

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1 **on the poll list for the precinct; or**
2 **(2) an oral affirmation of a change of address under**
3 **IC 3-7-39-7;**
4 **the county election board shall direct the county voter registration**
5 **office to transfer the individual's voter registration record to the**
6 **address within the precinct indicated by the voter.**
7 SECTION 19. IC 3-11-8-25.5, AS AMENDED BY P.L.164-2006,
8 SECTION 102, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2013]: Sec. 25.5. If an individual signs the
10 individual's name and either:
11 (1) signs the individual's address; or
12 (2) checks the "Address Unchanged" box;
13 **on the poll list or provides the information for entry by the poll**
14 **clerk into the electronic poll list** under section 25.1 of this chapter
15 and then leaves the polls without casting a ballot or after casting a
16 provisional ballot, the voter may not be permitted to reenter the polls
17 to cast a ballot at the election.
18 SECTION 20. IC 3-11-8-25.7, AS ADDED BY P.L.120-2009,
19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2013]: Sec. 25.7. (a) This section applies only to a voter who
21 is a member of the military or public safety officer.
22 (b) Notwithstanding section 25.5 of this chapter, if a voter signs the
23 voter's name and either:
24 (1) writes the voter's address; or
25 (2) checks the "Address Unchanged" box;
26 **on the poll list or provides the information for entry by the poll**
27 **clerk into the electronic poll list** under section 25.1 of this chapter
28 and then leaves the polls without casting a ballot or after casting a
29 provisional ballot, the voter may reenter the polls to cast a ballot at the
30 election as provided in this section.
31 (c) A voter who leaves the polls to respond to an emergency in the
32 voter's capacity as a member of the military or public safety officer
33 must notify a precinct election officer that the voter is leaving the polls
34 to respond to an emergency in the voter's capacity as a member of the
35 military or public safety officer.
36 (d) A poll clerk or assistant poll clerk shall make a notation on the
37 poll list with the voter's name indicating that the voter has left the polls
38 as permitted by this section and the time the voter left the polls.
39 (e) If the voter returns to the polls, the voter shall be permitted to
40 vote if the voter executes an affidavit stating all of the following:
41 (1) The name of the voter.
42 (2) That the voter is a member of the military or public safety

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- 1 officer.
- 2 (3) The military or public safety position the voter holds.
- 3 (4) That after the voter signed the poll list, but before the voter
- 4 voted, the voter was called to respond to an emergency in the
- 5 voter's capacity as a member of the military or public safety
- 6 officer.
- 7 (5) A brief description of the emergency to which the voter
- 8 responded.
- 9 (6) The time at which the voter returned to the polls.
- 10 (f) The commission shall prescribe the form of the affidavit required
- 11 by this section.

12 SECTION 21. IC 3-11-8-26.1, AS AMENDED BY P.L.164-2006,
 13 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2013]: Sec. 26.1. (a) If a voter:

- 15 (1) cannot sign; or
- 16 (2) is a voter with a disability that makes it difficult for the voter
- 17 to sign;

18 the voter's name and address, the poll clerks shall, by proper
 19 interrogation, satisfy themselves that the voter is the person the voter
 20 represents the voter to be.

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

- 24 (1) The voter's name.
- 25 (2) Except as provided in subsection (e), the voter's current
- 26 residence address.
- 27 (c) The poll clerks shall:
- 28 (1) ask the voter to provide or update the voter's voter
- 29 identification number;
- 30 (2) tell the voter the number the voter may use as a voter
- 31 identification number; and
- 32 (3) explain to the voter that the voter is not required to provide or
- 33 update a voter identification number at the polls.

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

36 (e) **The electronic poll list (or each line on a poll list sheet**
 37 **provided to take a voter's current residence address) must include a box**
 38 **under the heading "Address Unchanged" so that the voter may check**
 39 **the box instead of writing the voter's current address on the poll**
 40 **list, or if an electronic poll list is used, the poll clerk may check the**
 41 **box to indicate that the after stating to the voter the address shown**
 42 **on the electronic poll list and receiving an oral affirmation from**

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1 **the voter that the voter's** residence address shown on the poll list is
2 the voter's current residence address instead of writing the voter's
3 current residence address on the poll list **or reentering the address in**
4 **the electronic poll list.**

5 SECTION 22. IC 3-11-16-4, AS ADDED BY P.L.221-2005,
6 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2013]: Sec. 4. The person or entity designated under this
8 chapter to conduct the program shall do the following:

9 (1) Develop and propose procedures and standards for the
10 certification, acquisition, functioning, training, and security for
11 voting systems used to conduct elections in Indiana.

12 (2) Compile and maintain an inventory of all voting systems used
13 to conduct elections in Indiana.

14 (3) Review reports concerning voting systems prepared by
15 independent laboratories and submitted by applicants for voting
16 system certification.

17 (4) Recommend to the commission whether an application for
18 voting system certification should be approved and, if so, whether
19 the approval should be subject to any restrictions or conditions to
20 ensure compliance with Indiana law.

21 (5) Perform any additional testing of a voting system necessary to
22 determine whether the voting system complies with state law.

23 (6) Each year perform random audits of voting systems used to
24 conduct Indiana elections and prepare reports indicating whether
25 the voting systems have been certified, programmed, and used in
26 compliance with Indiana law.

27 (7) Review contracts, leases, purchase orders, and amendments to
28 those documents concerning the acquisition or maintenance of
29 voting systems.

30 (8) Assist with the development of quantity purchase agreements
31 and other contracts for the lease or purchase of voting systems.

32 **(9) Develop and propose procedures and standards for the**
33 **certification, acquisition, functioning, training, and security**
34 **for electronic poll books used to conduct elections in Indiana.**

35 ~~(9)~~ **(10)** Perform any other duties related to the approval or use of
36 voting systems as provided in:

37 (A) state law; or

38 (B) the contract described in section 3 of this chapter.

39 SECTION 23. IC 3-11-17-1, AS ADDED BY P.L.221-2005,
40 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2013]: Sec. 1. This chapter applies to a voting system **or an**
42 **electronic poll book** vendor who sells, leases, installs, implements, or

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1 permits the use of a voting system **or an electronic poll book** in an
2 election conducted in Indiana.

3 SECTION 24. IC 3-11-17-2, AS ADDED BY P.L.221-2005,
4 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 2. In addition to any other penalty imposed, a
6 vendor who knowingly, recklessly, or negligently sells, leases, installs,
7 implements, or permits the use of a voting system **or an electronic poll**
8 **book** in an election conducted in Indiana in violation of this title is
9 subject to a civil penalty under this chapter.

10 SECTION 25. IC 3-11-18.1-12, AS ADDED BY P.L.1-2011,
11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2013]: Sec. 12. **(a)** Notwithstanding any other law, the
13 electronic poll list used at each vote center

14 **(+)** must:

15 **(1)** comply with IC 3-11-8-10.3;

16 **(2)** may include an electronic image of the signature of a voter
17 taken from the voter's registration application, if available; and

18 **(3)** may **(2)** be in a format approved by the secretary of state **in**
19 **accordance with this section.**

20 **(b)** A person who wishes to market, sell, lease, or provide an
21 electronic poll book for use in an election in Indiana must first file
22 an application for certification with the election division on a form
23 prescribed by the secretary of state.

24 **(c)** The secretary of state shall refer the application to the
25 person or entity conducting the voting system technical oversight
26 program (VSTOP) established by IC 3-11-16-2.

27 **(d)** The VSTOP shall examine the electronic poll book with its
28 accompanying documentation and file a report with the secretary
29 of state indicating:

30 **(1)** whether the electronic poll book would operate in
31 compliance with this title;

32 **(2)** any recommendations regarding the acquisition or use of
33 the electronic poll book; and

34 **(3)** whether VSTOP recommends that the secretary of state
35 approve the electronic poll book under this section, including
36 any recommended restrictions that should be placed on the
37 secretary of state's approval.

38 **(e)** After the report required by subsection (d) is filed, the
39 secretary of state may approve the application for certification
40 permitting the electronic poll book to be used in an election in
41 Indiana.

42 **(f)** A certification under this section expires on December 31 of

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1 **the year following the date of its issuance, unless earlier revoked by**
2 **the secretary of state upon a written finding of good cause for the**
3 **revocation.**

4 SECTION 26. IC 3-11.5-4-1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Each circuit court
6 clerk shall do the following:

7 (1) Keep a separate absentee ballot record for each precinct in the
8 county.

9 (2) **This subdivision applies to a county in which the county**
10 **voter registration office prepares a certified list of all voters**
11 **registered to vote in each precinct in the county under**
12 **IC 3-7-29-1. Certify to each inspector or the inspector's**
13 **representative, at the time that the ballots and supplies are**
14 **delivered under IC 3-11-3, the names of the voters:**

15 (A) to whom absentee ballots were sent or who marked ballots
16 in person; and

17 (B) whose ballots have been received by the county election
18 board under IC 3-11-10.

19 (3) **This subdivision applies to a county that has adopted an**
20 **order to use an electronic poll list under IC 3-7-29-6 or is a**
21 **voter center county under IC 3-11-18.1. Certify at the time the**
22 **county voter registration office downloads information to an**
23 **electronic poll list under IC 3-7-29-6(c), the names of the**
24 **voters:**

25 (A) to whom absentee ballots were sent or who marked
26 ballots in person; and

27 (B) whose ballots have been received by the county election
28 board under IC 3-11-10.

29 SECTION 27. IC 3-11.5-4-8 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) **This section**
31 **does not apply to a county that:**

32 (1) **has adopted an order to use an electronic poll list under**
33 **IC 3-7-29-6; or**

34 (2) **is a vote center county under IC 3-11-18.1;**

35 **if the electronic poll list used at a polling place or vote center is**
36 **immediately updated to indicate the county received, not later than**
37 **noon on election day, an absentee ballot from a voter.**

38 (b) Each county election board shall certify the names of voters:

39 (1) to whom absentee ballots were sent or who marked ballots in
40 person; and

41 (2) whose ballots have been received by the board under this
42 chapter;

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1 after the certification under section 1 of this chapter and not later than
2 noon on election day.

3 ~~(b)~~ (c) The county election board shall have:

4 (1) the certificates described in subsection ~~(a)~~; (b); and

5 (2) the circuit court clerk's certificates for voters who have
6 registered and voted under IC 3-7-36-14;

7 delivered to the precinct election boards at their respective polls on
8 election day by couriers appointed under section 22 of this chapter.

9 ~~(c)~~ (d) The certificates shall be delivered not later than 3 p.m. on
10 election day.

11 SECTION 28. IC 3-11.5-4-9, AS AMENDED BY P.L.225-2011,
12 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2013]: Sec. 9. (a) **This section does not apply to a county
14 that:**

15 (1) **has adopted an order to use an electronic poll list under
16 IC 3-7-29-6; or**

17 (2) **is a vote center county under IC 3-11-18.1;**

18 **if the electronic poll list used at a polling place or vote center is
19 immediately updated to indicate that the county received, not later
20 than noon on election day, an absentee ballot from a voter.**

21 ~~(a)~~ (b) Upon delivery of the certificates under section 8 of this
22 chapter to a precinct election board, the inspector shall do the following
23 in the presence of the poll clerks:

24 (1) Mark the poll list.

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

27 The poll clerks shall sign the statement printed on the certificate
28 indicating that the inspector marked the poll list and attached the
29 certificates under this section in the presence of both poll clerks to
30 indicate that the absentee ballot of the voter has been received by the
31 county election board.

32 ~~(b)~~ (c) The inspector shall then deposit:

33 (1) the certificate prepared under section 1 of this chapter;

34 (2) the certificate prepared under section 8 of this chapter; and

35 (3) any challenge affidavit executed by a qualified person under
36 section 16 of this chapter;

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

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

42 ~~(d)~~ (e) The couriers shall immediately return the envelope described

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

6 SECTION 29. IC 3-11.5-4-15 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) **Except as**
 8 **provided in subsection (c)**, the vote of an absentee voter may be
 9 challenged at the polls for the reason that the absentee voter is not a
 10 legal voter of the precinct where the ballot is being cast.

11 (b) Before the inspector prepares to mark the poll list to indicate that
 12 an absentee ballot cast by the voter has been received by the county
 13 election board according to a certificate delivered to the polls under
 14 section 1 or section 8 of this chapter, the inspector shall notify the
 15 challengers and the pollbook holders that the inspector is about to mark
 16 the poll list under this section. The inspector shall provide the
 17 challengers and pollbook holders with the name and address of each
 18 voter listed in the certificate so that the voter may be challenged under
 19 this article.

20 (c) **This section applies to a county that:**

21 (1) **has adopted an order to use an electronic poll list under**
 22 **IC 3-7-29-6; or**

23 (2) **is a vote center county under IC 3-11-18.1.**

24 **The vote of an absentee ballot may be challenged for the reason**
 25 **that the absentee voter is not a legal voter of the precinct for which**
 26 **the absentee ballot was issued. Before the absentee ballot counters**
 27 **process an absentee ballot, the absentee ballot counters shall notify**
 28 **the county election board. A county election board member, or a**
 29 **representative designated by a county election board member, may**
 30 **protest the counting of an absentee ballot under IC 3-11.5-5-8 or**
 31 **IC 3-11.5-6-6.**

32 ~~(c)~~ (d) The challenge under this section must be determined using
 33 the procedures for counting a provisional ballot under IC 3-11.7.

34 SECTION 30. IC 3-11.5-4-16, AS AMENDED BY P.L.164-2006,
 35 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) If an absentee ballot is
 37 challenged under section 15 of this chapter, the absentee voter's
 38 application for an absentee ballot shall be considered as the affidavit
 39 required to be made by a voter when challenged at the polls while
 40 voting in person.

41 (b) Except as provided in subsection (c), the challenge procedure
 42 under this section is the same as though the ballot was cast by the voter

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1 in person.

2 (c) An absentee voter is not required to provide proof of
3 identification.

4 (d) **This subsection does not apply to a county that:**

5 **(1) has adopted an order to use an electronic poll list under**
6 **IC 3-7-29-6; or**

7 **(2) is a vote center county under IC 3-11-18.1.**

8 If a proper affidavit by a qualified person in the form required by
9 IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if
10 the absentee voter had personally appeared, the couriers shall return the
11 affidavit to the county election board in the same envelope as the
12 certificate returned under section 9 of this chapter.

13 (e) The absentee ballot cast by the challenged voter shall be counted
14 if the county election board makes the findings required under ~~section~~
15 ~~11 of this chapter:~~ **IC 3-11.7.**

16 SECTION 31. IC 3-11.5-4-22 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 22. (a) Except as
18 provided in subsection (b), each county election board shall appoint:

- 19 (1) absentee voter boards;
20 (2) teams of absentee ballot counters; and
21 (3) teams of couriers;

22 consisting of two (2) voters of the county, one (1) from each of the two
23 (2) political parties that have appointed members on the county
24 election board.

25 (b) Notwithstanding subsection (a), a county election board:

26 **(1) may appoint, by a unanimous vote of the board's members,**
27 **only one (1) absentee ballot courier if the person appointed is a**
28 **voter of the county; and**

29 **(2) shall not appoint teams of couriers, if the county:**

30 **(A) has adopted an order to use an electronic poll list**
31 **under IC 3-7-29-6; or**

32 **(B) is a vote center county under IC 3-11-18.1.**

33 (c) An otherwise qualified person is eligible to serve on an absentee
34 voter board or as an absentee ballot counter or a courier unless the
35 person:

- 36 (1) is unable to read, write, and speak the English language;
37 (2) has any property bet or wagered on the result of the election;
38 (3) is a candidate to be voted for at the election except as an
39 unopposed candidate for precinct committeeman or state
40 convention delegate; or
41 (4) is the spouse, parent, father-in-law, mother-in-law, child,
42 son-in-law, daughter-in-law, grandparent, grandchild, brother,

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1 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
 2 of a candidate or declared write-in candidate to be voted for at the
 3 election except as an unopposed candidate. This subdivision
 4 disqualifies a person whose relationship to the candidate is the
 5 result of birth, marriage, or adoption.

