



January 25, 2013

HOUSE BILL No. 1157

DIGEST OF HB 1157 (Updated January 23, 2013 4:42 pm - DI 75)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13; IC 6-1.1; IC 10-16; IC 12-14; IC 12-15; IC 16-35; IC 20-23; IC 20-25; IC 20-26; IC 36-5.

Synopsis: Various election law matters. Provides that a candidate's petition of nomination or a petition to place a public question on the ballot may not use an electronic, digital, digitized, or photocopied signature. Restates procedures to be followed when an election is conducted for a city or town located in more than one county. Permits a poll worker in an election conducted by a town election board to serve if the worker meets the qualifications to work in a town election conducted by a county election board. Provides that an elected member of the governing body of a school corporation takes office on the date set in the school corporation's organization plan. Provides that the date set in the organization plan for an elected member of the governing body to take office may not be more than 14 months after the date of the member's election. Provides that if the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 immediately following the member's election. Provides that the

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Effective: January 1, 2012 (retroactive); July 1, 2013.

Richardson

January 10, 2013, read first time and referred to Committee on Elections and Apportionment.
January 24, 2013, amended, reported — Do Pass.

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HB 1157—LS 6191/DI 75+



changes relating to school board offices take effect retroactively to January 1, 2012. Specifies the deadline for withdrawal of school board candidates, and revises the deadline for filing as a write-in candidate for school board office. Specifies the first date on which a candidate may file a petition of nomination in Mishawaka and East Chicago school district elections. (Current law specifies the final date for filing, but not the first date.) Specifies that a school corporation with members of the school board elected only by the voters of a school board residence district must adopt a redistricting resolution not later than December 31 of the year following the decennial census. (Current law requires the adoption of a redistricting resolution by the school corporation "before the election next following the effective date of the subsequent decennial census".) Specifies the procedure for certification of school board candidates to the county election board of each county in which a school corporation is located. Provides that a county voter registration office is not required to forward to another county a paper copy of an authorization by a voter to cancel the voter's registration, if the authorization to cancel is electronically transmitted to the other county using the statewide voter registration system. Specifies requirements for candidates for selection to an appointment pro tempore to an office. Permits photocopies of receipts for filing of a statement of economic interests to be accepted as part of a candidate filing. Specifies how a voter's vote in a primary is to be recorded in the statewide voter registration system when a voter's choice of political party ballot is not recorded on the poll list. Provides that an independent or minor party candidate in a special election for U.S. Representative may withdraw not later than noon 71 days before the special election (instead of noon 45 days before the special election under current law). Provides that special elections to fill certain offices are to be held unless the vacancy in the office occurs less than 74 days (rather than 30 days) before a general election. Amends absentee application and voting procedures relating to the deadlines applicable to certain types of absentee ballot applications. Provides that the application must permit a person to indicate whether the applicant is currently a participant in the address confidentiality program. Makes changes concerning the procedure for processing military and overseas voter absentee ballot applications. Conforms procedures governing federal write-in absentee ballots used in central count counties with current law in precinct count counties. Permits a military or overseas voter to transmit an absentee application or a secrecy waiver for an absentee ballot by sending electronic mail with a digital image (rather than an optically scanned image under current law) as an attachment. Establishes a procedure for a federal write-in absentee ballot received in an envelope inadvertently opened by the county election board to be resealed and counted, if otherwise valid, and makes other changes to conform to the federal laws governing federal write-in absentee ballots. Specifies requirements for optical scan ballot card voting systems and direct record electronic voting systems to permit straight ticket voting and split ticket voting. Permits a county to continue to use a voting system whose approval or certification expired on or before October 1, 2013, if the voting system: (1) was approved by the Indiana election commission for use in elections in Indiana before October 1, 2013, and purchased by the county before October 1, 2013; and (2) otherwise complies with the applicable provisions of the federal Help America Vote Act and Indiana law. Specifies rules for counting paper or optical scan ballots when a voting mark does not touch a circle, oval, or square on the ballot, and when a voting mark partially connects a connectable arrow on the ballot. Establishes standards for ballot card voting system certification for detection of a voting mark when a voting mark touches only the outside edge of a circle, oval, or square. Permits a local government body to proceed to fill an office vacancy when an official has filed a resignation with a delayed effective date, in the same

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Digest Continued

manner that a political party caucus may fill a vacancy in such cases. Conforms the deadlines for certification and withdrawal of public questions for controlled projects with the deadlines for certifying other public questions and printing absentee ballots. Provides that the current law concerning national guard musters applies to all election days. Repeals certain statutes relating to elections conducted in towns located in more than one county. Removes a requirement that a petition to dissolve a town or change the name of a town must be accompanied by a census of the voters of the town. Removes various obsolete references. Makes technical changes.

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January 25, 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.

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HOUSE BILL No. 1157

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 3-5-2-19 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2013]: Sec. 19. "Election district" means the
3 area comprised by precincts where voters **who are qualified to vote**
4 **for a candidate or on a public question** reside **and** whose votes a
5 candidate or committee proposes to influence.
- 6 SECTION 2. IC 3-5-4-1.7, AS ADDED BY P.L.230-2005,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2013]: Sec. 1.7. (a) Except as otherwise expressly authorized
9 or required under this title, a filing by a person with a commission, the
10 election division, or an election board may not be made by fax or
11 electronic mail.
- 12 (b) A petition of nomination filed with a county voter
13 registration office under IC 3-8-2, IC 3-8-3, or IC 3-8-6 or a
14 petition to place a public question on the ballot may not contain the
15 electronic signature (as defined in IC 5-24-2-2), digital signature

HB 1157—LS 6191/DI 75+



1 (as defined in IC 5-24-2-1), digitized signature, or photocopied
2 signature of a voter.

3 SECTION 3. IC 3-5-4-11, AS ADDED BY P.L.179-2011,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 11. (a) As used in this
6 section, "governing body" refers to the governing body of a school
7 corporation subject to any of the following:

8 (1) IC 20-23-4-30.

9 (2) IC 20-23-7-8 (before its repeal on July 1, 2011) and
10 IC 20-23-7-8.1 (after June 30, 2011).

11 (3) IC 20-23-8-8.

12 (4) IC 20-23-10-8.

13 (5) IC 20-23-12.

14 (6) IC 20-23-13.

15 (7) IC 20-23-14.

16 (8) IC 20-25-3-4.

17 (b) This subsection applies to a member of a governing body elected
18 at the 2008 primary election. The successor of such a member shall:

19 (1) be elected at the 2012 general election; and

20 (2) take office **on the date set in the school corporation's**
21 **organization plan. The date set in the organization plan for an**
22 **elected member of the governing body to take office may not**
23 **be more than fourteen (14) months after the date of the**
24 **member's election. If the school corporation's organization**
25 **plan does not set a date for an elected member of the**
26 **governing body to take office, the member takes office** January
27 1, 2013.

28 (c) This subsection applies to a member of a governing body elected
29 at the 2010 primary election. The successor of such a member shall:

30 (1) be elected at the 2014 general election; and

31 (2) take office **on the date set in the school corporation's**
32 **organization plan. The date set in the organization plan for an**
33 **elected member of the governing body to take office may not**
34 **be more than fourteen (14) months after the date of the**
35 **member's election. If the school corporation's organization**
36 **plan does not set a date for an elected member of the**
37 **governing body to take office, the member takes office** January
38 1, 2015.

39 (d) This section expires July 1, 2016.

40 SECTION 4. IC 3-6-5-15 IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) Except as otherwise
42 provided by law, whenever in subsection (b), this section applies

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1 **when an election is conducted in** a political subdivision (as defined
 2 in IC 36-1-2-13 and other than a county) **that** contains territory in more
 3 than one (1) county.

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

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

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

9 **(c) To the extent authorized by this section,** the county election
 10 board of the county that contains the greatest percentage of population
 11 of the political subdivision shall conduct all elections for the political
 12 subdivision. ~~This section does not apply to countywide elections.~~ **The**
 13 **county election board may designate polling places for the election,**
 14 **which may be located in any county in which the political**
 15 **subdivision is located, and shall appoint precinct election officers**
 16 **to conduct the election upon nomination by the county chairman**
 17 **of the county where the precinct is located, or by filling a vacancy**
 18 **if a nomination is not timely made. However, each county election**
 19 **board shall provide poll lists for voters, receive and approve**
 20 **absentee ballot applications, issue certificates of error or other**
 21 **documents for the voters of that county, print ballots for the**
 22 **municipal election, and conduct activity required to canvass the**
 23 **votes under IC 3-12-5-2(b).**

24 SECTION 5. IC 3-6-6-30 IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2013]: Sec. 30. Each precinct election board
 26 shall determine all ~~questions of challenge and all other~~ matters coming
 27 before the board **in accordance with Indiana law.** If necessary, the
 28 judges shall assist the inspector and poll clerks in the performance of
 29 their duties. Subject to IC 3-11-9, the judges shall also assist and
 30 instruct voters when assistance is requested.

31 SECTION 6. IC 3-7-13-10 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) **After a general**
 33 **or municipal election is conducted,** the registration period ~~begins~~
 34 **resumes on the following** December 1 ~~of each year~~ (or the first
 35 Monday in December if December 1 falls on a Saturday or Sunday).

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

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



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

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

9 SECTION 7. IC 3-7-27-15, AS AMENDED BY P.L.164-2006,
10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2013]: Sec. 15. (a) This section does not apply to a county
12 acting in accordance with section 21.1 or 22 of this chapter.

13 (b) The county voter registration office shall keep all original
14 affidavits or forms of registration **(or duplicate affidavits or forms)**
15 **securely arranged and maintained** in the clerk's or board's office.
16 **except when the affidavits or forms are in the possession of the precinct**
17 **election boards for use on election day at the polls.** The county voter
18 registration office shall keep any duplicate affidavits or forms at all
19 times in the clerk's or board's office.

20 (b) If the original affidavits or forms of registration have been
21 microfilmed or recorded through a similar electronic process
22 authorized under IC 5; any duplicate affidavits may be:

23 (1) stored in a secure location outside of the office of the clerk or
24 board; or

25 (2) discarded; if a microfilmed or similar electronic record of the
26 duplicate affidavits is stored in a secure location outside the office
27 of the clerk or board.

28 SECTION 8. IC 3-7-27-16 IS REPEALED [EFFECTIVE JULY 1,
29 2013]. Sec. 16: (a) This section does not apply to a county if the county
30 election board has adopted a resolution providing that affidavits or
31 forms are not required to be delivered to the polls.

32 (b) The affidavits or forms shall be securely arranged in suitable
33 binders or card files before being delivered to the inspector of each
34 precinct to be used at an election.

35 SECTION 9. IC 3-7-28-14, AS AMENDED BY P.L.225-2011,
36 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 14. (a) Each county voter registration office shall
38 provide a list of the names and addresses of all voters whose
39 registrations have been canceled under this article to the following
40 upon request:

41 (1) The county chairmen of the major political parties of the
42 county.

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1 (2) The chairman of the following:

2 (A) A bona fide political party of the county.

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

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

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

11 SECTION 10. IC 3-7-36-11 IS REPEALED [EFFECTIVE JULY 1,
12 2013]. Sec. 11. (a) ~~This section applies only to a person described in~~
13 ~~subsection (b) who applies to register to vote:~~

14 (1) ~~after the date described in IC 3-7-13-11; and~~

15 (2) ~~before the date that the certified list of voters is prepared~~
16 ~~under IC 3-7-29-1.~~

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

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

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

28 (i) ~~the voter;~~

29 (ii) ~~the voter's spouse; or~~

30 (iii) ~~the individual of whom the voter is a dependent.~~

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

34 (i) ~~the voter;~~

35 (ii) ~~the voter's spouse; or~~

36 (iii) ~~the individual of whom the voter is a dependent.~~

37 (2) ~~Completing a registration affidavit.~~

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

40 SECTION 11. IC 3-7-36-14 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) This section
42 applies to a person described in subsection (b) who applies to register

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1 to vote during the period:

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

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

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

- 13 (A) A discharge from service, dated not earlier than the
 14 beginning of the registration period that ended on the ~~date~~
 15 ~~described in IC 3-7-13-11; tenth day before election day,~~ of:
 16 (i) the voter;
 17 (ii) the voter's spouse; or
 18 (iii) the individual of whom the voter is a dependent.

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

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

26 (2) Completing a registration affidavit.

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

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

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

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

- 40 (1) Certify in writing that the voter registered under this section.
 41 (2) Attach the certification to the voter's absentee ballot envelope.
 42 (e) If the county has a board of registration, the board of registration

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1 shall promptly deliver the voter's registration affidavit to the circuit
2 court clerk to permit the voter to vote under subsection (c).

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

6 SECTION 12. IC 3-7-43-6, AS AMENDED BY P.L.164-2006,
7 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2013]: Sec. 6. (a) This section applies to a voter who requests
9 a cancellation of voter registration under IC 3-7-39-6.

10 (b) The county voter registration office of the county in which a
11 voter registers shall send the authorization of cancellation to the county
12 voter registration office **using the computerized list**, on an expedited
13 basis, as required by IC 3-7-26.3. **A county voter registration office**
14 **is not required to forward a paper copy of the request for**
15 **cancellation of registration to another county voter registration**
16 **office if the authorization of cancellation has been transmitted to**
17 **the other county voter registration office using the computerized**
18 **list. The county voter registration office shall retain the paper copy**
19 **of the request for cancellation for the two (2) year period required**
20 **under 42 U.S.C. 1974.**

21 SECTION 13. IC 3-8-1-5.7 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.7. (a) Except as
23 expressly provided by law, a candidate for selection under IC 3-13-5 or
24 IC 3-13-11 for an appointment pro tempore to an office must comply
25 with the requirements imposed under this chapter on a candidate for
26 election to the office. **For purposes of determining whether a**
27 **candidate for an appointment pro tempore complies with a**
28 **requirement imposed under this chapter on a candidate for**
29 **election to the office, the term "before the election" is considered**
30 **to read as:**

31 (1) "before the date of the caucus that is required to fill the
32 vacant office"; or

33 (2) "before the date that the county political party chairman
34 appoints an individual to fill the vacant office";

35 **whichever is the case.**

36 (b) If a town council member:

37 (1) was elected or selected as a candidate from a town council
38 district; and

39 (2) served on a council that subsequently adopted an ordinance
40 under IC 36-5-2-4.1 abolishing town council districts;

41 a candidate for selection for an appointment pro tempore to succeed the
42 town council member is not required to reside within the district

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1 formerly represented by the town council member.

2 SECTION 14. IC 3-8-2-2.6 IS REPEALED [EFFECTIVE JULY 1,
3 2013]. Sec. 2-6: (a) This section applies to a write-in candidate for a
4 school board office to be elected on the same election day that a
5 primary election is conducted:

6 (b) A:

7 (1) declaration of intent to be a write-in candidate; or

8 (2) withdrawal of a declaration;

9 must be subscribed and sworn to before an individual authorized to
10 administer oaths:

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

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

15 (2) not later than noon eighty-eight (88) days before the primary
16 election.

17 (d) A candidate may withdraw a declaration of intent filed under
18 subsection (c) not later than noon eighty-five (85) days before the
19 primary election:

20 (e) A question concerning the validity of a declaration of intent to
21 be a write-in candidate for a school board office must be filed with the
22 county election board under IC 3-8-1-2(c) not later than noon
23 eighty-one (81) days before the date of the primary election. The
24 county election board shall determine all questions regarding the
25 validity of the declaration not later than noon sixty-eight (68) days
26 before the date of the primary election.

27 SECTION 15. IC 3-8-2-2.7, AS AMENDED BY P.L.164-2006,
28 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2013]: Sec. 2.7. (a) This subsection does not apply to a
30 write-in candidate for school board office who is subject to section
31 2-6(e) of this chapter. A candidate may withdraw a declaration of intent
32 to be a write-in candidate not later than noon July 15 before a general
33 or municipal election.

34 (b) This subsection applies to a candidate who filed a declaration of
35 intent to be a write-in candidate with the election division. The election
36 division shall issue a corrected certification of write-in candidates
37 under IC 3-8-7-30 as soon as practicable after a declaration is
38 withdrawn under this section.

39 SECTION 16. IC 3-8-2-4, AS AMENDED BY P.L.225-2011,
40 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2013]: Sec. 4. (a) A declaration of candidacy for a primary
42 election must be filed not later than noon eighty-eight (88) days and not

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1 earlier than one hundred eighteen (118) days before the primary
 2 election. The declaration must be subscribed and sworn to before a
 3 person authorized to administer oaths.

4 ~~(b) This subsection does not apply to a write-in candidate for school~~
 5 ~~board office who is subject to section 2-6(c) of this chapter.~~ A
 6 declaration of intent to be a write-in candidate must be filed:

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

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

12 The declaration must be subscribed and sworn to before a person
 13 authorized to administer oaths.

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

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

19 (2) intent to be a write-in candidate **may be filed** for an office that
 20 will appear on the general, municipal, or school board election
 21 ballot;

22 that year as a result of the new tabulation of population or corrected
 23 population count.

24 SECTION 17. IC 3-8-2-11, AS AMENDED BY P.L.90-2012,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2013]: Sec. 11. (a) A declaration of candidacy may be made
 27 by mail and is considered filed as of the date and hour the filing occurs
 28 in the manner described by IC 3-5-2-24.5 in the office of the election
 29 division or circuit court clerk.

30 (b) A declaration is not valid unless filed in the office of the election
 31 division or circuit court clerk by noon on the seventy-fourth day before
 32 a primary election.

33 (c) This subsection applies to a candidate required to file a
 34 statement of economic interests under IC 2-2.1-3-2 or IC 33-23-11-15
 35 or a financial disclosure statement under IC 4-2-6-8. This subsection
 36 does not apply to a candidate for a local office or school board office
 37 required to file a statement of economic interests under IC 3-8-9. The
 38 election division shall require the candidate to produce a:

39 (1) copy of the statement, file stamped by the office required to
 40 receive the statement of economic interests; or

41 (2) receipt **or photocopy of a receipt** showing that the statement
 42 has been filed;



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1 before the election division accepts the declaration for filing. The
 2 election division shall reject a filing that does not comply with this
 3 subsection.

4 (d) This subsection applies to a candidate for a local office or school
 5 board office required to file a statement of economic interests under
 6 IC 3-8-9. The circuit court clerk shall reject a declaration of candidacy
 7 that does not include a statement of economic interests.

8 SECTION 18. IC 3-8-2.5-4, AS ADDED BY P.L.179-2011,
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2013]: Sec. 4. (a) A petition of nomination for a school board
 11 office must be filed not earlier than one hundred four (104) days and
 12 not later than noon seventy-four (74) days before the general election.
 13 The petition must be subscribed and sworn to before a person
 14 authorized to administer oaths.

15 (b) A declaration of intent to be a write-in candidate for a school
 16 board office must be filed not earlier than ninety (90) days before the
 17 general election and not later than noon ~~five (5)~~ **seventy-four (74)** days
 18 before the ~~final date for the delivery of absentee ballots under~~
 19 ~~IC 3-11-4-15: general election.~~ The declaration must be subscribed
 20 and sworn to before a person authorized to administer oaths.

21 (c) **A person who files a petition of nomination for a school**
 22 **board office may, at any time not later than noon seventy-one (71)**
 23 **days before the general election, file a statement with the same**
 24 **office where the person filed the petition of nomination, stating that**
 25 **the person is no longer a candidate and does not wish the person's**
 26 **name to appear on the election ballot as a candidate.**

27 (d) **A person who files a declaration of intent to be a write-in**
 28 **candidate for a school board office may, at any time not later than**
 29 **noon seventy-one (71) days before the general election, file a**
 30 **statement with the same office where the person filed the**
 31 **declaration of intent, stating that the person is no longer a write-in**
 32 **candidate for the office.**

33 SECTION 19. IC 3-8-6-13.5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13.5. A candidate may
 35 withdraw a petition of nomination by noon:

36 (1) July 15 before a general or municipal election; or

37 (2) ~~forty-five (45)~~ **seventy-one (71)** days before a special election.