6 (d) A person who is a candidate to be voted for at the election or
 7 who is related to a candidate in a manner that would result in
 8 disqualification under subsection (c) may, notwithstanding subsection
 9 (c), serve as a member of an absentee voter board if:

- 10 (1) the candidate is seeking nomination or election to an office in
 11 an election district that does not consist of the entire county; and
 12 (2) the county election board restricts the duties of the person as
 13 an absentee voter board member to performing functions that
 14 could have no influence on the casting or counting of absentee
 15 ballots within the election district.

16 SECTION 32. IC 3-11.5-4-24, AS AMENDED BY P.L.221-2005,
 17 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2013]: Sec. 24. (a) **This section does not apply to a county**
 19 **that:**

- 20 (1) **has adopted an order to use an electronic poll list under**
 21 **IC 3-7-29-6; or**
 22 (2) **is a vote center county under IC 3-11-18.1.**

23 ~~(a)~~ (b) In addition to the preparations described in IC 3-11-11-2,
 24 IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

- 25 (1) mark the poll list; and
 26 (2) attach the certificates of voters who have registered and voted
 27 under IC 3-7-36-14 to the poll list;

28 in the presence of the poll clerks to indicate the voters of the precinct
 29 whose absentee ballots have been received by the county election board
 30 according to the certificate supplied under section 1 of this chapter.

31 ~~(b)~~ (c) The poll clerks shall sign the statement printed on the
 32 certificate supplied under section 1 of this chapter indicating that the
 33 inspector:

- 34 (1) marked the poll list; and
 35 (2) attached the certificates described in subsection ~~(a)(2)~~; **(b)(2)**;
 36 under this section in the presence of both poll clerks.

37 ~~(c)~~ (d) The inspector shall retain custody of the certificate supplied
 38 under section 1 of this chapter until the certificate is returned under
 39 section 9 of this chapter.

40 SECTION 33. IC 3-11.5-5-3 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) **Except as**
 42 **provided in subsection (b)**, immediately after:

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1 (1) the couriers have returned the certificate from a precinct under
 2 IC 3-11.5-4-9; and
 3 (2) the absentee ballot counters or the county election board have
 4 made the findings required under IC 3-11-10 and IC 3-11.5-4 for
 5 the absentee ballots cast by voters of the precinct and deposited
 6 the accepted absentee ballots in the envelope required under
 7 IC 3-11.5-4-12;
 8 the absentee ballot counters shall, in a central counting location
 9 designated by the county election board, count the absentee ballot votes
 10 for each candidate for each office and on each public question in the
 11 precinct.

12 **(b) This section applies to a county that:**

13 **(1) has adopted an order to use an electronic poll list under**
 14 **IC 3-7-29-6; or**

15 **(2) is a vote center county under IC 3-11-18.1.**

16 **Immediately after the electronic poll lists used at each polling place**
 17 **or vote center have been updated to indicate that the county**
 18 **received, not later than noon on election day, an absentee ballot**
 19 **from a voter, the absentee ballot counters shall, in a central**
 20 **counting location designated by the county election board, count**
 21 **the absentee ballot votes cast for each candidate for each office and**
 22 **on each public question in the precinct.**

23 SECTION 34. IC 3-11.5-6-3 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) Except as**
 25 **provided in subsection (b),** immediately after:

26 (1) the couriers have returned the certificate from a precinct under
 27 IC 3-11.5-4-9; and

28 (2) the absentee ballot counters or the county election board has
 29 made the findings required under IC 3-11-10 and IC 3-11.5-4 for
 30 the absentee ballots cast by voters of the precinct and deposited
 31 the accepted absentee ballots in the envelope required under
 32 IC 3-11.5-4-12;

33 the absentee ballot counters shall, in a central counting location
 34 designated by the county election board, count the absentee ballot votes
 35 for each candidate for each office and on each public question in the
 36 precinct with the assistance of any persons required for the operation
 37 of the automatic tabulating machine.

38 **(b) This subsection applies to a county that:**

39 **(1) has adopted an order to use an electronic poll list under**
 40 **IC 3-7-29-6; or**

41 **(2) is a vote center county under IC 3-11-18.1.**

42 **Immediately after the electronic poll lists used at each polling place**

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1 or vote center have been updated to indicate that the county
 2 received, not later than noon on election day, an absentee ballot
 3 from a voter, the absentee ballot counters shall, in a central
 4 counting location designated by the county election board, count
 5 the absentee ballot votes cast for each candidate for each office and
 6 on each public question in the precinct.

7 SECTION 35. IC 5-26.5-2-5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) **The definitions
 9 set forth in IC 3-5-2 apply to this section.**

10 (b) A program participant who is otherwise qualified to vote may
 11 apply to vote as provided in IC 3-7. **The residence address of a
 12 program participant shall be recorded in the computerized system
 13 as set forth in the voter registration application. However, the
 14 voter registration application of the program participant is
 15 confidential, and the name and residence address of the program
 16 participant shall not be printed on any poll list or made available
 17 through any electronic poll list provided to precinct election
 18 officers.**

19 (c) **The program participant may vote in person at the office of
 20 the county election board or may vote absentee by mail. The
 21 absentee ballot application of a program participant is
 22 confidential. The program participant's mailing address shall be
 23 recorded in the computerized system as the address of the office of
 24 the attorney general. Except as provided in this section, IC 3-11-4-6
 25 applies to a program participant who wishes to vote by absentee
 26 ballot.**

27 SECTION 36. IC 20-23-4-35, AS ADDED BY P.L.1-2005,
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 35. (a) The governing body of a school
 30 corporation may be organized under this section.

31 (b) The governing body consists of seven (7) members, elected as
 32 follows:

33 (1) Four (4) members elected from districts, with one (1) member
 34 serving from each ~~electoral~~ **election** district. A member elected
 35 under this subdivision must be:

36 (A) a resident of the ~~electoral~~ **election** district from which the
 37 member is elected; and

38 (B) voted upon by only the registered voters residing within
 39 the ~~electoral~~ **election** district and voting at a governing body
 40 election.

41 (2) Three (3) members, who are voted upon by all the registered
 42 voters residing within the school corporation and voting at a

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1 governing body election, elected under this subdivision. The
 2 governing body shall establish three (3) residential districts as
 3 follows:
 4 (A) One (1) residential district must be the township that has
 5 the greatest population within the school corporation.
 6 (B) Two (2) residential districts must divide the remaining
 7 area within the school corporation.
 8 Only one (1) member who resides within a particular residential
 9 district established under this subdivision may serve on the
 10 governing body at a time.
 11 (c) A member of the governing body who is:
 12 (1) elected from an ~~electoral~~ **election** or a residential district; or
 13 (2) appointed to fill a vacancy from an ~~electoral~~ **election** or a
 14 residential district;
 15 must reside within the boundaries of the district the member represents.
 16 (d) A vacancy on the governing body shall be filled by the
 17 governing body as soon as practicable after the vacancy occurs. A
 18 member chosen by the governing body to fill a vacancy holds office for
 19 the remainder of the unexpired term.
 20 (e) The members of the governing body serving at the time a plan
 21 is amended under this section shall establish the ~~electoral~~ **election** and
 22 residential districts described in subsection (b).
 23 (f) The ~~electoral~~ **election** districts described in subsection (b)(1):
 24 (1) shall be drawn on the basis of precinct lines;
 25 (2) may not cross precinct lines; and
 26 (3) as nearly as practicable, be of equal population, with the
 27 population of the largest exceeding the population of the smallest
 28 by not more than fifteen percent (15%).
 29 (g) The residential districts described in subsection (b)(2) may:
 30 (1) be drawn in any manner considered appropriate by the
 31 governing body; and
 32 (2) be drawn along township lines.
 33 (h) The governing body shall certify the districts **that are**
 34 established under subsections (f) and (g), **amended under subsection**
 35 **(e), or recertified under section 35.5 of this chapter** to:
 36 (1) the state board; and
 37 (2) the ~~county election board~~ **circuit court clerk** of ~~the each~~
 38 county in which the school corporation is located **as provided in**
 39 **section 35.5 of this chapter**.
 40 (i) The governing body shall designate:
 41 (1) three (3) of the districts established under this section to be
 42 elected at the first school board election that occurs after the

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1 effective date of the plan; and
 2 (2) the remaining four (4) districts to be elected at the second
 3 school board election that occurs after the effective date of the
 4 plan.

5 **(j) The limitations set forth in this section are part of the plan,**
 6 **but do not have to be specifically set forth in the plan. The plan**
 7 **must be construed, if possible, to comply with this chapter. If a**
 8 **provision of the plan or an application of the plan violates this**
 9 **chapter, the invalidity does not affect the other provisions or**
 10 **applications of the plan that can be given effect without the invalid**
 11 **provision or application. The provisions of the plan are severable.**

12 **(k) If a conflict exists between:**

13 **(1) a map showing the boundaries of a district; and**

14 **(2) a description of the boundaries of that district set forth in**
 15 **the plan or plan amendment;**

16 **the district boundaries are the description of the boundaries set**
 17 **forth in the plan or plan amendment, not the boundaries shown on**
 18 **the map, to the extent there is a conflict between the description**
 19 **and the map.**

20 SECTION 37. IC 20-23-4-35.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2013]: **Sec. 35.5. (a) Not later than December**
 23 **31, 2013, the governing body shall do the following:**

24 **(1) Send a copy of the school corporation's plan to the circuit**
 25 **court clerk of each county in which the school corporation is**
 26 **located.**

27 **(2) If any members of the governing body are elected from**
 28 **election districts voted upon by only the registered voters**
 29 **residing within the election district, certify that the election**
 30 **districts comply with section 35(f) and 35(g) of this chapter.**

31 **(b) This subsection applies during the first year after a year in**
 32 **which a federal decennial census is conducted. The governing body**
 33 **shall amend the plan under section 35(e) of this chapter if an**
 34 **amendment is necessary to reestablish the districts in compliance**
 35 **with section 35(f) and 35(g) of this chapter. If the governing body**
 36 **determines that a plan amendment under section 35(e) of this**
 37 **chapter is not required, the governing body shall recertify that the**
 38 **districts as established comply with section 35(f) and 35(g) of this**
 39 **chapter.**

40 **(c) Each time the school corporation's plan is amended, the**
 41 **governing body shall file the following with the circuit court clerk**
 42 **of each county in which the school corporation is located:**

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- (1) A copy of the amendment.**
- (2) Either of the following:**
 - (A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 35(f) and 35(g) of this chapter.**
 - (B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 35(f) and 35(g) of this chapter, a map of the new district boundaries.**

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or recertification occurs.

SECTION 38. IC 20-23-7-4, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) At the first meeting of the board of commissioners of the county after the creation of the metropolitan school district as provided in this chapter, the board of commissioners shall divide the district into three (3) governing body districts approximately equal in population. ~~Not more than one (1) year after the effective date of each United States decennial census;~~ **During the first year after a year in which a federal decennial census is conducted,** the board of commissioners shall:

- (1) readjust the boundaries of the districts to equalize the districts by population; or**
- (2) recertify that the boundaries of the districts as drawn comply with this subsection.**

(b) Instead of the division provided under subsection (a), any resolution or petition provided in section 2(a) or 2(b) of this chapter may:

- (1) provide that the metropolitan school district to be created shall be divided into two (2) or more governing body districts;
- (2) describe the governing body member districts;
- (3) provide that one (1) or more members of the governing body must reside within each of the governing body member districts;
- (4) set out the number of members to serve from each designated district;
- (5) provide that the governing body member districts need not be equal in size or population, and that one (1) board member district may include all the area in the metropolitan school district;
- (6) specify that the number of governing body members to be resident in each district need not be an equal number; and

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- 1 (7) eliminate all requirements that there be governing body
2 member districts.
- 3 (c) If the resolution or petition:
- 4 (1) does not provide for governing body member districts and
5 designate the number of governing body members to be resident
6 in each district; or
- 7 (2) provides for the elimination of governing body member
8 districts;
- 9 subsection (a) controls. If either subsection (a) or (b) applies,
10 candidates shall be voted upon by all the registered voters of the
11 metropolitan school district voting at any governing body member
12 election.
- 13 **(d) The limitations set forth in this section are part of the plan,
14 but do not have to be specifically set forth in the plan. The plan
15 must be construed, if possible, to comply with this chapter. If a
16 provision of the plan or an application of the plan violates this
17 chapter, the invalidity does not affect the other provisions or
18 applications of the plan that can be given effect without the invalid
19 provision or application. The provisions of the plan are severable.**
- 20 SECTION 39. IC 20-23-7-4.5 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2013]: **Sec. 4.5. (a) Not later than December
23 31, 2013, the board of commissioners shall do the following:**
- 24 (1) Send a copy of the school corporation's plan to the circuit
25 court clerk of each county in which the school corporation is
26 located.
- 27 (2) If any members of the governing body are elected from
28 election districts voted upon by only the registered voters
29 residing within the election district, certify that the election
30 districts comply with section 4 of this chapter.
- 31 **(b) This subsection applies during the first year after a year in
32 which a federal decennial census is conducted. The board of
33 commissioners shall amend the plan under section 4 of this chapter
34 if an amendment is necessary to reestablish the districts in
35 compliance with section 4 of this chapter. If the board of
36 commissioners determines that a plan amendment under section 4
37 of this chapter is not required, the board of commissioners shall
38 recertify that the districts as established comply with section 4 of
39 this chapter.**
- 40 (c) Each time the school corporation's plan is amended, the
41 board of commissioners shall file the following with the circuit
42 court clerk of each county in which the school corporation is

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located:

(1) A copy of the amendment.

(2) Either of the following:

(A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 4 of this chapter.

(B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 4 of this chapter, a map of the new district boundaries.

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or recertification occurs.

(e) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the plan or plan amendment;

the district boundaries are the description of the boundaries set forth in the plan or plan amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

SECTION 40. IC 20-23-8-8, AS AMENDED BY P.L.2-2006, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) A plan is subject to the following limitations:

(1) A member of the governing body may not serve for a term of more than four (4) years, but a member may succeed himself or herself in office. This limitation does not apply to members who hold over during an interim period to effect a new plan awaiting the selection and qualification of a member under the new plan.

(2) The plan, if the members are:

(A) to be elected, shall conform with one (1) of the types of board organization permitted by IC 20-23-4-27; or

(B) appointed, shall conform with one (1) of the types permitted by IC 20-23-4-28.

(3) The terms of the members of the governing body, either elected to or taking office on or before the time the plan takes effect, may not be shortened. The terms of the members taking office under the plan may be shortened to make the plan workable on a permanent basis.

(4) If the plan provides for electoral districts, where a member of the governing body is elected solely by the voters of a single

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1 district, the districts must be as near as practicable equal in
 2 population. The districts shall be reapportioned and their
 3 boundaries:

4 (A) changed, if necessary; or

5 (B) recertified, if changes are not necessary;

6 by resolution of the governing body before the election next
 7 following the effective date of the subsequent decennial census to
 8 preserve the equality by resolution of the governing body.

9 (5) The plan shall comply with the:

10 (A) Constitution of the State of Indiana; and

11 (B) Constitution of the United States;

12 including the equal protection clauses of both constitutions.