38 SECTION 20. IC 3-10-1-31.3 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2013]: **Sec. 31.3. (a) This subsection applies**
 41 **to a primary election within an election district in which more than**
 42 **one (1) political party chooses the party's nominees or in which a**

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1 nonpartisan ballot is available for a voter to vote for an office or on
2 a public question. A voter whose political party is not recorded on
3 the poll list as required under section 24 of this chapter shall be
4 shown on the voter's registration record as having cast an
5 unknown ballot in that primary.

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

13 SECTION 21. IC 3-10-2-16 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2013]: **Sec. 16. Notwithstanding any other statute or a school
16 corporation's organization plan, an elected member of the
17 governing body shall be elected at the general election held
18 immediately before the term of office for that position on the
19 governing body expires.**

20 SECTION 22. IC 3-10-6-9 IS REPEALED [EFFECTIVE JULY 1,
21 2013]. **Sec. 9: In accordance with IC 3-11-1.5 and to the extent
22 applicable and feasible, the circuit court clerk, the county fiscal body,
23 the county executive, and the county election board of each county in
24 which there are voters who may vote in a municipal election, but who
25 live in a county adjacent to the county in which the greatest percentage
26 of the population of the municipality resides, shall:**

27 (1) upon written request of their counterpart election officers in
28 the county with the greatest percentage of the population of the
29 municipality, establish precincts for municipal election purposes;
30 and

31 (2) supply the precincts established with poll lists and perform all
32 other duties under this title as if the voters were inhabitants of a
33 municipality with the greatest percentage of its population within
34 that county.

35 SECTION 23. IC 3-10-6-10 IS REPEALED [EFFECTIVE JULY 1,
36 2013]. **Sec. 10: The commission shall, if necessary, implement section
37 9 of this chapter by orders and rules. Local governments may use
38 IC 36-1-7 for contractual agreements concerning the costs of services,
39 supplies, and equipment required.**

40 SECTION 24. IC 3-10-7-22, AS AMENDED BY P.L.230-2005,
41 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2013]: **Sec. 22. (a) A town election board shall appoint a**

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1 precinct election board for each precinct in the town.
 2 (b) If a precinct is wholly or partly in the town, the town election
 3 board may designate the polls for the precinct to be at the polls for an
 4 adjoining precinct, using the precinct election board of the adjoining
 5 precinct.
 6 (c) If a precinct election board administers more than one (1)
 7 precinct under subsection (b), the board shall keep the ballots cast in
 8 each precinct separate from ballots cast in any other precinct, so that
 9 the votes cast for each candidate and on each public question in each
 10 of the precincts administered by the board may be determined.

11 (d) Each precinct election board consists of:
 12 (1) one (1) inspector; and
 13 (2) two (2) judges of opposite political parties.

14 (e) The members of a precinct election board must ~~be voters who~~
 15 ~~reside in the town.~~ **comply with IC 3-6-6.**

16 SECTION 25. IC 3-10-8-1, AS AMENDED BY P.L.164-2006,
 17 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2013]: Sec. 1. A special election shall be held in the following
 19 cases:

- 20 (1) Whenever two (2) or more candidates for a federal, state,
 21 legislative, circuit, or school board office receive the highest and
 22 an equal number of votes for the office, except as provided in
 23 Article 5, Section 5 of the Constitution of the State of Indiana or
 24 in IC 20.
- 25 (2) Whenever a vacancy occurs in the office of United States
 26 Senator, as provided in IC 3-13-3-1.
- 27 (3) Whenever a vacancy occurs in the office of United States
 28 Representative unless the vacancy occurs less than ~~thirty (30)~~
 29 **seventy-four (74)** days before a general election.
- 30 (4) Whenever a vacancy occurs in any local office the filling of
 31 which is not otherwise provided by law.
- 32 (5) Whenever required by law for a public question.
- 33 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
 34 recount commission under IC 3-12-11-18.
- 35 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
 36 legislative office unless the vacancy occurs less than ~~thirty (30)~~
 37 **seventy-four (74)** days before a general election.

38 SECTION 26. IC 3-10-8-7.5 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2013]: **Sec. 7.5. (a) This section applies to a special election to fill**
 41 **one (1) or more vacancies in the office of United States**
 42 **Representative under 2 U.S.C. 8(b).**

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- 1 **(b) A special election conducted under this section shall be**
- 2 **governed by other provisions of this title as far as applicable.**
- 3 **(c) A political party entitled to fill a candidate vacancy under**
- 4 **IC 3-13-2 shall nominate a candidate for election to the office**
- 5 **under IC 3-13-2-3.**
- 6 **(d) A candidate who does not intend to affiliate with a political**
- 7 **party described by subsection (c) shall:**
 - 8 **(1) be nominated as an independent or a candidate of a**
 - 9 **political party by petition in accordance with IC 3-8-6; or**
 - 10 **(2) file a declaration of intent to be a write-in candidate under**
 - 11 **IC 3-8-2-4(b).**
- 12 **(e) A certificate of candidate selection under IC 3-13-2-8, a**
- 13 **petition of nomination, or a declaration of intent to be a write-in**
- 14 **candidate must be filed with the election division not later than**
- 15 **noon thirty-five (35) days before the special election is to be**
- 16 **conducted.**
- 17 **(f) A candidate shall file a notice of withdrawal with the election**
- 18 **division not later than noon thirty-three (33) days before the**
- 19 **special election is to be conducted.**
- 20 **(g) As required under 2 U.S.C. 8(b)(5)(B), and notwithstanding**
- 21 **IC 3-11-10-14, a county election board shall accept an absentee**
- 22 **ballot cast by an absent uniformed services voter or an overseas**
- 23 **voter for up to forty-five (45) days after the absentee ballot is**
- 24 **transmitted to the voter.**
- 25 **(h) Notwithstanding IC 3-12-5-8(a), if a ballot accepted under**
- 26 **subsection (g) is determined by the county election board to be**
- 27 **otherwise valid, the circuit court clerk shall file an amendment to**
- 28 **the certified statement previously filed under IC 3-12-5-6 with the**
- 29 **election division not later than noon seven (7) days following the**
- 30 **determination of the validity of the ballot. Notwithstanding**
- 31 **IC 3-12-5-9, the election division, the secretary of state, and the**
- 32 **governor shall prepare, execute, and transmit a replacement**
- 33 **certificate of election if the amendment filed under this subsection**
- 34 **results in a different candidate receiving the highest number of**
- 35 **votes for the office.**
- 36 **SECTION 27. IC 3-11-2-10, AS AMENDED BY P.L.190-2011,**
- 37 **SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 38 **JULY 1, 2013]: Sec. 10. (a) Public questions shall be placed on the**
- 39 **general election ballot in the following order after the statement**
- 40 **described in section 7 of this chapter, and the instructions described in**
- 41 **subsections (d) and (e) and section 8 of this chapter:**
 - 42 **(1) Ratification of a state constitutional amendment.**

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1 (2) Local public questions.
 2 Each public question shall be placed in a separate column on the ballot.
 3 (b) The name or title of the political party or independent ticket
 4 described in section 6 of this chapter shall be placed on the general
 5 election ballot after the public questions described in subsection (a).
 6 The device of the political party or independent ticket shall be placed
 7 immediately under the name of the political party or independent ticket.
 8 The instructions for voting a straight party ticket shall be placed to the
 9 right of the device.
 10 (c) The instructions for voting a straight party ticket must conform
 11 as nearly as possible to the following: "To vote a straight (insert
 12 political party name) ticket for all (**insert** political party name)
 13 candidates on this ballot, make a voting mark on or in this circle and do
 14 not make any other marks on this ballot. If you wish to vote for a
 15 candidate seeking a nonpartisan office or on a public question, you
 16 must make another voting mark on the appropriate place on this
 17 ballot."
 18 (d) If the ballot contains an independent ticket described in section
 19 6 of this chapter and at least one (1) other independent candidate, the
 20 ballot must also contain a statement that reads substantially as follows:
 21 "A vote cast for an independent ticket will only be counted for the
 22 candidates for President and Vice President or governor and lieutenant
 23 governor comprising that independent ticket. This vote will NOT be
 24 counted for any OTHER independent candidate appearing on the
 25 ballot."
 26 (e) The ballot must also contain a statement that reads substantially
 27 as follows: "A write-in vote will NOT be counted unless the vote is for
 28 a DECLARED write-in candidate. To vote for a write-in candidate, you
 29 must make a voting mark on or in the square to the left of the name you
 30 have written in or your vote will not be counted."
 31 (f) The list of candidates of the political party shall be placed
 32 immediately under the instructions for voting a straight party ticket.
 33 The names of the candidates shall be placed three-fourths (3/4) of an
 34 inch apart from center to center of the name. The name of each
 35 candidate must have, immediately on its left, a square three-eighths
 36 (3/8) of an inch on each side.
 37 (g) ~~The election division~~ or The circuit court clerk may authorize the
 38 printing of ballots containing a ballot variation code to ensure that the
 39 proper version of a ballot is used within a precinct.
 40 SECTION 28. IC 3-11-3-4 IS REPEALED [EFFECTIVE JULY 1,
 41 2013]. ~~Sec. 4. The election division shall provide a seal for the ballots.~~
 42 ~~The seal may be of a design considered proper by the election division;~~

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1 but the same design may not be used for two (2) consecutive elections.