13 (6) The provisions of IC 20-23-4-26 through IC 20-23-4-33
 14 relating to the board of trustees of a community school
 15 corporation and to the community school corporation, including
 16 provisions relating to powers of the board and corporation and
 17 provisions relating to the mechanics of selection of the board,
 18 where elected and where appointed, apply to a governing body set
 19 up by a plan under this chapter and to the school corporation.

20 (b) The limitations set forth in this section do not have to be
 21 specifically set forth in a plan but are a part of the plan. A plan shall be
 22 construed, if possible, to comply with this chapter. If a provision of the
 23 plan or an application of the plan violates this chapter, the invalidity
 24 does not affect the other provisions or applications of the plan that can
 25 be given effect without the invalid provision or application. The
 26 provisions of a plan are severable.

27 SECTION 41. IC 20-23-8-8.5 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. (a) Not later than December**
 30 **31, 2013, the governing body shall do the following:**

31 (1) **Send a copy of the school corporation's plan to the circuit**
 32 **court clerk of each county in which the school corporation is**
 33 **located.**

34 (2) **If any members of the governing body are elected from**
 35 **election districts voted upon by only the registered voters**
 36 **residing within the election district, certify that the election**
 37 **districts comply with section 8 of this chapter.**

38 (b) **This subsection applies during the first year after a year in**
 39 **which a federal decennial census is conducted. The governing body**
 40 **shall amend the plan under section 8 of this chapter if an**
 41 **amendment is necessary to reestablish the districts in compliance**
 42 **with section 8 of this chapter. If the governing body determines**

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1 that a plan amendment under section 8 of this chapter is not
 2 required, the governing body shall recertify that the districts as
 3 established comply with section 8 of this chapter.

4 (c) Each time the school corporation's plan is amended, the
 5 governing body shall file the following with the circuit court clerk
 6 of each county in which the school corporation is located:

7 (1) A copy of the amendment.

8 (2) Either of the following:

9 (A) A certification that the plan amendment does not
 10 require reestablishment of the school corporation's
 11 election districts to comply with section 8 of this chapter.

12 (B) If the plan amendment requires reestablishment of the
 13 school corporation's election districts to comply with
 14 section 8 of this chapter, a map of the new district
 15 boundaries.

16 (d) A plan amendment or recertification under this section must
 17 be filed not later than thirty (30) days after the amendment or
 18 recertification occurs.

19 (e) If a conflict exists between:

20 (1) a map showing the boundaries of a district; and

21 (2) a description of the boundaries of that district set forth in
 22 the plan or plan amendment;

23 the district boundaries are the description of the boundaries set
 24 forth in the plan or plan amendment, not the boundaries shown on
 25 the map, to the extent there is a conflict between the description
 26 and the map.

27 SECTION 42. IC 20-23-14-3, AS ADDED BY P.L.1-2005,
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 3. (a) The governing body of the school
 30 corporation consists of five (5) members elected on a nonpartisan basis.

31 (b) Three (3) of the members are elected from the school districts
 32 referred to in section 44.5 of this chapter by eligible voters residing in
 33 the school districts. Each member:

34 (1) is elected from the school district in which the member
 35 resides; and

36 (2) upon election and in conducting the business of the governing
 37 body, represents the interests of the entire school corporation.

38 (c) Two (2) of the members:

39 (1) are elected by eligible voters residing in the school
 40 corporation;

41 (2) are at-large members of the governing body; and

42 (3) upon election and in conducting the business of the governing

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1 body, represent the interests of the entire school corporation.
 2 SECTION 43. IC 20-23-14-4 IS REPEALED [EFFECTIVE JULY
 3 1, 2013]. Sec. 4: The school districts for the election of the members of
 4 the governing body under section 3(b) of this chapter are as follows:
 5 (1) Commencing at the Southeast corner of Section 16; thence
 6 West along the center line of 29th Avenue (South line of Section
 7 16) to Deep River; thence Southwesterly along the center line of
 8 Deep River to State Road 51; thence South along the center line
 9 of State Road 51 to 33rd Avenue to Montgomery Street (the
 10 North-South center line of Section 20); thence North along the
 11 center line of Montgomery Street to 31st Avenue; then West
 12 along the center line of 31st Avenue to Grand Boulevard; then
 13 North along the center line of Grand Boulevard to Riverside
 14 Drive; then Northeasterly along the center line of Riverside Drive
 15 to Laporte Street; thence North along the center line of Laporte
 16 Street to Fairview Avenue; thence Easterly along the center line
 17 of Fairview Avenue to State Road 51; thence North along the
 18 center line of State Road 51 to Central Avenue; thence East along
 19 the center line of Central Avenue to the county line; thence South
 20 along the county line to the point of beginning.
 21 (2) Commencing at the Northeast Corner of Section 9-36-7;
 22 thence South along the county line to Central Avenue; thence
 23 West along the center line of Central Avenue to State Road 51;
 24 thence South along the center line of State Road 51 to Fairview
 25 Street; thence Westerly along the center line of Fairview Avenue
 26 to Laporte Street; thence South along the center line of Laporte
 27 Street to Riverside Drive; thence Southwesterly along the center
 28 line of Riverside Drive to Grand Boulevard; thence North along
 29 the center line of Grand Boulevard to Court Street; thence West
 30 along the center line of Court Street to Howard Street; thence
 31 Northerly along the center line of Howard Street to the Borman
 32 Tri-State Highway (I-80 and I-94); thence Westerly along the
 33 center line of the Borman Tri-State Highway to the Little Calumet
 34 River Bed; thence meandering along the center line of the Little
 35 Calumet River Bed first in a Northeasterly direction; then in a
 36 Southwesterly direction; then in a Northerly direction to Burns
 37 Ditch; thence Westerly along the center line of Burns Ditch to
 38 Clay Street; then North along the center line of Clay Street to 15th
 39 Avenue; thence East along the center line of 15th Avenue to
 40 Gibson Street; thence North along Gibson Street to the Indiana
 41 Toll Road; thence Easterly along the North Line of the Indiana
 42 Toll Road to Lake Street; thence North along the East Line of

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1 Lake Street to the Wabash Railroad; thence East along the
2 Wabash Railroad to the point of beginning.

3 (3) Commencing at the Southeast corner of Section 18-36-7;
4 thence West along the center line of 29th Avenue to Hancock
5 Street; thence South along the center line of Hancock Street to
6 Deep River; thence Southwesterly along the center line of Deep
7 River to Gibson Street; thence North along the center line of
8 Gibson Street to 29th Avenue; thence West along 29th Avenue;
9 including residences on both the North and South sides of 29th
10 Avenue to Clay Street; thence South along the center line of Clay
11 Street to Liverpool Road; thence Westerly along the center line of
12 Liverpool Road to Benton Street; thence North along the center
13 line of Benton Street to 29th Avenue; thence West along the
14 center line of 29th Avenue to State Street; thence North along the
15 center line of State Street to Marquette Road; thence Easterly
16 along the center line of Marquette Road to Clay Street; thence
17 North along the center line of Clay Street to Burns Ditch; thence
18 Easterly along the center line of Burns Ditch to the Little Calumet
19 River Bed; thence meandering along the center line of the Little
20 Calumet River Bed first in a Southerly direction; then in a
21 Northeasterly direction, and then in a Southerly direction to the
22 Borman Tri-State Highway (I-80 and I-94); then Easterly along
23 the center line of the Borman Tri-State Highway to Howard
24 Street; thence Southerly along the center line of Howard Street to
25 Court Street; thence East along the center line of Court Street to
26 Grand Boulevard; thence South along the center line of Grand
27 Boulevard to the point of beginning.

28 SECTION 44. IC 20-23-14-4.5 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2013]: **Sec. 4.5. (a) Until the first**
31 **reapportionment required under this section, the school districts**
32 **for the election of the members of the governing body under**
33 **section 3(b) of this chapter are the districts set forth in section 4 of**
34 **this chapter (before its repeal).**

35 (b) The governing body shall, by resolution, reapportion the
36 school districts and change their boundaries, if necessary, not later
37 than December 31 of the year immediately following the year in
38 which a decennial census is taken.

39 (c) The school districts established must:

- 40 (1) be as near as practicable equal in population;
41 (2) have boundaries set forth in the text of the resolution; and
42 (3) comply with:

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- 1 (A) the Constitution of the United States; and
 2 (B) the Constitution of the State of Indiana;
 3 including the equal protection clauses of both constitutions.
 4 (d) The limitations set forth in this section are part of the
 5 resolution, but do not have to be specifically set forth in the
 6 resolution. The resolution must be construed, if possible, to comply
 7 with this chapter. If a provision of the resolution or an application
 8 of the resolution violates this chapter, the invalidity does not affect
 9 the other provisions or applications of the resolution that can be
 10 given effect without the invalid provision or application. The
 11 provisions of the resolution are severable.
 12 (e) This subsection applies during the first year after a year in
 13 which a federal decennial census is conducted. The governing body
 14 shall amend the resolution if an amendment is necessary to
 15 reapportion the school districts and change their boundaries to
 16 comply with subsection (c). If the governing body determines that
 17 reapportionment and changes to the boundaries of the school
 18 districts are not required, the governing body shall recertify that
 19 the school districts as established comply with subsection (c).
 20 (f) Each time the governing body amends the resolution or
 21 makes a recertification, the governing body shall file a copy of the
 22 following with the board of elections and registration established
 23 by IC 3-6-5.2-3 not later than thirty (30) days after the amendment
 24 or recertification occurs:
 25 (1) A copy of the amendment or recertification.
 26 (2) One (1) of the following:
 27 (A) A certification that changes to the school district
 28 boundaries as established are not required to comply with
 29 subsection (c).
 30 (B) If reapportionment of the school districts and changes
 31 to their boundaries are required to comply with subsection
 32 (c), a map showing the boundaries of the new school
 33 districts.
 34 (g) If a conflict exists between:
 35 (1) a map showing the boundaries of a school district; and
 36 (2) a description of the boundaries of that school district set
 37 forth in the resolution or resolution amendment;
 38 the school district boundaries are the description of the boundaries
 39 set forth in the resolution or resolution amendment, not the
 40 boundaries shown on the map, to the extent there is a conflict
 41 between the description and the map.
 42 SECTION 45. IC 20-23-15-7.5 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: **Sec. 7.5. (a) Not later than December**
 3 **31, 2013, the governing body shall do the following:**

4 (1) Send a copy of the school corporation's plan to the circuit
 5 court clerk of each county in which the school corporation is
 6 located.

7 (2) If any members of the governing body are elected from
 8 election districts voted upon by only the registered voters
 9 residing within the election district, certify that the election
 10 districts comply with section 7 of this chapter.

11 (b) This subsection applies during the first year after a year in
 12 which a federal decennial census is conducted. The governing body
 13 shall amend the plan if an amendment is necessary to reestablish
 14 the districts in compliance with section 7 of this chapter. If the
 15 governing body determines that a plan amendment is not required,
 16 the governing body shall recertify that the districts as established
 17 comply with section 7 of this chapter.

18 (c) Each time the school corporation's plan is amended, the
 19 governing body shall file the following with the circuit court clerk
 20 of each county in which the school corporation is located:

21 (1) A copy of the amendment.

22 (2) Either of the following:

23 (A) A certification that the plan amendment does not
 24 require reestablishment of the school corporation's
 25 election districts to comply with section 7 of this chapter.

26 (B) If the plan amendment requires reestablishment of the
 27 school corporation's election districts to comply with
 28 section 7 of this chapter, a map of the new district
 29 boundaries.

30 (d) A plan amendment or recertification under this section must
 31 be filed not later than thirty (30) days after the amendment or
 32 recertification occurs.

33 (e) The limitations set forth in this section are part of the plan,
 34 but do not have to be specifically set forth in the plan. The plan
 35 must be construed, if possible, to comply with this chapter. If a
 36 provision of the plan or an application of the plan violates this
 37 chapter, the invalidity does not affect the other provisions or
 38 applications of the plan that can be given effect without the invalid
 39 provision or application. The provisions of the plan are severable.

40 (f) If a conflict exists between:

41 (1) a map showing the boundaries of a district; and

42 (2) a description of the boundaries of that district set forth in

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1 **the plan or plan amendment;**
 2 **the district boundaries are the description of the boundaries set**
 3 **forth in the plan or plan amendment, not the boundaries shown on**
 4 **the map, to the extent there is a conflict between the description**
 5 **and the map.**

6 SECTION 46. IC 36-2-2-4, AS AMENDED BY P.L.119-2012,
 7 SECTION 179, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) This subsection does not
 9 apply to a county having a population of:

- 10 (1) more than four hundred thousand (400,000) but less than
- 11 seven hundred thousand (700,000); or
- 12 (2) more than two hundred fifty thousand (250,000) but less than
- 13 two hundred seventy thousand (270,000).

14 The executive shall divide the county into three (3) districts that are
 15 composed of contiguous territory and are reasonably compact. The
 16 district boundaries drawn by the executive must not cross precinct
 17 boundary lines and must divide townships only when a division is
 18 clearly necessary to accomplish redistricting under this section. If
 19 necessary, the county auditor shall call a special meeting of the
 20 executive to establish or revise districts.

21 (b) This subsection applies to a county having a population of more
 22 than four hundred thousand (400,000) but less than seven hundred
 23 thousand (700,000). A county redistricting commission shall divide the
 24 county into three (3) single-member districts that comply with
 25 subsection (d). The commission is composed of:

- 26 (1) the members of the Indiana election commission;
- 27 (2) two (2) members of the senate selected by the president pro
- 28 tempore, one (1) from each political party; and
- 29 (3) two (2) members of the house of representatives selected by
- 30 the speaker, one (1) from each political party.

31 The legislative members of the commission have no vote and may act
 32 only in an advisory capacity. A majority vote of the voting members is
 33 required for the commission to take action. The commission may meet
 34 as frequently as necessary to perform its duty under this subsection.
 35 The commission's members serve without additional compensation
 36 above that provided for them as members of the Indiana election
 37 commission, the senate, or the house of representatives.

38 (c) This subsection applies to a county having a population of more
 39 than two hundred fifty thousand (250,000) but less than two hundred
 40 seventy thousand (270,000). The executive shall divide the county into
 41 three (3) single-member districts that comply with subsection (d).

42 (d) Single-member districts established under subsection (b) or (c)

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- 1 must:
- 2 (1) be compact, subject only to natural boundary lines (such as
- 3 railroads, major highways, rivers, creeks, parks, and major
- 4 industrial complexes);
- 5 (2) contain, as nearly as is possible, equal population; and
- 6 (3) not cross precinct lines.
- 7 (e) **Except as provided by subsection (g)**, a division under
- 8 subsection (a), (b), or (c) shall be made:
- 9 (1) during the first year after a year in which a federal decennial
- 10 census is conducted; and
- 11 (2) when the county adopts an order declaring a county boundary
- 12 to be changed under IC 36-2-1-2.
- 13 (f) A division under subsection (a), (b), or (c) may be made in any
- 14 odd-numbered year not described in subsection (e).
- 15 **(g) This subsection applies during the first year after a year in**
- 16 **which a federal decennial census is conducted. If the county**
- 17 **executive or county redistricting commission determines that a**
- 18 **division under subsection (e) is not required, the county executive**
- 19 **or county redistricting commission shall adopt an ordinance**
- 20 **recertifying that the districts as drawn comply with this section.**
- 21 (h) Each time there is a division under subsection (e) or (f) or a
- 22 recertification under subsection (g), the county executive or county
- 23 redistricting commission shall file with the circuit court clerk of the
- 24 county, not later than thirty (30) days after the division or
- 25 recertification occurs, a map of the district boundaries:
- 26 (1) adopted under subsection (e) or (f); or
- 27 (2) recertified under subsection (g).
- 28 (i) The limitations set forth in this section are part of the
- 29 ordinance, but do not have to be specifically set forth in the
- 30 ordinance. The ordinance must be construed, if possible, to comply
- 31 with this chapter. If a provision of the ordinance or an application
- 32 of the ordinance violates this chapter, the invalidity does not affect
- 33 the other provisions or applications of the ordinance that can be
- 34 given effect without the invalid provision or application. The
- 35 provisions of the ordinance are severable.
- 36 (j) If a conflict exists between:
- 37 (1) a map showing the boundaries of a district; and
- 38 (2) a description of the boundaries of that district set forth in
- 39 the ordinance;
- 40 the district boundaries are the description of the boundaries set
- 41 forth in the ordinance, not the boundaries shown on the map, to the
- 42 extent there is a conflict between the description and the map.

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1 SECTION 47. IC 36-2-3-4, AS AMENDED BY P.L.119-2012,
 2 SECTION 182, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) This subsection does not
 4 apply to a county having a population of:

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

7 (2) more than two hundred fifty thousand (250,000) but less than
 8 two hundred seventy thousand (270,000).

9 The county executive shall, by ordinance, divide the county into four
 10 (4) contiguous, single-member districts that comply with subsection
 11 (d). If necessary, the county auditor shall call a special meeting of the
 12 executive to establish or revise districts. One (1) member of the fiscal
 13 body shall be elected by the voters of each of the four (4) districts.
 14 Three (3) at-large members of the fiscal body shall be elected by the
 15 voters of the whole county.

16 (b) This subsection applies to a county having a population of more
 17 than four hundred thousand (400,000) but less than seven hundred
 18 thousand (700,000). The county redistricting commission established
 19 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 20 districts that comply with subsection (d). One (1) member of the fiscal
 21 body shall be elected by the voters of each of these seven (7)
 22 single-member districts.

23 (c) This subsection applies to a county having a population of more
 24 than two hundred fifty thousand (250,000) but less than two hundred
 25 seventy thousand (270,000). The fiscal body shall divide the county
 26 into nine (9) single-member districts that comply with subsection (d).
 27 Three (3) of these districts must be contained within each of the three
 28 (3) districts established under IC 36-2-2-4(c). One (1) member of the
 29 fiscal body shall be elected by the voters of each of these nine (9)
 30 single-member districts.

31 (d) Single-member districts established under subsection (a), (b), or
 32 (c) must:

33 (1) be compact, subject only to natural boundary lines (such as
 34 railroads, major highways, rivers, creeks, parks, and major
 35 industrial complexes);

36 (2) not cross precinct boundary lines;

37 (3) contain, as nearly as possible, equal population; and

38 (4) include whole townships, except when a division is clearly
 39 necessary to accomplish redistricting under this section.

40 (e) **Except as provided by subsection (g)**, a division under
 41 subsection (a), (b), or (c) shall be made:

42 (1) during the first year after a year in which a federal decennial

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1 census is conducted; and
 2 (2) when the county executive adopts an order declaring a county
 3 boundary to be changed under IC 36-2-1-2.
 4 (f) A division under subsection (a), (b), or (c) may be made in any
 5 odd-numbered year not described in subsection (e).
 6 **(g) This subsection applies during the first year after a year in**
 7 **which a federal decennial census is conducted. If the county**
 8 **executive, county redistricting commission, or county fiscal body**
 9 **determines that a division under subsection (e) is not required, the**
 10 **county executive, county redistricting commission, or county fiscal**
 11 **body shall adopt an ordinance recertifying that the districts as**
 12 **drawn comply with this section.**
 13 **(h) Each time there is a division under subsection (e) or (f) or a**
 14 **recertification under subsection (g), the county executive, county**
 15 **redistricting commission, or county fiscal body shall file with the**
 16 **circuit court clerk of the county, not later than thirty (30) days**
 17 **after the division or recertification occurs, a map of the district**
 18 **boundaries:**
 19 **(1) adopted under subsection (e) or (f); or**
 20 **(2) recertified under subsection (g).**
 21 **(i) The limitations set forth in this section are part of the**
 22 **ordinance, but do not have to be specifically set forth in the**
 23 **ordinance. The ordinance must be construed, if possible, to comply**
 24 **with this chapter. If a provision of the ordinance or an application**
 25 **of the ordinance violates this chapter, the invalidity does not affect**
 26 **the other provisions or applications of the ordinance that can be**
 27 **given effect without the invalid provision or application. The**
 28 **provisions of the ordinance are severable.**
 29 **(j) If a conflict exists between:**
 30 **(1) a map showing the boundaries of a district; and**
 31 **(2) a description of the boundaries of that district set forth in**
 32 **the ordinance;**
 33 **the district boundaries are the description of the boundaries set**
 34 **forth in the ordinance, not the boundaries shown on the map, to the**
 35 **extent there is a conflict between the description and the map.**
 36 SECTION 48. IC 36-3-4-3, AS AMENDED BY P.L.141-2007,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2013]: Sec. 3. (a) The city-county legislative body shall, by
 39 ordinance, divide the whole county into twenty-five (25) districts that:
 40 (1) are compact, subject only to natural boundary lines (such as
 41 railroads, major highways, rivers, creeks, parks, and major
 42 industrial complexes);

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1 (2) contain, as nearly as is possible, equal population; and

2 (3) do not cross precinct boundary lines.

3 **Except as provided by subsection (f)**, this division shall be made
4 during the second year after a year in which a federal decennial census
5 is conducted and may also be made at any other time, subject to
6 IC 3-11-1.5-32.

7 (b) The legislative body is composed of twenty-five (25) members
8 elected from the districts established under subsection (a) and four (4)
9 members elected from an at-large district containing the whole county.

10 (c) Each voter of the county may vote for four (4) candidates for
11 at-large membership and one (1) candidate from the district in which
12 the voter resides. The four (4) at-large candidates receiving the most
13 votes from the whole county and the district candidates receiving the
14 most votes from their respective districts are elected to the legislative
15 body.

16 (d) If the legislative body fails to make the division before the date
17 prescribed by subsection (a) or the division is alleged to violate
18 subsection (a) or other law, a taxpayer or registered voter of the county
19 may petition the superior court of the county to hear and determine the
20 matter. The court shall hear and determine the matter as a five (5)
21 member panel of judges from the superior court. The clerk of the court
22 shall select the judges electronically and randomly. Not more than three
23 (3) members of the five (5) member panel of judges may be of the same
24 political party. The first judge selected shall maintain the case file and
25 preside over the proceedings. There may not be a change of venue from
26 the court or from the county. The court may appoint a master to assist
27 in its determination and may draw proper district boundaries if
28 necessary. An appeal from the court's judgment must be taken within
29 thirty (30) days, directly to the supreme court, in the same manner as
30 appeals from other actions.

31 (e) An election of the legislative body held under the ordinance or
32 court judgment determining districts that is in effect on the date of the
33 election is valid, regardless of whether the ordinance or judgment is
34 later determined to be invalid.

35 **(f) This subsection applies during the second year after a year**
36 **in which a federal decennial census is conducted. If the legislative**
37 **body determines that a division under subsection (a) is not**
38 **required, the legislative body shall adopt an ordinance recertifying**
39 **that the districts as drawn comply with this section.**

40 (g) Each time there is a division under subsection (a) or a
41 recertification under subsection (f), the legislative body shall file
42 with the circuit court clerk of the county, not later than thirty (30)

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1 days after the division or recertification occurs, a map of the
2 district boundaries:

- 3 (1) adopted under subsection (a); or
- 4 (2) recertified under subsection (f).

5 (h) The limitations set forth in this section are part of the
6 ordinance, but do not have to be specifically set forth in the
7 ordinance. The ordinance must be construed, if possible, to comply
8 with this chapter. If a provision of the ordinance or an application
9 of the ordinance violates this chapter, the invalidity does not affect
10 the other provisions or applications of the ordinance that can be
11 given effect without the invalid provision or application. The
12 provisions of the ordinance are severable.

- 13 (i) If a conflict exists between:
 - 14 (1) a map showing the boundaries of a district; and
 - 15 (2) a description of the boundaries of that district set forth in
16 the ordinance;
- 17 the district boundaries are the description of the boundaries set
18 forth in the ordinance, not the boundaries shown on the map, to the
19 extent there is a conflict between the description and the map.

20 SECTION 49. IC 36-4-6-3, AS AMENDED BY P.L.230-2005,
21 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2013]: Sec. 3. (a) This section applies only to second class
23 cities.

24 (b) The legislative body shall adopt an ordinance to divide the city
25 into six (6) districts that:

- 26 (1) are composed of contiguous territory, except for territory that
27 is not contiguous to any other part of the city;
- 28 (2) are reasonably compact;
- 29 (3) do not cross precinct boundary lines, except as provided in
30 subsection (c) or (d); and
- 31 (4) contain, as nearly as is possible, equal population.

32 (c) The boundary of a city legislative body district may cross a
33 precinct boundary line if:

- 34 (1) more than one (1) member of the legislative body elected from
35 the districts established under subsection (b) resides in one (1)
36 precinct established under IC 3-11-1.5 after the most recent
37 municipal election; and
- 38 (2) following the establishment of a legislative body district
39 whose boundary crosses a precinct boundary line, not more than
40 one (1) member of the legislative body elected from districts
41 resides within the same city legislative body district.

42 (d) The boundary of a city legislative body district may cross a

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1 precinct line if the districts would not otherwise contain, as nearly as
2 is possible, equal population.

3 (e) A city legislative body district with a boundary described by
4 subsection (c) or (d) may not cross a census block boundary line:

- 5 (1) except when following a precinct boundary line; or
6 (2) unless the city legislative body certifies in the ordinance that
7 the census block has no population, and is not likely to ever have
8 population.

9 (f) The legislative body may not adopt an ordinance dividing the city
10 into districts with boundaries described by subsection (c) or (d) unless
11 the clerk of the city mails a written notice to the circuit court clerk. The
12 notice must:

- 13 (1) state that the legislative body is considering the adoption of an
14 ordinance described by this subsection; and
15 (2) be mailed not later than ten (10) days before the legislative
16 body adopts the ordinance.

17 (g) **Except as provided in subsection (i)**, the division under
18 subsection (b) shall be made:

- 19 (1) during the second year after a year in which a federal
20 decennial census is conducted; and
21 (2) when required to assign annexed territory to a district.

22 This division may be made at any other time, subject to IC 3-11-1.5-32.

23 (h) The legislative body is composed of six (6) members elected
24 from the districts established under subsection (b) and three (3) at-large
25 members.

26 (i) Each voter of the city may vote for three (3) candidates for
27 at-large membership and one (1) candidate from the district in which
28 the voter resides. The three (3) at-large candidates receiving the most
29 votes from the whole city and the district candidates receiving the most
30 votes from their respective districts are elected to the legislative body.

31 (j) If any territory in the city is not included in one (1) of the
32 districts established under this section, the territory is included in the
33 district that:

- 34 (1) is contiguous to that territory; and
35 (2) contains the least population of all districts contiguous to that
36 territory.

37 (k) If any territory in the city is included in more than one (1) of the
38 districts established under this section, the territory is included in the
39 district that:

- 40 (1) is one (1) of the districts in which the territory is described in
41 the ordinance adopted under this section;
42 (2) is contiguous to that territory; and

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1 (3) contains the least population of all districts contiguous to that
2 territory.

3 **(l) This subsection applies during the second year after a year**
4 **in which a federal decennial census is conducted. If the legislative**
5 **body determines that a division under subsection (g) is not**
6 **required, the legislative body shall adopt an ordinance recertifying**
7 **that the districts as drawn comply with this section.**

8 **(m) A copy of the ordinance establishing districts or a**
9 **recertification adopted under this section must be filed with the**
10 **circuit court clerk of the county that contains the greatest population of**
11 **the city not later than thirty (30) days after the ordinance or**
12 **recertification is adopted. The filing must include a map of the**
13 **district boundaries:**

14 **(1) adopted under subsection (b); or**

15 **(2) recertified under subsection (l).**

16 **(n) The limitations set forth in this section are part of the**
17 **ordinance, but do not have to be specifically set forth in the**
18 **ordinance. The ordinance must be construed, if possible, to comply**
19 **with this chapter. If a provision of the ordinance or an application**
20 **of the ordinance violates this chapter, the invalidity does not affect**
21 **the other provisions or applications of the ordinance that can be**
22 **given effect without the invalid provision or application. The**
23 **provisions of the ordinance are severable.**

24 **(o) If a conflict exists between:**

25 **(1) a map showing the boundaries of a district; and**

26 **(2) a description of the boundaries of that district set forth in**
27 **the ordinance;**

28 **the district boundaries are the description of the boundaries set**
29 **forth in the ordinance, not the boundaries shown on the map, to the**
30 **extent there is a conflict between the description and the map.**

31 SECTION 50. IC 36-4-6-4, AS AMENDED BY P.L.169-2006,
32 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2013]: Sec. 4. (a) This section applies to third class cities,
34 except as provided by section 5 of this chapter.

35 (b) This subsection does not apply to a city with an ordinance
36 described by subsection (j) or (m). The legislative body shall adopt an
37 ordinance to divide the city into five (5) districts that:

38 (1) are composed of contiguous territory, except for territory that
39 is not contiguous to any other part of the city;

40 (2) are reasonably compact;

41 (3) do not cross precinct boundary lines except as provided in
42 subsection (c) or (d); and

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- 1 (4) contain, as nearly as is possible, equal population.
- 2 (c) The boundary of a city legislative body district may cross a
- 3 precinct boundary line if:
- 4 (1) more than one (1) member of the legislative body elected from
- 5 the districts established under subsection (b), (j), or (m) resides in
- 6 one (1) precinct established under IC 3-11-1.5 after the most
- 7 recent municipal election; and
- 8 (2) following the establishment of a legislative body district
- 9 whose boundary crosses a precinct boundary line, not more than
- 10 one (1) member of the legislative body elected from the districts
- 11 resides within the same city legislative body district.
- 12 (d) The boundary of a city legislative body district may cross a
- 13 precinct line if the districts would not otherwise contain, as nearly as
- 14 is possible, equal population.
- 15 (e) A city legislative body district with a boundary described by
- 16 subsection (c) or (d) may not cross a census block boundary line:
- 17 (1) except when following a precinct boundary line; or
- 18 (2) unless the city legislative body certifies in the ordinance that
- 19 the census block has no population, and is not likely to ever have
- 20 population.
- 21 (f) The legislative body may not adopt an ordinance dividing the city
- 22 into districts with boundaries described by subsection (c) or (d) unless
- 23 the clerk of the city mails a written notice to the circuit court clerk. The
- 24 notice must:
- 25 (1) state that the legislative body is considering the adoption of an
- 26 ordinance described by this subsection; and
- 27 (2) be mailed not later than ten (10) days before the legislative
- 28 body adopts the ordinance.
- 29 (g) **Except as provided in subsection (q)**, the division under
- 30 subsection (b), (j), or (m) shall be made:
- 31 (1) during the second year after a year in which a federal
- 32 decennial census is conducted; and
- 33 (2) when required to assign annexed territory to a district.
- 34 This division may be made at any other time, subject to IC 3-11-1.5-32.
- 35 (h) This subsection does not apply to a city with an ordinance
- 36 described by subsection (j) or (m). The legislative body is composed of
- 37 five (5) members elected from the districts established under
- 38 subsection (b) and two (2) at-large members.
- 39 (i) This subsection does not apply to a city with an ordinance
- 40 described by subsection (j) or (m). Each voter of the city may vote for
- 41 two (2) candidates for at-large membership and one (1) candidate from
- 42 the district in which the voter resides. The two (2) at-large candidates

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1 receiving the most votes from the whole city and the district candidates
 2 receiving the most votes from their respective districts are elected to
 3 the legislative body.