2 SECTION 29. IC 3-11-3-29.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29.5. **(a) This section**
4 **applies to a primary, general, or special election in which the name**
5 **of a candidate appears on the ballot. This section does not apply to**
6 **an election for presidential electors in which the name of a**
7 **candidate for President of the United States or Vice President of**
8 **the United States appears on the ballot.**

9 ~~(a)~~ **(b)** The ~~election division or~~ election board shall act under
10 subsection ~~(c)~~ to print new ballots or have pasters made to cover
11 **remove** the name of a candidate who has died or is no longer a
12 candidate under IC 3-13-2-1 if:

13 (1) the candidate's party does not fill the vacancy under IC 3-13-1
14 or IC 3-13-2 not later than noon, five (5) days before the election;
15 and

16 (2) when a candidate has died, the ~~election division or~~ election
17 board:

18 (A) receives a certificate of death issued under IC 16-37-3 not
19 later than noon the seventh day before the election; or

20 (B) ~~by unanimous vote of votes~~ **unanimously by** the entire
21 membership that there is good cause to believe that the
22 candidate has died.

23 ~~(b)~~ **(c)** The ~~election division or~~ election board shall provide the
24 number of ~~opaque pasters the election division or election board~~
25 ~~determines to be necessary for all ballots~~ **necessary** to reflect a vacancy
26 to the following:

27 (1) The absentee voter board.

28 (2) The inspector of each precinct in which the candidate is on the
29 ballot.

30 (3) The circuit court clerk.

31 ~~(c)~~ **(d)** The ~~election division or~~ election board ~~determines that the~~
32 ~~use of pasters under this section would be impractical or uneconomical;~~
33 ~~the election division or board may order the printing of new ballots that~~
34 ~~omit the name of a candidate described in subsection (a):~~ **(b). Except**
35 **for ballots used in a primary election,** a ballot printed under this
36 subsection must contain the statement "NO CANDIDATE" or
37 "CANDIDATE DECEASED" or words to that effect at the appropriate
38 position on the ballot.

39 ~~(d)~~ **(e)** If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled
40 after noon five (5) days before the election, the ~~election division or~~
41 election board is not required to reprint ballots or have pasters with the
42 name of the successor candidate placed over to **remove** the name of an

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1 individual who is no longer a candidate but may do so upon the vote of
2 the ~~commission~~ or election board.

3 SECTION 30. IC 3-11-4-3, AS AMENDED BY P.L.225-2011,
4 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 3. (a) Except as provided in section 6 of this
6 chapter, an application for an absentee ballot must be received by the
7 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of
8 the board of elections and registration) not earlier than the date the
9 registration period resumes under IC 3-7-13-10 nor later than the
10 following:

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

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

14 (A) completes the application in the office of the circuit court
15 clerk **under IC 3-11-10-26**; or

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

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

20 (A) the application is a mailed, transmitted by fax, or hand
21 delivered application from a confined voter or voter caring for
22 a confined person; and

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

26 (4) 11:59 p.m. on the eighth day before election day if the
27 application:

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

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

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

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

33 (b) An application for an absentee ballot received by the election
34 division by the time and date specified by subsection (a)(2)(B), (a)(3),
35 or (a)(4) is considered to have been timely received for purposes of
36 processing by the county. The election division shall immediately
37 transmit the application to the circuit court clerk, or the director of the
38 board of elections and registration, of the county where the applicant
39 resides. The election division is not required to complete or file the
40 affidavit required under section 2(h) of this chapter whenever the
41 election division transmits an application under this subsection.

42 SECTION 31. IC 3-11-4-4, AS AMENDED BY P.L.66-2010,

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1 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 4. (a) Applications may be made on application
3 forms approved by the commission by any of the following means:

- 4 (1) In person.
5 (2) By fax transmission.
6 (3) By mail (including United States mail or bonded courier).
7 (4) By electronic mail with a **scanned digital** image of the
8 application and signature of the applicant, if transmitted by an
9 absent uniformed services voter or an overseas voter acting under
10 section 6 of this chapter.

11 (b) Application forms shall:

12 (1) be furnished to a central committee of the county at the
13 request of the central committee;

14 (2) be:

- 15 (A) mailed;
16 (B) transmitted by fax; or
17 (C) transmitted by electronic mail with a **scanned digital**
18 image of the application;

19 upon request, to a voter applying by mail, by telephone, by
20 electronic mail, or by fax; and

21 (3) be delivered to a voter in person who applies at the circuit
22 court clerk's office.

23 (c) A county election board shall accept an application for an
24 absentee ballot transmitted by fax even though the application is
25 delivered to the county election board by a person other than the person
26 submitting the application.

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

32 SECTION 32. IC 3-11-4-5.1, AS AMENDED BY P.L.121-2012,
33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2013]: Sec. 5.1. (a) The commission shall prescribe the form
35 of an application for an absentee ballot.

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

- 41 (1) Require the applicant to swear to or affirm under the penalties
42 of perjury that all of the information set forth on the application

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1 is true to the best of the applicant's knowledge and belief.
 2 (2) Require a person who assisted with the completion of the
 3 application to swear to or affirm under the penalties of perjury the
 4 statements set forth in section 2(f) of this chapter.
 5 (3) Set forth the penalties for perjury.
 6 (c) The form prescribed by the commission shall require that a voter
 7 who:
 8 (1) requests an absentee ballot; and
 9 (2) is eligible to vote in the precinct under IC 3-10-11 or
 10 IC 3-10-12;
 11 must include the affidavit required by IC 3-10-11 or a written
 12 affirmation described in IC 3-10-12.
 13 (d) Not later than June 30, 2012, the commission shall approve
 14 absentee ballot application forms that comply with this subsection. The
 15 form prescribed by the commission must request that a voter who
 16 requests an absentee ballot:
 17 (1) provide the last four (4) digits of the voter's Social Security
 18 number; or
 19 (2) state that the voter does not have a Social Security number.
 20 The form must indicate that the voter's compliance with this request is
 21 optional.
 22 (e) An application form submitted by a voter after June 30, 2012,
 23 must:
 24 (1) comply with subsection (d); or
 25 (2) be an earlier approved version of an application form
 26 authorized for use on June 30, 2012.
 27 **(f) The form prescribed by the commission must include a**
 28 **statement that permits an applicant to indicate whether:**
 29 **(1) the applicant has been certified and is currently a**
 30 **participant in the address confidentiality program under**
 31 **IC 5-26.5-2; and**
 32 **(2) the applicant's legal residence is at the address set forth in**
 33 **the applicant's voter registration.**
 34 **If the applicant confirms these statements, the applicant may**
 35 **indicate the address of the office of the attorney general as the**
 36 **address at which the applicant resides and to which the absentee**
 37 **ballot is to be mailed.**
 38 SECTION 33. IC 3-11-4-6, AS AMENDED BY P.L.225-2011,
 39 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2013]: Sec. 6. (a) This section applies, notwithstanding any
 41 other provision of this title, to absentee ballot applications for the
 42 following:

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- 1 (1) An absent uniformed services voter.
2 (2) An address confidentiality program participant (as defined in
3 IC 5-26.5-1-6).
4 (3) An overseas voter.
- 5 (b) A county election board shall make blank absentee ballot
6 applications available for persons covered by this section. A person
7 may apply for an absentee ballot at any time after the registration
8 period resumes under IC 3-7-13-10.
- 9 (c) A person covered by this section may apply for an absentee
10 ballot for the next scheduled primary, general, or special election at any
11 time by filing either of the following:
- 12 (1) A combined absentee registration form and absentee ballot
13 request approved under 42 U.S.C. 1973ff(b)(2).
14 (2) A form prescribed under IC 3-5-4-8 that identifies the
15 applicant as an absent uniformed services voter or an overseas
16 voter. A form prescribed under this subdivision must permit the
17 applicant to designate whether the applicant wishes to receive the
18 absentee ballot by electronic mail, fax, or United States mail.
- 19 (d) If the county election board receives an absentee ballot
20 application from a person described by subsection (c), the circuit court
21 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
22 3406, all ballots for the election immediately upon receipt of the ballots
23 under section 15 of this chapter, unless the person has indicated under
24 subsection (c) that the person wishes to receive the absentee ballot by
25 electronic mail or fax.
- 26 (e) Whenever a voter files an application for an absentee ballot and
27 indicates on the application that the voter is an absent uniformed
28 services voter or an overseas voter, the application is an adequate
29 application for an absentee ballot for an election conducted during the
30 period that ends on December 31 following the date the application is
31 filed, unless an absentee ballot mailed to the voter at the address set
32 forth in the application is returned to the county election board during
33 that period as undeliverable. The circuit court clerk and county election
34 board shall process this application and send general election absentee
35 ballots to the voter in the same manner as other general election and
36 special election absentee ballot applications and ballots are processed
37 and sent under this chapter. **If a voter entitled to receive an absentee
38 ballot under this subsection subsequently files a voter registration
39 application for a change of address within the same county or for
40 a change of name or other information set forth in the voter's
41 registration record, the previously approved absentee ballot
42 application remains effective for the same period, unless the**

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1 **acknowledgment notice sent to the voter at that address is returned**
 2 **by the United States Postal Service due to an unknown or**
 3 **insufficient address in accordance with IC 3-7-33-5. If a voter**
 4 **entitled to receive an absentee ballot under this subsection**
 5 **subsequently files a voter registration application for an address**
 6 **that is not located in the same county, the voter must file a new**
 7 **absentee ballot application under this section with the appropriate**
 8 **county election board.**

9 (f) Whenever a voter described in subsection (a)(2) files an
 10 application for a primary election absentee ballot and indicates on the
 11 application that the voter is an address confidentiality program
 12 participant, the application is an adequate application for a general
 13 election absentee ballot under this chapter and an absentee ballot for a
 14 special election conducted during the period that ends on December 31
 15 following the date the application is filed. The circuit court clerk and
 16 county election board shall process this application and send general
 17 election and special election absentee ballots to the voter in the same
 18 manner as other general election and special election absentee ballot
 19 applications and ballots are processed and sent under this chapter.

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

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

30 (h) The county election board shall by fax or electronic mail
 31 transmit an absentee ballot to and receive an absentee ballot from an
 32 absent uniformed services voter or an overseas voter by electronic mail
 33 or fax at the request of the voter indicated in the application filed under
 34 this section. If the voter wants to submit absentee ballots by fax or
 35 electronic mail, the voter must separately sign and date a statement
 36 submitted with the electronic mail or the fax transmission that states
 37 substantively the following: "I understand that by faxing or e-mailing
 38 my voted ballot I am voluntarily waiving my right to a secret ballot."