4 (j) A city may adopt an ordinance under this subsection to divide the
 5 city into four (4) districts that:

- 6 (1) are composed of contiguous territory;
- 7 (2) are reasonably compact;
- 8 (3) do not cross precinct boundary lines, except as provided in
 9 subsection (c) or (d); and
- 10 (4) contain, as nearly as is possible, equal population.

11 (k) This subsection applies to a city with an ordinance described by
 12 subsection (j). The legislative body is composed of four (4) members
 13 elected from the districts established under subsection (j) and three (3)
 14 at-large members.

15 (l) This subsection applies to a city with an ordinance described by
 16 subsection (j). Each voter of the city may vote for three (3) candidates
 17 for at-large membership and one (1) candidate from the district in
 18 which the voter resides. The three (3) at-large candidates receiving the
 19 most votes from the whole city and the district candidates receiving the
 20 most votes from their respective districts are elected to the legislative
 21 body.

22 (m) This subsection applies only if the ordinance adopted under
 23 IC 36-4-1.5-3 by the town legislative body of a town that has a
 24 population of less than ten thousand (10,000) and that becomes a city
 25 specifies that the city legislative body districts are governed by this
 26 subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing
 27 the town into city legislative body districts may provide that:

- 28 (1) the city shall be divided into three (3) districts that:
 - 29 (A) are composed of contiguous territory;
 - 30 (B) are reasonably compact;
 - 31 (C) do not cross precinct boundary lines, except as provided in
 32 subsection (c) or (d); and
 - 33 (D) contain, as nearly as is possible, equal population; and
- 34 (2) the legislative body of the city is composed of three (3)
 35 members elected from the districts established under this
 36 subsection and two (2) at-large members.

37 Each voter of the city may vote for two (2) candidates for at-large
 38 membership and one (1) candidate from the district in which the voter
 39 resides. The two (2) at-large candidates receiving the most votes from
 40 the whole city and the district candidates receiving the most votes from
 41 their respective districts are elected to the legislative body.

42 (n) A copy of the ordinance establishing districts **or a**

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1 **recertification adopted** under this section must be filed with the
 2 circuit court clerk of the county that contains the greatest population of
 3 the city no later than thirty (30) days after the ordinance **or**
 4 **recertification** is adopted. **The filing must include a map of the**
 5 **district boundaries:**

6 **(1) adopted under subsection (b), (j), or (m); or**

7 **(2) recertified under subsection (q).**

8 (o) If any territory in the city is not included in one (1) of the
 9 districts established under this section, the territory is included in the
 10 district that:

11 (1) is contiguous to that territory; and

12 (2) contains the least population of all districts contiguous to that
 13 territory.

14 (p) If any territory in the city is included in more than one (1) of the
 15 districts established under this section, the territory is included in the
 16 district that:

17 (1) is one (1) of the districts in which the territory is described in
 18 the ordinance adopted under this section;

19 (2) is contiguous to that territory; and

20 (3) contains the least population of all districts contiguous to that
 21 territory.

22 **(q) This subsection applies during the second year after a year**
 23 **in which a federal decennial census is conducted. If the legislative**
 24 **body determines that a division under subsection (g) is not**
 25 **required, the legislative body shall adopt an ordinance recertifying**
 26 **that the districts as drawn comply with this section.**

27 (r) The limitations set forth in this section are part of the
 28 ordinance, but do not have to be specifically set forth in the
 29 ordinance. The ordinance must be construed, if possible, to comply
 30 with this chapter. If a provision of the ordinance or an application
 31 of the ordinance violates this chapter, the invalidity does not affect
 32 the other provisions or applications of the ordinance that can be
 33 given effect without the invalid provision or application. The
 34 provisions of the ordinance are severable.

35 (s) If a conflict exists between:

36 (1) a map showing the boundaries of a district; and

37 (2) a description of the boundaries of that district set forth in
 38 the ordinance;

39 **the district boundaries are the description of the boundaries set**
 40 **forth in the ordinance, not the boundaries shown on the map, to the**
 41 **extent there is a conflict between the description and the map.**

42 SECTION 51. IC 36-4-6-5, AS AMENDED BY P.L.113-2010,

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1 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) This section applies to third
 3 class cities having a population of less than ten thousand (10,000). The
 4 legislative body of such a city may, by ordinance adopted after June 30,
 5 2010, and during a year in which an election of the legislative body will
 6 not occur, decide to be governed by this section instead of section 4 of
 7 this chapter. The legislative body districts created by an ordinance
 8 adopted under this subsection apply to the first election of the
 9 legislative body held after the date the ordinance is adopted. The clerk
 10 of the legislative body shall send a certified copy of any ordinance
 11 adopted under this subsection to the secretary of the county election
 12 board.

13 (b) This subsection does not apply to a city with an ordinance
 14 described by subsection (j). The legislative body shall adopt an
 15 ordinance to divide the city into four (4) districts that:

- 16 (1) are composed of contiguous territory, except for territory that
- 17 is not contiguous to any other part of the city;
- 18 (2) are reasonably compact;
- 19 (3) do not cross precinct boundary lines except as provided in
- 20 subsection (c) or (d); and
- 21 (4) contain, as nearly as is possible, equal population.

22 (c) The boundary of a city legislative body district may cross a
 23 precinct boundary line if:

- 24 (1) more than one (1) member of the legislative body elected from
- 25 the districts established under subsection (b) or (j) resides in one
- 26 (1) precinct established under IC 3-11-1.5 after the most recent
- 27 municipal election; and
- 28 (2) following the establishment of a legislative body district
- 29 whose boundary crosses a precinct boundary line, not more than
- 30 one (1) member of the legislative body elected from the districts
- 31 resides within the same city legislative body district.

32 (d) The boundary of a city legislative body district may cross a
 33 precinct line if the districts would not otherwise contain, as nearly as
 34 is possible, equal population.

35 (e) A city legislative body district with a boundary described by
 36 subsection (c) or (d) may not cross a census block boundary line:

- 37 (1) except when following a precinct boundary line; or
- 38 (2) unless the city legislative body certifies in the ordinance that
- 39 the census block has no population, and is not likely to ever have
- 40 population.

41 (f) The legislative body may not adopt an ordinance dividing the city
 42 into districts with boundaries described by subsection (c) or (d) unless

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1 the clerk of the city mails a written notice to the circuit court clerk. The
 2 notice must:

- 3 (1) state that the legislative body is considering the adoption of an
 4 ordinance described by this subsection; and
- 5 (2) be mailed not later than ten (10) days before the legislative
 6 body adopts the ordinance.

7 (g) **Except as provided in subsection (q)**, the division under
 8 subsection (b) or (j) shall be made:

- 9 (1) during the second year after a year in which a federal
 10 decennial census is conducted; and
- 11 (2) when required to assign annexed territory to a district.

12 This division may be made at any other time, subject to IC 3-11-1.5-32.

13 (h) This subsection does not apply to a city with an ordinance
 14 described by subsection (j). The legislative body is composed of four
 15 (4) members elected from the districts established under subsection (b)
 16 and one (1) at-large member.

17 (i) This subsection does not apply to a city with an ordinance
 18 described by subsection (j). Each voter may vote for one (1) candidate
 19 for at-large membership and one (1) candidate from the district in
 20 which the voter resides. The at-large candidate receiving the most votes
 21 from the whole city and the district candidates receiving the most votes
 22 from their respective districts are elected to the legislative body.

23 (j) A city may adopt an ordinance under this subsection to divide the
 24 city into three (3) districts that:

- 25 (1) are composed of contiguous territory, except for territory that
 26 is not contiguous to any other part of the city;
- 27 (2) are reasonably compact;
- 28 (3) do not cross precinct boundary lines, except as provided in
 29 subsection (c) or (d); and
- 30 (4) contain, as nearly as is possible, equal population.

31 (k) This subsection applies to a city with an ordinance described by
 32 subsection (j). The legislative body is composed of three (3) members
 33 elected from the districts established under subsection (j) and two (2)
 34 at-large members.

35 (l) This subsection applies to a city with an ordinance described by
 36 subsection (j). Each voter of the city may vote for two (2) candidates
 37 for at-large membership and one (1) candidate from the district in
 38 which the voter resides. The two (2) at-large candidates receiving the
 39 most votes from the whole city and the district candidates receiving the
 40 most votes from their respective districts are elected to the legislative
 41 body.

42 (m) This subsection applies to a city having a population of less than

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1 seven thousand (7,000). A legislative body of such a city that has, by
 2 resolution adopted before May 7, 1991, decided to continue an election
 3 process that permits each voter of the city to vote for one (1) candidate
 4 at large and one (1) candidate from each of its four (4) council districts
 5 may hold elections using that voting arrangement. The at-large
 6 candidate and the candidate from each district receiving the most votes
 7 from the whole city are elected to the legislative body. The districts
 8 established in cities adopting such a resolution may cross precinct
 9 boundary lines.

10 (n) A copy of the ordinance establishing districts **or a**
 11 **recertification** under this section must be filed with the circuit court
 12 clerk of the county that contains the greatest population of the city not
 13 later than thirty (30) days after the ordinance **or recertification** is
 14 adopted. **The filing must include a map of the district boundaries:**

- 15 **(1) adopted under subsection (b) or (j); or**
 16 **(2) recertified under subsection (q).**

17 (o) If any territory in the city is not included in one (1) of the
 18 districts established under this section, the territory is included in the
 19 district that:

- 20 (1) is contiguous to that territory; and
 21 (2) contains the least population of all districts contiguous to that
 22 territory.

23 (p) If any territory in the city is included in more than one (1) of the
 24 districts established under this section, the territory is included in the
 25 district that:

- 26 (1) is one (1) of the districts in which the territory is described in
 27 the ordinance adopted under this section;
 28 (2) is contiguous to that territory; and
 29 (3) contains the least population of all districts contiguous to that
 30 territory.

31 **(q) This subsection applies during the second year after a year**
 32 **in which a federal decennial census is conducted. If the legislative**
 33 **body determines that a division under subsection (b) or (j) is not**
 34 **required, the legislative body shall adopt an ordinance recertifying**
 35 **that the districts as drawn comply with this section.**

36 **(r) The limitations set forth in this section are part of the**
 37 **ordinance, but do not have to be specifically set forth in the**
 38 **ordinance. The ordinance must be construed, if possible, to comply**
 39 **with this chapter. If a provision of the ordinance or an application**
 40 **of the ordinance violates this chapter, the invalidity does not affect**
 41 **the other provisions or applications of the ordinance that can be**
 42 **given effect without the invalid provision or application. The**



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provisions of the ordinance are severable.

(s) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the ordinance;

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

SECTION 52. IC 36-5-2-4.1, AS AMENDED BY P.L.230-2005, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.1. (a) The legislative body may, by ordinance, divide the town into districts for the purpose of conducting elections of town officers.

(b) A town legislative body district must comply with the following standards:

(1) The district must be composed of contiguous territory, except for territory that is not contiguous to any other part of the town.

(2) The district must be reasonably compact.

(3) The district must contain, as nearly as is possible, equal population.

(4) The district may not cross a census block boundary except when following a precinct boundary line or unless the ordinance specifies that the census block has no population and is not likely to ever have population.

(5) The district may not cross precinct lines, except as provided in subsection (c).

(c) The boundary of a town legislative body district established under subsection (a) may cross a precinct boundary line if:

(1) the legislative body provides by ordinance under section 5 of this chapter that all legislative body members are to be elected at large by the voters of the whole town; or

(2) the district would not otherwise contain, as nearly as is possible, equal population.

(d) If any territory in the town is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(e) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

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- 1 (1) is one (1) of the districts in which the territory is described in
 2 the ordinance adopted under this section;
 3 (2) is contiguous to that territory; and
 4 (3) contains the least population of all districts contiguous to that
 5 territory.
- 6 (f) The ordinance may be appealed in the manner prescribed by
 7 IC 34-13-6. If the town is located in two (2) or more counties, the
 8 appeal may be filed in the circuit or superior court of any of those
 9 counties.
- 10 (g) This subsection does not apply to a town with an ordinance
 11 described by subsection (h). **Except as provided in subsection (k),** the
 12 division permitted by subsection (a) shall be made:
 13 (1) during the second year after a year in which a federal
 14 decennial census is conducted, subject to IC 3-11-1.5-32; and
 15 (2) when required to assign annexed territory to a municipal
 16 legislative body district.
 17 The division may also be made in any other year.
- 18 (h) This subsection applies to a town having a population of less
 19 than three thousand five hundred (3,500). The town legislative body
 20 may adopt an ordinance providing that:
 21 (1) town legislative body districts are abolished; and
 22 (2) all members of the legislative body are elected at large.
- 23 (i) An ordinance described by subsection (h):
 24 (1) may not be adopted or repealed during a year in which a
 25 municipal election is scheduled to be conducted in the town under
 26 IC 3-10-6 or IC 3-10-7; and
 27 (2) is effective upon passage.
- 28 (j) A copy of the ordinance establishing districts **or a**
 29 **recertification** under this section must be filed with the circuit court
 30 clerk of the county that contains the greatest population of the town not
 31 later than thirty (30) days after the ordinance **or recertification** is
 32 adopted. **The filing must include a map of the district boundaries:**
 33 (1) adopted under subsection (a); or
 34 (2) recertified under subsection (k).
- 35 (k) **This subsection applies during the second year after a year**
 36 **in which a federal decennial census is conducted. If the legislative**
 37 **body determines that a division under subsection (a) is not**
 38 **required, the legislative body shall adopt an ordinance recertifying**
 39 **that the districts as drawn comply with this section.**
- 40 (l) **The limitations set forth in this section are part of the**
 41 **ordinance, but do not have to be specifically set forth in the**
 42 **ordinance. The ordinance must be construed, if possible, to comply**

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1 with this chapter. If a provision of the ordinance or an application
 2 of the ordinance violates this chapter, the invalidity does not affect
 3 the other provisions or applications of the ordinance that can be
 4 given effect without the invalid provision or application. The
 5 provisions of the ordinance are severable.

6 (m) If a conflict exists between:

7 (1) a map showing the boundaries of a district; and

8 (2) a description of the boundaries of that district set forth in
 9 the ordinance;

10 the district boundaries are the description of the boundaries set
 11 forth in the ordinance, not the boundaries shown on the map, to the
 12 extent there is a conflict between the description and the map.

13 SECTION 53. IC 36-6-6-2.5, AS AMENDED BY P.L.230-2005,
 14 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2013]: Sec. 2.5. (a) This section applies to townships in a
 16 county containing a consolidated city.

17 (b) The legislative body shall adopt a resolution that divides the
 18 township into legislative body districts that:

19 (1) are composed of contiguous territory;

20 (2) are reasonably compact;

21 (3) respect, as nearly as reasonably practicable, precinct boundary
 22 lines; and

23 (4) contain, as nearly as reasonably practicable, equal population.

24 (c) Before a legislative body may adopt a resolution that divides a
 25 township into legislative body districts, the secretary of the legislative
 26 body shall mail a written notice to the circuit court clerk. This notice
 27 must:

28 (1) state that the legislative body is considering the adoption of a
 29 resolution to divide the township into legislative body districts;
 30 and

31 (2) be mailed not later than ten (10) days before the legislative
 32 body adopts the resolution.

33 (d) **Except as provided in subsection (f),** the legislative body shall
 34 make a division into legislative body districts at the following times:

35 (1) During the second year after a year in which a federal
 36 decennial census is conducted.

37 (2) Subject to IC 3-11-1.5-32.5, whenever the boundary of the
 38 township changes.

39 (e) The legislative body may make the division under this section at
 40 any time, subject to IC 3-11-1.5-32.5.

41 (f) **This subsection applies during the second year after a year**
 42 **in which a federal decennial census is conducted. If the legislative**

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1 body determines that a division is not required under subsection
2 (b), the legislative body shall adopt an ordinance recertifying that
3 the districts as drawn comply with this section.

4 (g) Each time there is a division under subsection (b) or a
5 recertification under subsection (f), the legislative body shall file
6 with the circuit court clerk of the county not later than thirty (30)
7 days after the adoption or recertification occurs a map of the
8 district boundaries:

- 9 (1) adopted under subsection (b); or
10 (2) recertified under subsection (f).

11 (h) The limitations set forth in this section are part of the
12 ordinance, but do not have to be specifically set forth in the
13 ordinance. The ordinance must be construed, if possible, to comply
14 with this chapter. If a provision of the ordinance or an application
15 of the ordinance violates this chapter, the invalidity does not affect
16 the other provisions or applications of the ordinance that can be
17 given effect without the invalid provision or application. The
18 provisions of the ordinance are severable.

19 (i) If a conflict exists between:

- 20 (1) a map showing the boundaries of a district; and
21 (2) a description of the boundaries of that district set forth in
22 the ordinance;

23 the district boundaries are the description of the boundaries set
24 forth in the ordinance, not the boundaries shown on the map, to the
25 extent there is a conflict between the description and the map.

26 SECTION 54. [EFFECTIVE JULY 1, 2013] (a) As used in this
27 SECTION, "committee" refers to the census data advisory
28 committee established by IC 2-5-19-2.

29 (b) During the 2013 legislative interim, the committee shall do
30 the following:

- 31 (1) Study the standards for determining residency for
32 purposes of voting, candidacy, and holding office in Indiana
33 (IC 3-5-5).
34 (2) Study allegations of voter suppression of
35 African-Americans, Latinos, other ethnic minorities, and the
36 elderly.
37 (3) Study allegations of election fraud occurring in the:
38 (A) absentee voting process;
39 (B) candidate filing process;
40 (C) voter registration process; and
41 (D) voting process.
42 (4) Study methods for improving election administration by

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- 1 **reducing lines at polling places.**
- 2 **(5) Study methods for reducing the cost of the election**
- 3 **process.**
- 4 **(6) Study methods for enabling an emergency first responder**
- 5 **responding to an emergency declaration to receive an**
- 6 **absentee ballot or absentee ballot application by electronic**
- 7 **mail or facsimile (fax) machine.**
- 8 **(7) Study the impact of sending written communications to a**
- 9 **voter containing false vote history information regarding that**
- 10 **voter.**
- 11 **(c) The committee shall make any proposed recommendations**
- 12 **concerning the topics described in subsection (b), including any**
- 13 **proposed legislation, as the committee considers appropriate.**
- 14 **(d) This SECTION expires January 1, 2014.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1311, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-47.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 47.5. "Signing the poll list" means:**

- (1) a voter writing the voter's name on the certified list of registered voters for the precinct prepared in accordance with IC 3-7-29-1; or**
- (2) a voter writing the voter's name on an electronic poll list using an electronic signature pad at a polling place or satellite office (as established under IC 3-11-10-26.3) where the use of an electronic poll list is authorized in accordance with IC 3-7-29-6.**

SECTION 2. IC 3-7-29-1, AS AMENDED BY P.L.81-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1. (a) This section does not apply to a county that has adopted an order under section 6 of this chapter.**

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

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

- (1) The full name of the voter.
- (2) The address of the voter.
- (3) The assigned ~~county~~ **voter** identification number.
- (4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

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

SECTION 3. IC 3-7-29-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2. (a) This section does not apply to a county that has adopted an order under section 6 of this chapter.**

(b) After the county election board receives a request from the county chairman of a major political party, not more than two (2) copies of the list required by this chapter shall be prepared and

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furnished to the inspector of the precinct for use at the polls on election day. The inspector may provide a list furnished under this section to any other precinct officer.

SECTION 4. IC 3-7-29-3, AS AMENDED BY P.L.164-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter **(or an electronic poll list in a county in which an order is adopted under section 6 of this chapter)** and other necessary registration supplies.

SECTION 5. IC 3-7-29-4, AS AMENDED BY P.L.164-2006, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. **(a) This section does not apply to a county:**

- (1) that has adopted an order under section 6 of this chapter; and**
- (2) in which an electronic poll list containing available scanned images of the signatures of voters is provided at the precinct.**

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

SECTION 6. IC 3-7-29-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. **(a) If a county election board adopts an order to provide an electronic poll list to the inspector for use at a polling place or at a satellite office established under IC 3-11-10-26.3, electronic poll lists may be used at an election (rather than certified poll lists prepared under this chapter).**

(b) An order adopted under subsection (a) may include the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll list at an election (rather than requiring voters to sign certified poll lists prepared under this chapter).

SECTION 7. IC 3-10-1-7.1, AS AMENDED BY P.L.164-2006, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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.** 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

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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 capability to display signatures of voters are used under IC 3-7-29-6.** 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 8. IC 3-10-1-8, AS AMENDED BY P.L.164-2006, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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 9. IC 3-10-1-24, AS AMENDED BY P.L.164-2006, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. The poll clerks shall require the voter to write the following on the poll list **or to provide the following information for entry into the electronic poll list**:

- (1) The voter's name.
 - (2) Except as provided in subsection (d), the voter's current residence address.
 - (3) The name of the voter's party.
- (b) The poll clerks shall:
- (1) ask the voter to provide or update the voter's voter identification number;
 - (2) tell the voter the number the voter may use as a voter identification number; and
 - (3) explain to the voter that the voter is not required to provide a voter identification number at the polls.
- (c) If the voter is unable to sign the voter's name, the voter must sign

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the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

(d) **The electronic poll list (or** each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that **the poll clerk may check the box for** a voter whose residence address shown on the poll list is the voter's current residence address ~~may check the box~~ instead of writing the voter's current residence address on the poll list **or reentering the address in the electronic poll list.**

SECTION 10. IC 3-10-1-24.6, AS AMENDED BY P.L.164-2006, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24.6. (a) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the ~~affidavit of registration~~ **record** or any certified copy of the signature provided under section 7.1 of this chapter. If the board determines that the voter's signature is authentic, 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."

Page 2, delete lines 1 through 25.

Page 3, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 12. IC 3-11-3-16, AS AMENDED BY P.L.164-2006, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 **(or an electronic poll list in a county described by IC 3-7-29-6)** and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8. The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 **(or in the use of the electronic poll lists).**

SECTION 13. IC 3-11-8-10.3, AS ADDED BY P.L.1-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10.3. (a) As used in this section, "electronic poll



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list" refers to a poll list that is maintained in a computer data base.

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

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

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

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

(4) Any other standards that the commission may prescribe.

SECTION 14. IC 3-11-8-25.1, AS AMENDED BY P.L.53-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

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

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

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll

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list **or to provide the following information for entry into the electronic poll list:**

- (1) The voter's name.
- (2) Except as provided in subsection (k), the voter's current residence address.

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

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

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

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

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

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) **The electronic poll list (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that the poll clerk may check the box for a voter whose residence address shown on the poll list is the voter's current residence address ~~may check the box~~ instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll list.**

SECTION 15. IC 3-11-8-25.5, AS AMENDED BY P.L.164-2006, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.5. If an individual signs the individual's name and either:

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- (1) signs the individual's address; or
- (2) checks the "Address Unchanged" box;

on the poll list **or provides the information for entry by the poll clerk into the electronic poll list** under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

SECTION 16. IC 3-11-8-25.7, AS ADDED BY P.L.120-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.7. (a) This section applies only to a voter who is a member of the military or public safety officer.

(b) Notwithstanding section 25.5 of this chapter, if a voter signs the voter's name and either:

- (1) writes the voter's address; or
- (2) checks the "Address Unchanged" box;

on the poll list **or provides the information for entry by the poll clerk into the electronic poll list** under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may reenter the polls to cast a ballot at the election as provided in this section.

(c) A voter who leaves the polls to respond to an emergency in the voter's capacity as a member of the military or public safety officer must notify a precinct election officer that the voter is leaving the polls to respond to an emergency in the voter's capacity as a member of the military or public safety officer.

(d) A poll clerk or assistant poll clerk shall make a notation on the poll list with the voter's name indicating that the voter has left the polls as permitted by this section and the time the voter left the polls.

(e) If the voter returns to the polls, the voter shall be permitted to vote if the voter executes an affidavit stating all of the following:

- (1) The name of the voter.
- (2) That the voter is a member of the military or public safety officer.
- (3) The military or public safety position the voter holds.
- (4) That after the voter signed the poll list, but before the voter voted, the voter was called to respond to an emergency in the voter's capacity as a member of the military or public safety officer.
- (5) A brief description of the emergency to which the voter responded.
- (6) The time at which the voter returned to the polls.
- (f) The commission shall prescribe the form of the affidavit required

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by this section.

SECTION 17. IC 3-11-8-26.1, AS AMENDED BY P.L.164-2006, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26.1. (a) If a voter:

- (1) cannot sign; or
- (2) is a voter with a disability that makes it difficult for the voter to sign;

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

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

- (1) The voter's name.
- (2) Except as provided in subsection (e), the voter's current residence address.

(c) The poll clerks shall:

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

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

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

SECTION 18. IC 5-26.5-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. **(a) The definitions set forth in IC 3-5-2 apply to this section.**

(b) A program participant who is otherwise qualified to vote may apply to vote as provided in IC 3-7. The residence address of a program participant shall be recorded in the computerized system as set forth in the voter registration application. However, the voter registration application of the program participant is confidential, and the name and residence address of the program participant shall not be printed on any poll list or made available

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through any electronic poll list provided to precinct election officers.

(c) The program participant may vote in person at the office of the county election board or may vote absentee by mail. The program participant's mailing address shall be recorded in the computerized system as the address of the office of the attorney general. Except as provided in this section, IC 3-11-4-6 applies to a program participant who wishes to vote by absentee ballot.

SECTION 19. IC 20-23-4-35, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 35. (a) The governing body of a school corporation may be organized under this section.

(b) The governing body consists of seven (7) members, elected as follows:

(1) Four (4) members elected from districts, with one (1) member serving from each ~~electoral~~ **election** district. A member elected under this subdivision must be:

(A) a resident of the ~~electoral~~ **election** district from which the member is elected; and

(B) voted upon by only the registered voters residing within the ~~electoral~~ **election** district and voting at a governing body election.

(2) Three (3) members, who are voted upon by all the registered voters residing within the school corporation and voting at a governing body election, elected under this subdivision. The governing body shall establish three (3) residential districts as follows:

(A) One (1) residential district must be the township that has the greatest population within the school corporation.

(B) Two (2) residential districts must divide the remaining area within the school corporation.

Only one (1) member who resides within a particular residential district established under this subdivision may serve on the governing body at a time.

(c) A member of the governing body who is:

(1) elected from an electoral or a residential district; or

(2) appointed to fill a vacancy from an electoral or a residential district;

must reside within the boundaries of the district the member represents.

(d) A vacancy on the governing body shall be filled by the governing body as soon as practicable after the vacancy occurs. A member chosen by the governing body to fill a vacancy holds office for

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the remainder of the unexpired term.

(e) The members of the governing body serving at the time a plan is amended under this section shall establish the electoral and residential districts described in subsection (b).

(f) The electoral districts described in subsection (b)(1):

- (1) shall be drawn on the basis of precinct lines;
- (2) may not cross precinct lines; and
- (3) as nearly as practicable, be of equal population, with the population of the largest exceeding the population of the smallest by not more than fifteen percent (15%).

(g) The residential districts described in subsection (b)(2) may:

- (1) be drawn in any manner considered appropriate by the governing body; and
- (2) be drawn along township lines.

(h) The governing body shall certify the districts **that are established under subsections (f) and (g), amended under subsection (e), or recertified under section 35.5 of this chapter** to:

- (1) the state board; and
- (2) the ~~county election board~~ **circuit court clerk** of ~~the each~~ county in which the school corporation is located **as provided in section 35.5 of this chapter.**

(i) The governing body shall designate:

- (1) three (3) of the districts established under this section to be elected at the first school board election that occurs after the effective date of the plan; and
- (2) the remaining four (4) districts to be elected at the second school board election that occurs after the effective date of the plan.

SECTION 20. IC 20-23-4-35.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 35.5. (a) Not later than December 31, 2013, the governing body shall do the following:**

- (1) **Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.**
- (2) **If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 35(f) and 35(g) of this chapter.**

(b) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the plan under section 35(e) of this chapter if an

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amendment is necessary to reestablish the districts in compliance with section 35(f) and 35(g) of this chapter. If the governing body determines that a plan amendment under section 35(e) of this chapter is not required, the governing body shall recertify that the districts as established comply with section 35(f) and 35(g) of this chapter.

(c) Each time the school corporation's plan is amended, the governing body shall file the following with the circuit court clerk of each county in which the school corporation is located:

- (1) A copy of the amendment.**
- (2) Either of the following:**
 - (A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 35(f) and 35(g) of this chapter.**
 - (B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 35(f) and 35(g) of this chapter, a map of the new district boundaries.**

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or recertification occurs.

SECTION 21. IC 20-23-7-4, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) At the first meeting of the board of commissioners of the county after the creation of the metropolitan school district as provided in this chapter, the board of commissioners shall divide the district into three (3) governing body districts approximately equal in population. Not more than one (1) year after the effective date of each United States decennial census, the board of commissioners shall:

- (1) readjust the boundaries of the districts to equalize the districts by population; or**
- (2) recertify that the boundaries of the districts as drawn comply with this subsection.**

(b) Instead of the division provided under subsection (a), any resolution or petition provided in section 2(a) or 2(b) of this chapter may:

- (1) provide that the metropolitan school district to be created shall be divided into two (2) or more governing body districts;
- (2) describe the governing body member districts;
- (3) provide that one (1) or more members of the governing body



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must reside within each of the governing body member districts;
 (4) set out the number of members to serve from each designated district;

(5) provide that the governing body member districts need not be equal in size or population, and that one (1) board member district may include all the area in the metropolitan school district;

(6) specify that the number of governing body members to be resident in each district need not be an equal number; and

(7) eliminate all requirements that there be governing body member districts.

(c) If the resolution or petition:

(1) does not provide for governing body member districts and designate the number of governing body members to be resident in each district; or

(2) provides for the elimination of governing body member districts;

subsection (a) controls. If either subsection (a) or (b) applies, candidates shall be voted upon by all the registered voters of the metropolitan school district voting at any governing body member election.

SECTION 22. IC 20-23-7-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4.5. (a) Not later than December 31, 2013, the board of commissioners shall do the following:**

(1) Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.

(2) If the any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 4 of this chapter.

(b) This subsection applies during the first year after a year in which a federal decennial census is conducted. The board of commissioners shall amend the plan under section 4 of this chapter if an amendment is necessary to reestablish the districts in compliance with section 4 of this chapter. If the board of commissioners determines that a plan amendment under section 4 of this chapter is not required, the board of commissioners shall recertify that the districts as established comply with section 4 of this chapter.