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

- 42 (1) If the voter provides a fax number to which a confirmation

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1 maybe sent, the county election board shall send the confirmation
2 to the voter at the fax number provided by the voter.
3 (2) If the voter provides an electronic mail address to which a
4 confirmation may be sent, the county election board shall send the
5 confirmation to the voter at the electronic mail address provided
6 by the voter.
7 (3) If:
8 (A) the voter does not provide a fax number or an electronic
9 mail address; or
10 (B) the number or address provided does not permit the board
11 to send the confirmation not later than the end of the first
12 business day after the board receives the voter's absentee
13 ballot;
14 the county election board shall send the confirmation by United
15 States mail.
16 The county election board shall send the confirmation required by this
17 subsection not later than the end of the first business day after the
18 county election board receives the voter's absentee ballot.
19 (j) **Upon approval of the voter's absentee ballot application**, a
20 county election board ~~may~~ **shall** transmit an absentee ballot to an
21 absent uniformed services voter or an overseas voter by electronic mail
22 under a program authorized and administered by the Federal Voting
23 Assistance Program of the United States Department of Defense or
24 directly to the voter at the voter's electronic mail address, if requested
25 to do so by the voter. A voter described by this section may transmit the
26 voted absentee ballot to a county election board by electronic mail. If
27 a voter described in this section transmits the voted absentee ballot
28 through the United States Department of Defense program, the ballot
29 must be transmitted in accordance with the procedures established
30 under that program. An electronic mail message transmitting a voted
31 absentee ballot under this subsection must include ~~an optically scanned~~
32 **a digital** image of the voter's signature on the statement required under
33 subsection (h).
34 SECTION 34. IC 3-11-4-12.5, AS ADDED BY P.L.66-2010,
35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2013]: Sec. 12.5. (a) This section applies to an absent
37 uniformed services voter or overseas voter.
38 (b) If a voter makes a timely application for and does not receive an
39 absentee ballot from a county election board, the voter may use a
40 federal write-in absentee ballot in the form prescribed by the Federal
41 Voting Assistance Program of the United States Department of Defense
42 and in accordance with the requirements set forth in 42 U.S.C. 1973ff-2

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1 to cast a vote **by mail, electronic mail, or fax** for any of the following:

- 2 (1) Any candidate for nomination at a primary election.
 3 (2) Any candidate, political party, or public question on a general
 4 election, municipal election, or special election ballot.

5 **(c) The voluntary waiver of confidentiality under section 6(h) of**
 6 **this chapter is not required for a federal write-in absentee ballot.**

7 **(d) When a county election board receives a federal write-in**
 8 **absentee ballot, the board shall process the ballot as prescribed by**
 9 **IC 3-11-10-1(b).**

10 SECTION 35. IC 3-11-7-4, AS AMENDED BY P.L.221-2005,
 11 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2013]: Sec. 4. **(a)** A ballot card voting system must permit a
 13 voter to vote: **either:**

14 (1) **except at a primary election, a straight party ticket** for all of
 15 the candidates of a **one (1)** political party by a single mark on
 16 each ballot card;

17 **(2) for one (1) or more candidates of each political party or**
 18 **independent candidates, or for one (1) or more school board**
 19 **candidates nominated by petition;**

20 ~~(2) (3) a split ticket for the candidates of different political parties~~
 21 ~~and for independent candidates; or~~

22 ~~(3) (4) a straight party ticket and then split that ticket by casting~~
 23 ~~individual votes for candidates of another political party or~~
 24 ~~independent candidate.~~

25 **(b) A ballot card voting system must permit a voter to vote:**

26 **(1) for all candidates for presidential electors of a political**
 27 **party or an independent ticket by making a single voting**
 28 **mark; and**

29 **(2) for or against a public question on which the voter may**
 30 **vote.**

31 SECTION 36. IC 3-11-7.5-10 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. **(a)** An electronic
 33 voting system must permit a voter to vote:

34 (1) except at a primary election, **a straight party ticket** for all the
 35 candidates of one (1) political party ~~for one (1) or more~~
 36 ~~candidates of each political party, by touching the device of that~~
 37 **party;**

38 **(2) for one (1) or more candidates of each political party or**
 39 **independent candidates, or for one (1) or more school board**
 40 **candidates nominated by petition;**

41 **(3) a split ticket for the candidates of different political parties**
 42 **and for independent candidates; or**

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- 1 **(4) a straight party ticket and then split that ticket by casting**
- 2 **individual votes for candidates of another political party or**
- 3 **independent candidates.**
- 4 **(b) An electronic voting system must permit a voter to vote:**
- 5 ~~(2)~~ **(1)** for as many candidates for an office as the voter may vote
- 6 for, but no more;
- 7 ~~(3)~~ **(2)** for or against a public question on which the voter may
- 8 vote, but no other; and
- 9 ~~(4)~~ **(3)** for all the candidates for presidential electors of a political
- 10 party or an independent ticket ~~at one (1) time: by making a single~~
- 11 **voting mark.**
- 12 SECTION 37. IC 3-11-8-23, AS AMENDED BY P.L.164-2006,
- 13 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2013]: Sec. 23. (a) If a challenged voter has already made an
- 15 affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9,
- 16 IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to
- 17 execute an additional affidavit under this section.
- 18 (b) The affidavit of a challenged voter required by section 22.1 of
- 19 this chapter must be sworn and affirmed and must contain the
- 20 following:
- 21 (1) A statement that the voter is a citizen of the United States.
- 22 (2) The voter's date of birth to the best of the voter's information
- 23 and belief.
- 24 (3) A statement that the voter has been a resident of the precinct
- 25 for thirty (30) days immediately before this election or is qualified
- 26 to vote in the precinct under IC 3-10-10, IC 3-10-11, or
- 27 IC 3-10-12.
- 28 (4) The voter's name and a statement that the voter is generally
- 29 known by that name.
- 30 (5) A statement that the voter has not voted and will not vote in
- 31 any other precinct in this election.
- 32 (6) The voter's occupation.
- 33 (7) The voter's current residential address, including the street or
- 34 number, and if applicable, the voter's residential address thirty
- 35 (30) days before the election, and the date the voter moved.
- 36 (8) A statement that the voter understands that making a false
- 37 statement on the affidavit is punishable under the penalties of
- 38 perjury.
- 39 (9) If the individual's name does not appear on the registration
- 40 list, a statement that the individual registered to vote and where
- 41 the individual believes the individual registered to vote during the
- 42 registration period described by

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(A) IC 3-7-13-10. ~~or~~
(B) ~~IC 3-7-36-11~~, if the voter registered under that section.

SECTION 38. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a ~~large~~ ~~or~~ carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

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

SECTION 39. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. Subject to **IC 3-10-8-7.5** and section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day are considered as arriving too late and need not be delivered to the polls.

SECTION 40. IC 3-11-15-13.3, AS AMENDED BY P.L.120-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet:

- (1) the Voting System Standards adopted by the Federal Election Commission on April 30, 2002; or
- (2) the Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.

(b) A county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, ~~2009~~; **2013**, if the voting system:

- (1) was:
 - (A) approved by the commission for use in elections in Indiana before October 1, ~~2009~~; **2013**; and
 - (B) purchased by the county before October 1, ~~2009~~; **2013**;
- and
- (2) otherwise complies with the applicable provisions of HAVA and this article.

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1 However, a voting system vendor may not market, sell, lease, or install
2 a voting system described in this subsection.

3 (c) As provided by 42 U.S.C. 15481, to be used in an election in
4 Indiana, a voting system must be accessible for individuals with
5 disabilities, including nonvisual accessibility for the blind and visually
6 impaired, in a manner that provides the same opportunity for access
7 and participation (including privacy and independence) as for other
8 voters.

9 (d) As provided by 42 U.S.C. 15481, an election board conducting
10 an election satisfies the requirements of subsection (c) if the election
11 board provides at least one (1) electronic voting system or other voting
12 system equipped for individuals with disabilities at each polling place.

13 (e) If a voter who is otherwise qualified to cast a ballot in a precinct
14 chooses to cast the voter's ballot on the voting system provided under
15 subsection (d), the voter must be allowed to cast the voter's ballot on
16 that voting system, whether or not the voter is an individual with
17 disabilities.

18 SECTION 41. IC 3-11-15-26 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26. The ballot counting
20 software must be designed in a modular fashion and not be
21 self-modifying. Modular programs must consist of code written in
22 relatively small and easily identifiable sections, with each unit having
23 a single entry point and a single exit point. Each module must have a
24 specific function that can be tested and verified more or less
25 independently of the remainder of the code. ~~Appendix E of the~~
26 ~~Performance and Test Standards for Punchcard, Marksense, and Direct~~
27 ~~Recording contains numerical guidelines for program modules.~~

28 SECTION 42. IC 3-11-15-32 IS REPEALED [EFFECTIVE JULY
29 1, 2013]. ~~Sec. 32: In considering the compliance of a voting system~~
30 ~~with this chapter, the commission may determine whether the system~~
31 ~~conforms with other preferred coding practices and software~~
32 ~~characteristics set forth in the Voting System Standards adopted by the~~
33 ~~Federal Election Commission on April 30, 2002.~~

34 SECTION 43. IC 3-11.5-1-4, AS AMENDED BY P.L.225-2011,
35 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2013]: Sec. 4. To the extent that they are in conflict with this
37 article, the following statutes do not apply to a county that has adopted
38 a resolution described by section 1 of this chapter **(before its repeal)**
39 **or section 1.1 of this chapter:**

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

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

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



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

27 SECTION 44. IC 3-11.5-5-14, AS AMENDED BY P.L.66-2010,
 28 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 14. (a) This section applies to the counting of
 30 federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

- 37 (1) certified a list of electors under IC 3-10-4-5; or
- 38 (2) included a list of electors on the declaration of intent to be
- 39 a write-in candidate filed by a write-in candidate under
- 40 IC 3-8-2-2.5;

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

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

5 ~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

6 ~~(e)~~ (f) As required under 42 U.S.C. 1973ff-2(b), a ballot subject
 7 to this section may not be counted if:

8 (1) the ballot was submitted:

9 (A) by an overseas voter who is not an absent uniformed
 10 services voter; and

11 (B) from within the United States;

12 (2) the overseas voter's application for a regular absentee ballot
 13 was received by the ~~circuit court clerk or county election~~ board
 14 of registration less than thirty (30) days before the election; after
 15 the applicable absentee ballot application deadline set forth in
 16 IC 3-11-4-3;

17 (3) the voter's completed regular state absentee ballot was
 18 received by the ~~circuit court clerk or county election~~ board of
 19 registration by the deadline for receiving absentee ballots under
 20 IC 3-11.5-4-7 or IC 3-12-1-17; or

21 (4) the ballot subject to this section was not received by the ~~circuit~~
 22 ~~court clerk or county election~~ board of registration by the
 23 deadline for receiving absentee ballots under IC 3-11.5-4-7 or
 24 IC 3-12-1-17.

25 (g) If a federal write-in absentee ballot is received by the county
 26 election board in an envelope that does not indicate that the
 27 envelope contains the ballot, and the envelope is opened by the
 28 county election board, the absentee ballot shall nevertheless be
 29 counted if otherwise valid. The county election board shall:

30 (1) immediately seal the absentee ballot and the envelope in
 31 which the ballot was received in a carrier envelope indicating
 32 that a voted absentee ballot is enclosed; and

33 (2) document the date the absentee ballot was sealed within
 34 the carrier envelope, attested to by the signature of each
 35 member of the county election board.

36 SECTION 45. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006,
 37 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) As provided by 42 U.S.C.
 39 15482, this section applies to the following individuals:

40 (1) An individual:

41 (A) whose name does not appear on the registration list; and

42 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the

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- 1 voter makes an oral or a written affirmation under IC 3-7-48-5
 2 or IC 3-7-48-7 or after the voter produces a certificate of error
 3 under IC 3-7-48-1.
- 4 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
 5 IC 3-11-8-27.5 who is challenged as not eligible to vote.
- 6 (3) An individual who seeks to vote in an election as a result of a
 7 court order (or any other order) extending the time established for
 8 closing the polls under IC 3-11-8-8.
- 9 (b) As required by 42 U.S.C. 15483, a voter who has registered to
 10 vote but has not:
- 11 (1) presented identification required under 42 U.S.C. 15483 to the
 12 poll clerk before voting in person under IC 3-11-8-25.1; or
- 13 (2) filed a copy of the identification required under 42 U.S.C.
 14 15483 to the county voter registration office before the voter's
 15 absentee ballot is cast;
- 16 is entitled to vote a provisional ballot under this article.
- 17 (c) A precinct election officer shall inform an individual described
 18 by subsection (a)(1) or (a)(2) that the individual may cast a provisional
 19 ballot if the individual:
- 20 (1) is eligible to vote under IC 3-7-13-1;
- 21 (2) submitted a voter registration application during the
 22 registration period described by IC 3-7-13-10; ~~(or IC 3-7-36-11,~~
 23 ~~if the voter registered under that section);~~ and
- 24 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.
- 25 (d) A precinct election officer shall inform an individual described
 26 by subsection (a)(3) that the individual may cast a provisional ballot.
- 27 **SECTION 46. IC 3-12-1-5 IS AMENDED TO READ AS**
 28 **FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) This subsection**
 29 **does not apply to a ballot card voting system or an electronic**
 30 **voting system.** A voting mark made by a voter on or in a voting square
 31 at the left of a candidate's name **or political party's name** shall be
 32 counted as a vote for the candidate **or candidates of the political**
 33 **party.**
- 34 **(b) This subsection applies to a ballot card voting system. A**
 35 **voting mark made by a voter:**
- 36 **(1) on or in a circle, oval, or square; or**
 37 **(2) to connect a connectable arrow;**
- 38 **immediately below or beside a candidate's name or political party's**
 39 **name shall be counted as a vote for the candidate or candidates of**
 40 **the political party.**
- 41 **(c) This subsection applies to a direct record electronic voting**
 42 **system. A voting mark made by a voter touching a touch sensitive**

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1 **point or button below or beside a candidate's name or political**
 2 **party's name shall be counted as a vote for the candidate or**
 3 **candidates of the political party.**

4 SECTION 47. IC 3-12-1-9 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) A voting mark
 6 that touches a circle, **an oval**, or a square shall be counted as if it were
 7 on or in the circle, **oval**, or square. **A voting mark that partially**
 8 **connects a connectable arrow shall be counted as if the voting**
 9 **mark completed the connection of the arrow.**

10 (b) A voting mark that:

11 (1) does not touch a circle, **oval**, or square; and

12 (2) is not on or in the circle, **oval**, or square;

13 may not be counted.

14 **(c) For purposes of the certification of voting systems under**
 15 **IC 3-11, a ballot card voting system complies with this section if the**
 16 **system can detect a voting mark within the circle, oval, or square,**
 17 **even if manual inspection of the ballot is required to detect a voting**
 18 **mark that touches only the outside edge of the circle, oval, or**
 19 **square.**

20 SECTION 48. IC 3-12-1-16 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) This section
 22 applies when:

23 (1) a ballot

24 ~~(A)~~ contains pasters applied under IC 3-11-3-29.5(a) to cover
 25 the name of an individual who is no longer a candidate; or

26 ~~(B)~~ is reprinted under ~~IC 3-11-3-29.5(c)~~ **IC 3-11-3-29.5(d)** to
 27 omit the name of an individual who is no longer a candidate;
 28 and

29 (2) the candidate vacancy is filled following ~~the application of the~~
 30 ~~pasters~~ or the reprinting of the ballots.

31 (b) A vote cast on the ballot where the statement "NO
 32 CANDIDATE" or "CANDIDATE DECEASED" appears is considered
 33 a vote cast for the successor candidate.

34 SECTION 49. IC 3-12-2-7.5, AS AMENDED BY P.L.66-2010,
 35 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 7.5. (a) This section applies to the counting of
 37 federal write-in absentee ballots described in IC 3-11-4-12.5.

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

41 (c) If a voter casts a ballot under this section for President or Vice
 42 President of the United States and writes in the name of a candidate or

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1 political party that has not:

2 (1) certified a list of electors under IC 3-10-4-5; or

3 (2) included a list of electors on the declaration for candidacy
4 filed by a write-in candidate under IC 3-8-2-2.5;

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

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

11 ~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

12 ~~(e)~~ (f) **As required by 42 U.S.C. 1973ff-2(b)**, a ballot subject to this
13 section may not be counted if:

14 (1) the ballot was submitted:

15 (A) by an overseas voter who is not an absent uniformed
16 services voter; and

17 (B) from within the United States;

18 **(2) the overseas voter's application for a regular absentee**
19 **ballot was received by the county election board after the**
20 **applicable absentee ballot application deadline set forth in**
21 **IC 3-11-4-3;**

22 ~~(2)~~ **(3) the voter's completed regular state absentee ballot was**
23 **received by the county election board by the deadline for**
24 **receiving absentee ballots under IC 3-11-10-11; or**

25 ~~(3)~~ **(4) the ballot subject to this section was not received by the**
26 **county election board by the deadline for receiving absentee**
27 **ballots under IC 3-11-10-11.**

28 **(g) If a federal write-in absentee ballot is received by the county**
29 **election board in an envelope that does not indicate that the**
30 **envelope contains the ballot, and the envelope is opened by the**
31 **county election board, the absentee ballot shall nevertheless be**
32 **counted if otherwise valid. The county election board shall:**

33 **(1) immediately seal the absentee ballot and the envelope in**
34 **which the ballot was received in a carrier envelope indicating**
35 **that a voted absentee ballot is enclosed; and**

36 **(2) document the date the absentee ballot was sealed within**
37 **the carrier envelope, attested to by the signature of each**
38 **member of the county election board.**

39 SECTION 50. IC 3-13-1-1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Except as provided
41 in section 18 or 20 of this chapter **or IC 3-10-8-7.5**, this chapter
42 applies to the filling of a candidate vacancy that arises for any reason

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1 if the vacancy leaves a major political party without a candidate for the
 2 office and occurs before the thirtieth day before a general, special, or
 3 municipal election.

4 SECTION 51. IC 3-13-1-4 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. **Except as provided**
 6 **in IC 3-10-8-7.5**, a candidate vacancy for United States Representative
 7 shall be filled by a caucus comprised by the precinct committeemen of
 8 the political party whose precincts are within the congressional district.

9 SECTION 52. IC 3-13-7-1.5 IS ADDED TO THE INDIANA CODE
 10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2013]: **Sec. 1.5. A county auditor may give notice of a meeting**
 12 **under this chapter, and the meeting may be conducted under this**
 13 **chapter, before a vacancy in an office exists if the person holding**
 14 **the office has:**

- 15 (1) submitted a written resignation under IC 5-8-3.5; or
- 16 (2) been elected to another office.

17 SECTION 53. IC 3-13-8-1.5 IS ADDED TO THE INDIANA CODE
 18 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2013]: **Sec. 1.5. A city clerk or city clerk-treasurer may give**
 20 **notice of a meeting under this chapter, and the meeting may be**
 21 **conducted under this chapter, before a vacancy in an office exists**
 22 **if the person holding the office has:**

- 23 (1) submitted a written resignation under IC 5-8-3.5; or
- 24 (2) been elected to another office.

25 SECTION 54. IC 3-13-9-1.5 IS ADDED TO THE INDIANA CODE
 26 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2013]: **Sec. 1.5. A town clerk-treasurer or president of the town**
 28 **council may give notice of a meeting under this chapter, and the**
 29 **meeting may be conducted under this chapter, before a vacancy in**
 30 **an office exists if the person holding the office has:**

- 31 (1) submitted a written resignation under IC 5-8-3.5; or
- 32 (2) been elected to another office.