(c) Each time the school corporation's plan is amended, the board of commissioners shall file the following with the circuit

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court clerk of each county in which the school corporation is located:

- (1) A copy of the amendment.
- (2) Either of the following:
 - (A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 4 of this chapter.
 - (B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 4 of this chapter, a map of the new district boundaries.

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or recertification occurs.

SECTION 23. IC 20-23-8-8, AS AMENDED BY P.L.2-2006, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) A plan is subject to the following limitations:

- (1) A member of the governing body may not serve for a term of more than four (4) years, but a member may succeed himself or herself in office. This limitation does not apply to members who hold over during an interim period to effect a new plan awaiting the selection and qualification of a member under the new plan.
- (2) The plan, if the members are:
 - (A) to be elected, shall conform with one (1) of the types of board organization permitted by IC 20-23-4-27; or
 - (B) appointed, shall conform with one (1) of the types permitted by IC 20-23-4-28.
- (3) The terms of the members of the governing body, either elected to or taking office on or before the time the plan takes effect, may not be shortened. The terms of the members taking office under the plan may be shortened to make the plan workable on a permanent basis.
- (4) If the plan provides for electoral districts, where a member of the governing body is elected solely by the voters of a single district, the districts must be as near as practicable equal in population. The districts shall be reapportioned and their boundaries:
 - (A) changed, if necessary; **or**
 - (B) **recertified, if changes are not necessary;**
 by resolution of the governing body before the election next following the effective date of the subsequent decennial census to

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preserve the equality by resolution of the governing body.

(5) The plan shall comply with the:

(A) Constitution of the State of Indiana; and

(B) Constitution of the United States;

including the equal protection clauses of both constitutions.

(6) The provisions of IC 20-23-4-26 through IC 20-23-4-33 relating to the board of trustees of a community school corporation and to the community school corporation, including provisions relating to powers of the board and corporation and provisions relating to the mechanics of selection of the board, where elected and where appointed, apply to a governing body set up by a plan under this chapter and to the school corporation.

(b) The limitations set forth in this section do not have to be specifically set forth in a plan but are a part of the plan. A plan shall be construed, if possible, to comply with this chapter. If a provision of the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The provisions of a plan are severable.

SECTION 24. IC 20-23-8-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. (a) Not later than December 31, 2013, the governing body shall do the following:**

(1) Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.

(2) If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 8 of this chapter.

(b) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the plan under section 8 of this chapter if an amendment is necessary to reestablish the districts in compliance with section 8 of this chapter. If the governing body determines that a plan amendment under section 8 of this chapter is not required, the governing body shall recertify that the districts as established comply with section 8 of this chapter.

(c) Each time the school corporation's plan is amended, the governing body shall file the following with the circuit court clerk of each county in which the school corporation is located:

(1) A copy of the amendment.

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(2) Either of the following:

(A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 8 of this chapter.

(B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 8 of this chapter, a map of the new district boundaries.

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or recertification occurs.

SECTION 25. IC 20-23-15-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7.5. (a) Not later than December 31, 2013, the governing body shall do the following:**

(1) Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.

(2) If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 7 of this chapter.

(b) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the plan if an amendment is necessary to reestablish the districts in compliance with section 7 of this chapter. If the governing body determines that a plan amendment is not required, the governing body shall recertify that the districts as established comply with section 7 of this chapter.

(c) Each time the school corporation's plan is amended, the governing body shall file the following with the circuit court clerk of each county in which the school corporation is located:

(1) A copy of the amendment.

(2) Either of the following:

(A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 7 of this chapter.

(B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 7 of this chapter, a map of the new district boundaries.

(d) A plan amendment or recertification under this section must

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be filed not later than thirty (30) days after the amendment or recertification occurs."

Delete pages 4 through 7.

Page 8, delete lines 1 through 5.

Page 9, line 19, delete "recertify" and insert "**adopt an ordinance recertifying**".

Page 10, line 38, delete "recertify" and insert "**adopt an ordinance recertifying**".

Page 12, line 8, delete "recertify" and insert "**adopt an ordinance recertifying**".

Page 14, line 3, delete "recertify" and insert "**adopt an ordinance recertifying**".

Page 17, line 7, delete "recertify" and insert "**adopt an ordinance recertifying**".

Page 20, line 1, delete "recertify" and insert "**adopt an ordinance recertifying**".

Page 21, line 32, delete "recertify" and insert "**adopt an ordinance recertifying**".

Page 22, line 23, delete "recertify" and insert "**adopt an ordinance recertifying**".

Page 22, after line 31, begin a new paragraph and insert:

"SECTION 34. [EFFECTIVE JULY 1, 2013] (a) As used in this SECTION, "committee" refers to the census data advisory committee established by IC 2-5-19-2.

(b) During the 2013 legislative interim, the committee shall do the following:

(1) Study the standards for determining residency for purposes of voting, candidacy, and holding office in Indiana (IC 3-5-5).

(2) Make any recommendations for changing those standards as the committee considers appropriate.

(c) This SECTION expires January 1, 2014."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1311 as introduced.)

SMITH M, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1311 be amended to read as follows:

Page 32, after line 3, begin a new paragraph and insert:

"SECTION 35 [EFFECTIVE JULY 1, 2013] (a) As used in this SECTION, "committee" refers to the census data advisory committee established by IC 2-5-19-2.

(b) During the 2013 legislative interim, the committee shall do the following:

(1) Study voter suppression of African-Americans, Latinos, other ethnic minorities, and the elderly.

(2) Make any recommendations for legislation as the committee considers appropriate.

(c) This SECTION expires January 1, 2014."

Renumber all SECTIONS consecutively.

(Reference is to HB 1311 as printed February 15, 2013.)

PRYOR

 COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1311, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 14, after "county" insert **"that:**

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

(2) is a vote center county under IC 3-11-18.1."

Page 1, delete line 15.

Page 2, between lines 9 and 10, begin a new line block indented and insert:

"(5) The date of birth of the voter.

(6) The scanned signature of the voter.

(7) Whether the voter is required to provide an affirmation of the voter's residence.

(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.

(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.

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(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter."

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement by signing a poll list or indicating on a poll list that a voter's address has changed commits a Class D felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under section 6 of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll list; and

(2) indicates that an individual commits a Class D felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer:

(A) concerning the individual's name; or

(B) indicating that the individual's address has changed."

Page 2, line 14, after "that" insert ":

(1)".

Page 2, line 15, delete "." and insert "; or

(2) is a vote center county under IC 3-11-18.1."

Page 2, line 30, delete "chapter)" and insert "**chapter or that is a vote center county under IC 3-11-18.1)**".

Page 2, line 33, delete "county:" and insert "**county that:**

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

(2) is a vote center county under IC 3-11-18.1."

Page 2, delete lines 34 through 38.

Page 3, line 9, delete "may include" and insert "**must require**".

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"(c) The county voter registration office shall download the information required to be available on an electronic poll list before the electronic poll list is delivered and installed as required

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by IC 3-11-3-11(b).

SECTION 7. IC 3-7-48-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless the ~~circuit court clerk or board of county voter~~ registration ~~provides office issues~~ a signed certificate of error **immediately available for inspection** in the **county voter registration** office ~~where the permanent registration record is kept~~ showing that the voter is legally registered in the precinct where the voter resides.

(b) A person whose name does not appear on the registration record may cast a provisional ballot as provided in IC 3-11.7.

SECTION 8. IC 3-7-48-2, AS AMENDED BY P.L.81-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A certificate of error issued under section 1 of this chapter:

- (1) may be issued at any time after:
 - (A) the production of the certified list under IC 3-7-29; **or**
 - (B) **the downloading of the information into an electronic poll list under IC 3-7-29-6(c);**
- (2) shall be executed by the circuit court clerk, or in a county with a board of registration, by both members of the board; and
- (3) shall be numbered serially in the method prescribed for entry in the computerized list maintained under IC 3-7-26.3.

SECTION 9. IC 3-7-48-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) This section does not apply whenever a county voter registration office provides confirmation of the issuance of a certificate of error to a precinct election officer by transmitting the confirmation through an electronic poll list used at a precinct or vote center.**

(b) One (1) copy of the certificate of error shall be delivered to the inspector of the precinct of the voter's residence. The inspector shall return that copy to the circuit court clerk with other election material at the close of the polls as provided in this title. ~~The other copy shall be delivered to the county election board and returned to the circuit court clerk when the polls are closed.~~

Page 3, line 16, after "IC 3-7-29-6" delete "." and insert "**or IC 3-11-18.1.**".

Page 3, line 22, after "IC 3-7-29-6" delete "." and insert "**or IC 3-11-18.1.**".

Page 4, line 24, after "that" insert "**the voter may check the box instead of writing the voter's current address on the poll list, or if**

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an electronic poll list is used,"

Page 4, line 25, delete "for".

Page 4, line 25, strike "a voter whose" and insert "**after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's**".

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"(e) If the voter makes:

(1) a written affirmation on the poll list that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7;

the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter."

Page 4, after line 42, begin a new paragraph and insert:

"SECTION 14. IC 3-11-1.5-10.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10.7. If a conflict exists between:

(1) a map showing the boundaries of a precinct; and

(2) a description of the boundaries of that precinct;

submitted by a county and approved under this chapter, the precinct boundaries are the description of the boundaries, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 5, line 3, after "Sec. 11." delete "The" and insert "**(a) Except as provided in subsection (b), the**".

Page 5, delete lines 30 through 33, begin a new line block indented and insert:

"(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

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

(2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll list in each precinct or vote center."

Page 5, line 40, delete "IC 3-7-29-6)" and insert "**IC 3-7-29-6 or IC 3-11-18.1)**".

Page 6, line 16, after "than" insert "":

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(A)".

Page 6, line 17, after "IC 3-7-29-1" delete "." and insert "; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error."

Page 6, delete line 18, begin a new line block indented and insert:

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

(5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

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

(7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.

(8) The electronic poll list must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

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

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- (10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.
- (11) The electronic poll list must be used with a signature pad that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10).
- (12) The electronic poll list must include a bar code reader that:
- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader; and
 - (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.
- (13) The electronic poll list must be compatible with:
- (A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;
 - (B) the statewide voter registration system; and
 - (C) any software system used to prepare voter information to be included on the electronic poll list.
- (14) The electronic poll list must have the ability to be used in conformity with this title for:
- (A) any type of election conducted in Indiana; or
 - (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.
- (15) The procedures for setting up, using, and shutting down an electronic poll list must:
- (A) be reasonably easy for a precinct election officer to learn, understand, and perform; and
 - (B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.
- (16) The electronic poll list must enable a precinct election officer to verify that the electronic poll list:
- (A) has been set up correctly;
 - (B) is working correctly so as to verify the eligibility of the voter;
 - (C) is correctly recording that a voter has voted; and
 - (D) has been shut down correctly.
- (17) The electronic poll list must include the following

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documentation:

- (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.**
 - (B) Training materials that:**
 - (i) may be in written or video form; and**
 - (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.**
 - (C) Failsafe data recovery procedures for information included in the electronic poll list.**
 - (D) Usability tests:**
 - (i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;**
 - (ii) that include the setting up, using, and shutting down of the electronic poll list; and**
 - (iii) that report their results using the ANSI/INCITS-354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.**
 - (E) A clear model of the electronic poll list system architecture and the following documentation:**
 - (i) End user documentation.**
 - (ii) System-level documentation.**
 - (iii) Developer documentation.**
 - (F) Detailed information concerning:**
 - (i) electronic poll list consumables; and**
 - (ii) the vendor's supply chain for those consumables.**
 - (G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.**
 - (H) Repair and maintenance policies for the electronic poll list.**
 - (I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2), the following:**
 - (i) A list of customers who are using or have previously used the vendor's electronic poll list.**
 - (ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.**
- (18) The electronic poll list and any hardware attached to the**

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poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(19) The electronic poll list must demonstrate that it correctly processes all activity regarding each voter registration record included on the list, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll list.

(20) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2)."

Page 7, line 40, after "that" insert "**the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used,**".

Page 7, line 41, delete "for".

Page 7, line 41, strike "a voter whose" and insert "**after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's**".

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

"(1) If the voter makes:

(1) a written affirmation on the poll list that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7;

the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter."

Page 9, line 34, after "that" insert "**the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used,**".

Page 9, line 35, strike "to indicate that the" and insert "**after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's**".

Page 9, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 22. IC 3-11-16-4, AS ADDED BY P.L.221-2005, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. The person or entity designated under this

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chapter to conduct the program shall do the following:

- (1) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for voting systems used to conduct elections in Indiana.
- (2) Compile and maintain an inventory of all voting systems used to conduct elections in Indiana.
- (3) Review reports concerning voting systems prepared by independent laboratories and submitted by applicants for voting system certification.
- (4) Recommend to the commission whether an application for voting system certification should be approved and, if so, whether the approval should be subject to any restrictions or conditions to ensure compliance with Indiana law.
- (5) Perform any additional testing of a voting system necessary to determine whether the voting system complies with state law.
- (6) Each year perform random audits of voting systems used to conduct Indiana elections and prepare reports indicating whether the voting systems have been certified, programmed, and used in compliance with Indiana law.
- (7) Review contracts, leases, purchase orders, and amendments to those documents concerning the acquisition or maintenance of voting systems.
- (8) Assist with the development of quantity purchase agreements and other contracts for the lease or purchase of voting systems.
- (9) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for electronic poll books used to conduct elections in Indiana.**
- ~~(9)~~ **(10)** Perform any other duties related to the approval or use of voting systems as provided in:
 - (A) state law; or
 - (B) the contract described in section 3 of this chapter.

SECTION 23. IC 3-11-17-1, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter applies to a voting system **or an electronic poll book** vendor who sells, leases, installs, implements, or permits the use of a voting system **or an electronic poll book** in an election conducted in Indiana.

SECTION 24. IC 3-11-17-2, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. In addition to any other penalty imposed, a vendor who knowingly, recklessly, or negligently sells, leases, installs, implements, or permits the use of a voting system **or an electronic poll**

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book in an election conducted in Indiana in violation of this title is subject to a civil penalty under this chapter.

SECTION 25. IC 3-11-18.1-12, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. **(a)** Notwithstanding any other law, the electronic poll list used at each vote center

(1) must:

(1) comply with IC 3-11-8-10.3;

(2) may include an electronic image of the signature of a voter taken from the voter's registration application, if available; and

(3) may **(2)** be in a format approved by the secretary of state in accordance with this section.

(b) A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state.

(c) The secretary of state shall refer the application to the person or entity conducting the voting system technical oversight program (VSTOP) established by IC 3-11-16-2.

(d) The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating:

(1) whether the electronic poll book would operate in compliance with this title;

(2) any recommendations regarding the acquisition or use of the electronic poll book; and

(3) whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including any recommended restrictions that should be placed on the secretary of state's approval.

(e) After the report required by subsection **(d)** is filed, the secretary of state may approve the application for certification permitting the electronic poll book to be used in an election in Indiana.

(f) A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation.

SECTION 26. IC 3-11.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Each circuit court clerk shall do the following:

(1) Keep a separate absentee ballot record for each precinct in the

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county.

(2) This subdivision applies to a county in which the county voter registration office prepares a certified list of all voters registered to vote in each precinct in the county under IC 3-7-29-1. Certify to each inspector or the inspector's representative, at the time that the ballots and supplies are delivered under IC 3-11-3, the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

(3) This subdivision applies to a county that has adopted an order to use an electronic poll list under IC 3-7-29-6 or is a voter center county under IC 3-11-18.1. Certify at the time the county voter registration office downloads information to an electronic poll list under IC 3-7-29-6(c), the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

SECTION 27. IC 3-11.5-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. **(a) This section does not apply to a county that:**

(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll list used at a polling place or vote center is immediately updated to indicate the county received, not later than noon on election day, an absentee ballot from a voter.

(a) (b) Each county election board shall certify the names of voters:

(1) to whom absentee ballots were sent or who marked ballots in person; and

(2) whose ballots have been received by the board under this chapter;

after the certification under section 1 of this chapter and not later than noon on election day.

(b) (c) The county election board shall have:

(1) the certificates described in subsection (a); (b); and

(2) the circuit court clerk's certificates for voters who have registered and voted under IC 3-7-36-14;

delivered to the precinct election boards at their respective polls on

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election day by couriers appointed under section 22 of this chapter.

~~(e)~~ (d) The certificates shall be delivered not later than 3 p.m. on election day.

SECTION 28. IC 3-11.5-4-9, AS AMENDED BY P.L.225-2011, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) **This section does not apply to a county that:**

(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll list used at a polling place or vote center is immediately updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter.

~~(a)~~ (b) Upon delivery of the certificates under section 8 of this chapter to a precinct election board, the inspector shall do the following in the presence of the poll clerks:

(1) Mark the poll list.

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

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

~~(b)~~ (c) The inspector shall then deposit:

(1) the certificate prepared under section 1 of this chapter;

(2) the certificate prepared under section 8 of this chapter; and

(3) any challenge affidavit executed by a qualified person under section 16 of this chapter;

in an envelope in the presence of both poll clerks.

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

~~(d)~~ (e) The couriers shall immediately return the envelope described in subsection ~~(b)~~ (c) to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

SECTION 29. IC 3-11.5-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) **Except as**

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provided in subsection (c), the vote of an absentee voter may be challenged at the polls for the reason that the absentee voter is not a legal voter of the precinct where the ballot is being cast.

(b) Before the inspector prepares to mark the poll list to indicate that an absentee ballot cast by the voter has been received by the county election board according to a certificate delivered to the polls under section 1 or section 8 of this chapter, the inspector shall notify the challengers and the pollbook holders that the inspector is about to mark the poll list under this section. The inspector shall provide the challengers and pollbook holders with the name and address of each voter listed in the certificate so that the voter may be challenged under this article.

(c) This section applies to a county that:

(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

The vote of an absentee ballot may be challenged for the reason that the absentee voter is not a legal voter of the precinct for which the absentee ballot was issued. Before the absentee ballot counters process an absentee ballot, the absentee ballot counters shall notify the county election board. A county election board member, or a representative designated by a county election board member, may protest the counting of an absentee ballot under IC 3-11.5-5-8 or IC 3-11.5-6-6.

(e) (d) The challenge under this section must be determined using the procedures for counting a provisional ballot under IC 3-11.7.

SECTION 30. IC 3-11.5-4-16, AS AMENDED BY P.L.164-2006, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) This subsection does not apply to a county that:

(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.



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If a proper affidavit by a qualified person in the form required by IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

(e) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under ~~section 11 of this chapter:~~ **IC 3-11.7.**

SECTION 31. IC 3-11.5-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 22. (a) Except as provided in subsection (b), each county election board shall appoint:

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

(b) Notwithstanding subsection (a), a county election board:

- (1) may appoint, by a unanimous vote of the board's members, only one (1) absentee ballot courier if the person appointed is a voter of the county; **and**
- (2) **shall not appoint teams of couriers, if the county:**
 - (A) **has adopted an order to use an electronic poll list under IC 3-7-29-6; or**
 - (B) **is a vote center county under IC 3-11-18.1.**

(c) An otherwise qualified person is eligible to serve on an absentee voter board or as an absentee ballot counter or a courier unless the person:

- (1) is unable to read, write, and speak the English language;
- (2) has any property bet or wagered on the result of the election;
- (3) is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state convention delegate; or
- (4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in

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disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:

- (1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and
- (2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.

SECTION 32. IC 3-11.5-4-24, AS AMENDED BY P.L.221-2005, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. **(a) This section does not apply to a county that:**

- (1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or**
- (2) is a vote center county under IC 3-11-18.1.**

(a) (b) In addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

- (1) mark the poll list; and
- (2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;

in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board according to the certificate supplied under section 1 of this chapter.

(b) (c) The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

- (1) marked the poll list; and
- (2) attached the certificates described in subsection **(a)(2); (b)(2);**

under this section in the presence of both poll clerks.

(c) (d) The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

SECTION 33. IC 3-11.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) Except as provided in subsection (b),** immediately after:

- (1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and
- (2) the absentee ballot counters or the county election board have made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

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the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct.

(b) This section applies to a county that:

(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll lists used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 34. IC 3-11.5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) Except as provided in subsection (b), immediately after:**

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

(b) This subsection applies to a county that:

(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll lists used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct."

Page 10, line 10, after "mail." insert "The absentee ballot

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application of a program participant is confidential."

Page 10, line 42, strike "electoral" and insert "election".

Page 11, line 1, strike "electoral" and insert "election".

Page 11, line 9, strike "electoral" and insert "election".

Page 11, line 11, strike "electoral" and insert "election".

Page 11, between lines 34 and 35, begin a new paragraph and insert:

"(j) The limitations set forth in this section are part of the plan, but do not have to be specifically set forth in the plan. The plan must be construed, if possible, to comply with this chapter. If a provision of the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The provisions of the plan are severable.

(k) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the plan or plan amendment;

the district boundaries are the description of the boundaries set forth in the plan or plan amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 12, line 35, strike "Not more than one (1) year after the".

Page 12, line 36, strike "effective date of each United States decennial census," and insert **"During the first year after a year in which a federal decennial census is conducted,"**

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

"(d) The limitations set forth in this section are part of the plan, but do not have to be specifically set forth in the plan. The plan must be construed, if possible, to comply with this chapter. If a provision of the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The provisions of the plan are severable."

Page 13, line 34, after "If" delete "the".

Page 14, between lines 20 and 21, begin a new paragraph and insert:

"(e) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the plan or plan amendment;

the district boundaries are the description of the boundaries set forth in the plan or plan amendment, not the boundaries shown on the map, to the extent there is a conflict between the description

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and the map."

Page 16, between lines 17 and 18, begin a new paragraph and insert:

"(e) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the plan or plan amendment;

the district boundaries are the description of the boundaries set forth in the plan or plan amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

SECTION 42. IC 20-23-14-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The governing body of the school corporation consists of five (5) members elected on a nonpartisan basis.

(b) Three (3) of the members are elected from the school districts referred to in section ~~4~~ **4.5** of this chapter by eligible voters residing in the school districts. Each member:

(1) is elected from the school district in which the member resides; and

(2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

(c) Two (2) of the members:

(1) are elected by eligible voters residing in the school corporation;

(2) are at-large members of the governing body; and

(3) upon election and in conducting the business of the governing body, represent the interests of the entire school corporation.

SECTION 43. IC 20-23-14-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. Sec. 4: The school districts for the election of the members of the governing body under section 3(b) of this chapter are as follows:

(1) Commencing at the Southeast corner of Section 16; thence West along the center line of 29th Avenue (South line of Section 16) to Deep River; thence Southwesterly along the center line of Deep River to State Road 51; thence South along the center line of State Road 51 to 33rd Avenue to Montgomery Street (the North-South center line of Section 20); thence North along the center line of Montgomery Street to 31st Avenue; then West along the center line of 31st Avenue to Grand Boulevard; then North along the center line of Grand Boulevard to Riverside Drive; then Northeasterly along the center line of Riverside Drive to Laporte Street; thence North along the center line of Laporte Street to Fairview Avenue; thence Easterly along the center line

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of Fairview Avenue to State Road 51; thence North along the center line of State Road 51 to Central Avenue; thence East along the center line of Central Avenue to the county line; thence South along the county line to the point of beginning:

(2) Commencing at the Northeast Corner of Section 9-36-7; thence South along the county line to Central Avenue; thence West along the center line of Central Avenue to State Road 51; thence South along the center line of State Road 51 to Fairview Street; thence Westerly along the center line of Fairview Avenue to Laporte Street; thence South along the center line of Laporte Street to Riverside Drive; thence Southwesterly along the center line of Riverside Drive to Grand Boulevard; thence North along the center line of Grand Boulevard to Court Street; thence West along the center line of Court Street to Howard Street; thence Northerly along the center line of Howard Street to the Borman Tri-State Highway (I-80 and I-94); thence Westerly along the center line of the Borman Tri-State Highway to the Little Calumet River Bed; thence meandering along the center line of the Little Calumet River Bed first in a Northeasterly direction; then in a Southwesterly direction; then in a Northerly direction to Burns Ditch; thence Westerly along the center line of Burns Ditch to Clay Street; then North along the center line of Clay Street to 15th Avenue; thence East along the center line of 15th Avenue to Gibson Street; thence North along Gibson Street to the Indiana Toll Road; thence Easterly along the North Line of the Indiana Toll Road to Lake Street; thence North along the East Line of Lake Street to the Wabash Railroad; thence East along the Wabash Railroad to the point of beginning:

(3) Commencing at the Southeast corner of Section 18-36-7; thence West along the center line of 29th Avenue to Hancock Street; thence South along the center line of Hancock Street to Deep River; thence Southwesterly along the center line of Deep River to Gibson Street; thence North along the center line of Gibson Street to 29th Avenue; thence West along 29th Avenue; including residences on both the North and South sides of 29th Avenue to Clay Street; thence South along the center line of Clay Street to Liverpool Road; thence Westerly along the center line of Liverpool Road to Benton Street; thence North along the center line of Benton Street to 29th Avenue; thence West along the center line of 29th Avenue to State Street; thence North along the center line of State Street to Marquette Road; thence Easterly along the center line of Marquette Road to Clay Street; thence

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North along the center line of Clay Street to Burns Ditch; thence Easterly along the center line of Burns Ditch to the Little Calumet River Bed; thence meandering along the center line of the Little Calumet River Bed first in a Southerly direction, then in a Northeasterly direction, and then in a Southerly direction to the Borman Tri-State Highway (I-80 and I-94); then Easterly along the center line of the Borman Tri-State Highway to Howard Street; thence Southerly along the center line of Howard Street to Court Street; thence East along the center line of Court Street to Grand Boulevard; thence South along the center line of Grand Boulevard to the point of beginning.

SECTION 44. IC 20-23-14-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4.5. (a) Until the first reapportionment required under this section, the school districts for the election of the members of the governing body under section 3(b) of this chapter are the districts set forth in section 4 of this chapter (before its repeal).**

(b) The governing body shall, by resolution, reapportion the school districts and change their boundaries, if necessary, not later than December 31 of the year immediately following the year in which a decennial census is taken.

(c) The school districts established must:

- (1) be as near as practicable equal in population;**
- (2) have boundaries set forth in the text of the resolution; and**
- (3) comply with:**
 - (A) the Constitution of the United States; and**
 - (B) the Constitution of the State of Indiana;**

including the equal protection clauses of both constitutions.

(d) The limitations set forth in this section are part of the resolution, but do not have to be specifically set forth in the resolution. The resolution must be construed, if possible, to comply with this chapter. If a provision of the resolution or an application of the resolution violates this chapter, the invalidity does not affect the other provisions or applications of the resolution that can be given effect without the invalid provision or application. The provisions of the resolution are severable.

(e) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the resolution if an amendment is necessary to reapportion the school districts and change their boundaries to comply with subsection (c). If the governing body determines that

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reapportionment and changes to the boundaries of the school districts are not required, the governing body shall recertify that the school districts as established comply with subsection (c).

(f) Each time the governing body amends the resolution or makes a recertification, the governing body shall file a copy of the following with the board of elections and registration established by IC 3-6-5.2-3 not later than thirty (30) days after the amendment or recertification occurs:

(1) A copy of the amendment or recertification.

(2) One (1) of the following:

(A) A certification that changes to the school district boundaries as established are not required to comply with subsection (c).

(B) If reapportionment of the school districts and changes to their boundaries are required to comply with subsection (c), a map showing the boundaries of the new school districts.

(g) If a conflict exists between:

(1) a map showing the boundaries of a school district; and

(2) a description of the boundaries of that school district set forth in the resolution or resolution amendment;

the school district boundaries are the description of the boundaries set forth in the resolution or resolution amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 17, between lines 8 and 9, begin a new paragraph and insert:

"(e) The limitations set forth in this section are part of the plan, but do not have to be specifically set forth in the plan. The plan must be construed, if possible, to comply with this chapter. If a provision of the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The provisions of the plan are severable.

(f) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the plan or plan amendment;

the district boundaries are the description of the boundaries set forth in the plan or plan amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 18, between lines 30 and 31, begin a new paragraph and insert:

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"(i) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(j) If a conflict exists between:

- (1) a map showing the boundaries of a district; and**
- (2) a description of the boundaries of that district set forth in the ordinance;**

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 20, between lines 8 and 9, begin a new paragraph and insert:

"(i) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(j) If a conflict exists between:

- (1) a map showing the boundaries of a district; and**
- (2) a description of the boundaries of that district set forth in the ordinance;**

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 21, between lines 19 and 20, begin a new paragraph and insert:

"(h) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(i) If a conflict exists between:

- (1) a map showing the boundaries of a district; and**

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(2) a description of the boundaries of that district set forth in the ordinance;
the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 23, between lines 15 and 16, begin a new paragraph and insert:

"(n) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(o) If a conflict exists between:

- (1) a map showing the boundaries of a district; and**
- (2) a description of the boundaries of that district set forth in the ordinance;**

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 26, between lines 11 and 12, begin a new paragraph and insert:

"(r) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(s) If a conflict exists between:

- (1) a map showing the boundaries of a district; and**
- (2) a description of the boundaries of that district set forth in the ordinance;**

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 29, between lines 5 and 6, begin a new paragraph and insert:

"(r) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application

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of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(s) If a conflict exists between:

- (1) a map showing the boundaries of a district; and
- (2) a description of the boundaries of that district set forth in the ordinance;

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 30, between lines 36 and 37, begin a new paragraph and insert:

"(l) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(m) If a conflict exists between:

- (1) a map showing the boundaries of a district; and
- (2) a description of the boundaries of that district set forth in the ordinance;

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map."

Page 31, between lines 34 and 35, begin a new paragraph and insert:

"(h) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(i) If a conflict exists between:

- (1) a map showing the boundaries of a district; and
- (2) a description of the boundaries of that district set forth in the ordinance;

the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the

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extent there is a conflict between the description and the map."

Page 32, delete lines 1 through 8.

Page 32, line 9, delete "(1)" and insert "(2)".

Page 32, line 9, after "Study" insert "allegations of".

Page 32, delete lines 11 through 12, begin a new line block indented and insert:

"(3) Study allegations of election fraud occurring in the:

(A) absentee voting process;

(B) candidate filing process;

(C) voter registration process; and

(D) voting process.

(4) Study methods for improving election administration by reducing lines at polling places.

(5) Study methods for reducing the cost of the election process.

(6) Study methods for enabling an emergency first responder responding to an emergency declaration to receive an absentee ballot or absentee ballot application by electronic mail or facsimile (fax) machine.

(7) Study the impact of sending written communications to a voter containing false vote history information regarding that voter.

(c) The committee shall make any proposed recommendations concerning the topics described in subsection (b), including any proposed legislation, as the committee considers appropriate."

Page 32, line 13, delete "(c)" and insert "(d)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1311 as reprinted February 19, 2013.)

LANDSKE, Chairperson

Committee Vote: Yeas 7, Nays 0.

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