33 SECTION 55. IC 3-13-10-1.5 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. A county auditor may give**
 36 **notice of a meeting under this chapter, and the meeting may be**
 37 **conducted under this chapter, before a vacancy in an office exists**
 38 **if the person holding the office has:**

- 39 (1) submitted a written resignation under IC 5-8-3.5; or
- 40 (2) been elected to another office.

41 SECTION 56. IC 6-1.1-20-3.6, AS AMENDED BY P.L.198-2011,
 42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2013]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8
 2 of this chapter, this section applies only to a controlled project
 3 described in section 3.5(a) of this chapter.

4 (b) If a sufficient petition requesting the application of the local
 5 public question process has been filed as set forth in section 3.5 of this
 6 chapter, a political subdivision may not impose property taxes to pay
 7 debt service on bonds or lease rentals on a lease for a controlled project
 8 unless the political subdivision's proposed debt service or lease rental
 9 is approved in an election on a local public question held under this
 10 section.

11 (c) Except as provided in subsection ~~(f)~~; **(k)**, the following question
 12 shall be submitted to the eligible voters at the election conducted under
 13 this section:

14 "Shall _____ (insert the name of the political subdivision)
 15 issue bonds or enter into a lease to finance _____ (insert
 16 a brief description of the controlled project), which is estimated
 17 to cost not more than _____ (insert the total cost of the project)
 18 and is estimated to increase the property tax rate for debt service
 19 by _____ (insert increase in tax rate as determined by the
 20 department of local government finance)?"

21 The public question must appear on the ballot in the form approved by
 22 the county election board. If the political subdivision proposing to issue
 23 bonds or enter into a lease is located in more than one (1) county, the
 24 county election board of each county shall jointly approve the form of
 25 the public question that will appear on the ballot in each county. The
 26 form approved by the county election board may differ from the
 27 language certified to the county election board by the county auditor.
 28 If the county election board approves the language of a public question
 29 under this subsection, the county election board shall submit the
 30 language to the department of local government finance for review.

31 ~~(d) This subsection applies to ballot language submitted by the~~
 32 ~~county election board under subsection (c) before May 1, 2011. The~~
 33 ~~department of local government finance shall review the language of~~
 34 ~~the public question to evaluate whether the description of the~~
 35 ~~controlled project is accurate and is not biased against either a vote in~~
 36 ~~favor of the controlled project or a vote against the controlled project.~~
 37 ~~The department of local government finance may recommend that the~~
 38 ~~ballot language be used as submitted or recommend modifications to~~
 39 ~~the ballot language as necessary to ensure that the description of the~~
 40 ~~controlled project is accurate and is not biased. The department of local~~
 41 ~~government finance shall send its recommendations to the county~~
 42 ~~election board not more than ten (10) days after the language of the~~



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1 public question is submitted to the department for review. After
 2 reviewing the recommendations of the department of local government
 3 finance under this subsection, the county election board shall take final
 4 action to approve ballot language. The finally adopted ballot language
 5 may differ from the recommendations made by the department of local
 6 government finance.

7 (e) This subsection applies to ballot language submitted by the
 8 county election board under subsection (e) after April 30, 2011. (d)
 9 The department of local government finance shall review the language
 10 of the public question to evaluate whether the description of the
 11 controlled project is accurate and is not biased against either a vote in
 12 favor of the controlled project or a vote against the controlled project.
 13 The department of local government finance may either approve the
 14 ballot language as submitted or recommend that the ballot language be
 15 modified as necessary to ensure that the description of the controlled
 16 project is accurate and is not biased. The department of local
 17 government finance shall certify its approval or recommendations to
 18 the county auditor and the county election board not more than ten (10)
 19 days after the language of the public question is submitted to the
 20 department for review. If the department of local government finance
 21 recommends a modification to the ballot language, the county election
 22 board shall, after reviewing the recommendations of the department of
 23 local government finance, submit modified ballot language to the
 24 department for the department's approval or recommendation of any
 25 additional modifications. The public question may not be certified by
 26 the county auditor under subsection (f) (e) unless the department of
 27 local government finance has first certified the department's final
 28 approval of the ballot language for the public question.

29 (f) (e) The county auditor shall certify the finally approved public
 30 question under IC 3-10-9-3 to the county election board of each county
 31 in which the political subdivision is located. The certification must
 32 occur not later than noon:

- 33 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if
 34 the public question is to be placed on the primary or municipal
 35 primary election ballot; or
- 36 (2) August 1 if the public question is to be placed on the general
 37 or municipal election ballot.

38 Subject to the certification requirements and deadlines under this
 39 subsection and except as provided in subsection (f); (k), the public
 40 question shall be placed on the ballot at the next primary election,
 41 general election, or municipal election in which all voters of the
 42 political subdivision are entitled to vote. However, if a primary



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1 election, general election, or municipal election will not be held during
 2 the first year in which the public question is eligible to be placed on the
 3 ballot under this section and if the political subdivision requests the
 4 public question to be placed on the ballot at a special election, the
 5 public question shall be placed on the ballot at a special election to be
 6 held on the first Tuesday after the first Monday in May or November
 7 of the year. The certification must occur not later than noon ~~sixty (60)~~
 8 **seventy-four (74)** days before a special election to be held in May (if
 9 the special election is to be held in May) or noon on August 1 (if the
 10 special election is to be held in November). ~~However, in 2009, a~~
 11 ~~political subdivision may hold a special election under this section on~~
 12 ~~any date scheduled for the special election if notice of the special~~
 13 ~~election was given before July 1, 2009, to the election division of the~~
 14 ~~secretary of state's office as provided in IC 3-10-8-4.~~ The fiscal body
 15 of the political subdivision that requests the special election shall pay
 16 the costs of holding the special election. The county election board
 17 shall give notice under IC 5-3-1 of a special election conducted under
 18 this subsection. A special election conducted under this subsection is
 19 under the direction of the county election board. The county election
 20 board shall take all steps necessary to carry out the special election.

21 ~~(g)~~ **(f)** The circuit court clerk shall certify the results of the public
 22 question to the following:

23 (1) The county auditor of each county in which the political
 24 subdivision is located.

25 (2) The department of local government finance.

26 ~~(h)~~ **(g)** Subject to the requirements of IC 6-1.1-18.5-8, the political
 27 subdivision may issue the proposed bonds or enter into the proposed
 28 lease rental if a majority of the eligible voters voting on the public
 29 question vote in favor of the public question.

30 ~~(i)~~ **(h)** If a majority of the eligible voters voting on the public
 31 question vote in opposition to the public question, both of the following
 32 apply:

33 (1) The political subdivision may not issue the proposed bonds or
 34 enter into the proposed lease rental.

35 (2) Another public question under this section on the same or a
 36 substantially similar project may not be submitted to the voters
 37 earlier than one (1) year after the date of the election.

38 ~~(j)~~ **(i)** IC 3, to the extent not inconsistent with this section, applies
 39 to an election held under this section.

40 ~~(k)~~ **(j)** A political subdivision may not artificially divide a capital
 41 project into multiple capital projects in order to avoid the requirements
 42 of this section and section 3.5 of this chapter.

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1 ⊕ **(k)** This subsection applies to a political subdivision for which
 2 a petition requesting a public question has been submitted under
 3 section 3.5 of this chapter. The legislative body (as defined in
 4 IC 36-1-2-9) of the political subdivision may adopt a resolution to
 5 withdraw a controlled project from consideration in a public question.
 6 If the legislative body provides a certified copy of the resolution to the
 7 county auditor and the county election board not later than ~~forty-nine~~
 8 ~~(49)~~ **sixty-three (63)** days before the election at which the public
 9 question would be on the ballot, the public question on the controlled
 10 project shall not be placed on the ballot and the public question on the
 11 controlled project shall not be held, regardless of whether the county
 12 auditor has certified the public question to the county election board.
 13 If the withdrawal of a public question under this subsection requires the
 14 county election board to reprint ballots, the political subdivision
 15 withdrawing the public question shall pay the costs of reprinting the
 16 ballots. If a political subdivision withdraws a public question under this
 17 subsection that would have been held at a special election and the
 18 county election board has printed the ballots before the legislative body
 19 of the political subdivision provides a certified copy of the withdrawal
 20 resolution to the county auditor and the county election board, the
 21 political subdivision withdrawing the public question shall pay the
 22 costs incurred by the county in printing the ballots. If a public question
 23 on a controlled project is withdrawn under this subsection, a public
 24 question under this section on the same controlled project or a
 25 substantially similar controlled project may not be submitted to the
 26 voters earlier than one (1) year after the date the resolution
 27 withdrawing the public question is adopted.

28 ~~(m)~~ **(l)** If a public question regarding a controlled project is placed
 29 on the ballot to be voted on at a public question under this section, the
 30 political subdivision shall submit to the department of local
 31 government finance, at least thirty (30) days before the election, the
 32 following information regarding the proposed controlled project for
 33 posting on the department's Internet web site:

- 34 (1) The cost per square foot of any buildings being constructed as
 35 part of the controlled project.
- 36 (2) The effect that approval of the controlled project would have
 37 on the political subdivision's property tax rate.
- 38 (3) The maximum term of the bonds or lease.
- 39 (4) The maximum principal amount of the bonds or the maximum
 40 lease rental for the lease.
- 41 (5) The estimated interest rates that will be paid and the total
 42 interest costs associated with the bonds or lease.



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- 1 (6) The purpose of the bonds or lease.
- 2 (7) In the case of a controlled project proposed by a school
- 3 corporation:
- 4 (A) the current and proposed square footage of school building
- 5 space per student;
- 6 (B) enrollment patterns within the school corporation; and
- 7 (C) the age and condition of the current school facilities.

8 SECTION 57. IC 10-16-7-16 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A muster or an
 10 assembly for instruction, review, or parade may not be held or called
 11 in any county on any day during which a general election, **primary**
 12 **election, municipal election,** or special election is held in the county,
 13 except in case of or imminent danger of riot, invasion, insurrection, or
 14 public disaster.

15 (b) An officer who orders a muster or an assembly on an election
 16 day shall forfeit an amount as a court-martial adjudges.

17 SECTION 58. IC 12-14-1.5-8 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) ~~The co-directors~~
 19 ~~of the~~ election division shall provide the division with a list of the
 20 current ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the
 21 ~~offices of the circuit court clerk or board of~~ **county voter** registration
 22 **office** in each county. The division shall promptly forward the list and
 23 each revision of the list to each county office.

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

27 SECTION 59. IC 12-15-1.5-8, AS AMENDED BY P.L.44-2009,
 28 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 8. (a) ~~The codirectors of the~~ election division shall
 30 provide the division of family resources with a list of the current
 31 ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the ~~offices of the~~
 32 ~~circuit court clerk or board of~~ **county voter** registration **office** in each
 33 county. The division of family resources shall promptly forward the list
 34 and each revision of the list to each county office.

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

38 SECTION 60. IC 16-35-1.6-9 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) ~~The co-directors~~
 40 ~~of the~~ election division shall provide the commissioner with a list of the
 41 current ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the
 42 ~~offices of the circuit court clerk or board of~~ **county voter** registration

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1 **office** in each county. The commissioner shall promptly forward the list
2 and each revision of the list to each WIC office.

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

6 SECTION 61. IC 20-23-4-30, AS AMENDED BY P.L.179-2011,
7 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 30. (a) This section
9 applies to each school corporation.

10 (b) If a tie vote occurs among any of the candidates, the tie vote
11 shall be resolved under IC 3-12-9-4.

12 (c) If after the first governing body takes office, there is a vacancy
13 on the governing body for any reason, including the failure of the
14 sufficient number of petitions for candidates being filed, whether the
15 vacating member was elected or appointed, the remaining members of
16 the governing body, whether or not a majority of the governing body,
17 shall by a majority vote fill the vacancy by appointing a person from
18 within the boundaries of the community school corporation to serve for
19 the term or balance of the term. An individual appointed under this
20 subsection must possess the qualifications provided for a regularly
21 elected or appointed governing body member filling the office. If:

22 (1) a tie vote occurs among the members of the governing body
23 under this subsection or IC 3-12-9-4; or

24 (2) the governing body fails to act within thirty (30) days after any
25 vacancy occurs;

26 the judge of the circuit court in the county where the majority of
27 registered voters of the school corporation reside shall make the
28 appointment.

29 (d) A vacancy in the governing body occurs if a member ceases to
30 be a resident of any community school corporation. A vacancy does not
31 occur when the member moves from a district of the school corporation
32 from which the member was elected or appointed if the member
33 continues to be a resident of the school corporation.

34 (e) At the first general election in which members of the governing
35 body are elected:

36 (1) a simple majority of the candidates elected as members of the
37 governing body who receive the greatest number of votes shall be
38 elected for four (4) year terms; and

39 (2) the balance of the candidates elected as members of the
40 governing body receiving the next greatest number of votes shall
41 be elected for two (2) year terms.

42 Thereafter, all school board members shall be elected for four (4) year

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1 terms.

2 (f) Elected governing body members take office and assume their
3 duties on **the date set in the school corporation's organization plan.**
4 **The date set in the organization plan for an elected member of the**
5 **governing body to take office may not be more than fourteen (14)**
6 **months after the date of the member's election. If the school**
7 **corporation's organization plan does not set a date for an elected**
8 **member of the governing body to take office, the member takes**
9 **office** January 1 **immediately** after ~~their~~ **the member's** election.

10 SECTION 62. IC 20-23-7-8.1, AS ADDED BY P.L.179-2011,
11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8.1. (a) The registered
13 voters of the metropolitan school district shall elect the members of the
14 metropolitan board of education at general elections held biennially,
15 beginning with the next general election that is held more than sixty
16 (60) days after the creation of the metropolitan school district as
17 provided in this chapter.

18 (b) Each nominee for the board must file a petition of nomination
19 signed by the nominee and by ten (10) registered voters residing in the
20 same board member district as the nominee. The petition must be filed
21 in accordance with IC 3-8-2.5 with the circuit court clerk of each
22 county in which the metropolitan school district is located.

23 (c) Nominees for the board shall be listed on the general election
24 ballot:

- 25 (1) in the form prescribed by IC 3-11-2;
26 (2) by board member districts; and
27 (3) without party designation.

28 The ballot must state the number of board members to be voted on and
29 the maximum number of members that may be elected from each board
30 member district as provided under section 5 of this chapter. A ballot
31 that contains more votes than the maximum number allowed from a
32 board member district is invalid.

33 (d) The precinct election boards in each county serving at the
34 general election shall conduct the election for school board members.

35 (e) Voting and tabulation of votes shall be conducted in accordance
36 with IC 3, and the candidates who receive the most votes are elected to
37 the board.

38 (f) If there are more candidates from a particular board member
39 district than may be elected from the board member district under
40 section 5 of this chapter:

- 41 (1) the number of candidates elected is the greatest number that
42 may be elected from the board member district;

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- 1 (2) the candidates elected are those who, among the candidates
- 2 from the board member district, receive the most votes; and
- 3 (3) the other candidates from the board member district are
- 4 eliminated.

5 (g) If there is a tie vote among the candidates for the board, the
 6 judge of the circuit court in the county where the majority of the
 7 registered voters of the metropolitan school district reside shall select
 8 one (1) of the candidates who shall be declared and certified elected.

9 (h) If, at any time after the first board member election, a vacancy
 10 on the board occurs for any reason, including an insufficient number of
 11 petitions for candidates being filed, and regardless of whether the
 12 vacating member was elected or appointed, the remaining members of
 13 the board, whether or not a majority of the board, shall by a majority
 14 vote fill the vacancy by:

- 15 (1) appointing a person from the board member district from
- 16 which the person who vacated the board was elected; or
- 17 (2) if the person was appointed, appointing a person from the
- 18 board member district from which the last elected predecessor of
- 19 the person was elected.

20 If a majority of the remaining members of the board is unable to agree
 21 or the board fails to act within thirty (30) days after a vacancy occurs,
 22 the judge of the circuit court in the county where the majority of
 23 registered voters of the metropolitan school district reside shall make
 24 the appointment.

- 25 (i) At a general election held on the earlier of:
- 26 (1) more than sixty (60) days after an elected board member
- 27 vacates membership on the board; or
- 28 (2) immediately before the end of the term for which the vacating
- 29 member was elected;

30 a successor to a board member appointed under subsection (h) shall be
 31 elected. Unless the successor takes office at the end of the term of the
 32 vacating member, the member shall serve only for the balance of the
 33 vacating member's term. In an election for a successor board member
 34 to fill a vacancy for a two (2) year balance of a term, candidates for
 35 board membership need not file for or with reference to the vacancy.
 36 However, as required by IC 3-11-2, candidates for at-large seats must
 37 be distinguished on the ballot from candidates for district seats. If there
 38 is more than one (1) at-large seat on the ballot due to this vacancy, the
 39 elected candidate who receives the fewest votes at the election at which
 40 the successor is elected shall serve for a two (2) year term.

41 (j) At the first general election where members of the board are
 42 elected under this section, the elected candidates who constitute a

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1 simple majority of the elected candidates and who receive the most
 2 votes shall be elected for four (4) year terms, and the other elected
 3 candidates shall be elected for two (2) year terms.

4 (k) Board members shall be elected for four (4) year terms after the
 5 first election and shall take office **on the date set in the school**
 6 **corporation's organization plan. The date set in the organization**
 7 **plan for an elected member of the governing body to take office**
 8 **may not be more than fourteen (14) months after the date of the**
 9 **member's election. If the school corporation's organization plan**
 10 **does not set a date for an elected member of the governing body to**
 11 **take office, the member takes office** January 1 **immediately**
 12 following ~~their~~ **the member's** election.

13 SECTION 63. IC 20-23-8-8, AS AMENDED BY P.L.2-2006,
 14 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2013]: Sec. 8. (a) A plan is subject to the following
 16 limitations:

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

22 (2) The plan, if the members are:

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

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

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

32 (4) If the plan provides for electoral districts, where a member of
 33 the governing body is elected solely by the voters of a single
 34 district, the districts must be as near as practicable equal in
 35 population. The districts shall be reapportioned and their
 36 boundaries changed, if necessary, by resolution of the governing
 37 body ~~before the election~~ **not later than December 31 of the year**
 38 **next following the effective date of the subsequent year in which**
 39 **a decennial census is taken** to preserve the equality ~~by resolution~~
 40 of the governing body.

41 (5) The plan shall comply with the:

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

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1 (B) Constitution of the United States;
 2 including the equal protection clauses of both constitutions.
 3 (6) The provisions of IC 20-23-4-26 through IC 20-23-4-33
 4 relating to the board of trustees of a community school
 5 corporation and to the community school corporation, including
 6 provisions relating to powers of the board and corporation and
 7 provisions relating to the mechanics of selection of the board,
 8 where elected and where appointed, apply to a governing body set
 9 up by a plan under this chapter and to the school corporation.
 10 (b) The limitations set forth in this section do not have to be
 11 specifically set forth in a plan but are a part of the plan. A plan shall be
 12 construed, if possible, to comply with this chapter. If a provision of the
 13 plan or an application of the plan violates this chapter, the invalidity
 14 does not affect the other provisions or applications of the plan that can
 15 be given effect without the invalid provision or application. The
 16 provisions of a plan are severable.
 17 SECTION 64. IC 20-23-12-8, AS AMENDED BY P.L.179-2011,
 18 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8. (a) The term of each
 20 person elected to serve on the governing body is four (4) years.
 21 (b) The term of each person elected to serve on the governing body
 22 begins **on the date set in the school corporation's organization plan.**
 23 **The date set in the organization plan for an elected member of the**
 24 **governing body to take office may not be more than fourteen (14)**
 25 **months after the date of the member's election. If the school**
 26 **corporation's organization plan does not set a date for an elected**
 27 **member of the governing body to take office, the member takes**
 28 **office** ~~the~~ January 1 that ~~next~~ **immediately** follows the person's
 29 election.
 30 SECTION 65. IC 20-23-13-1, AS AMENDED BY P.L.119-2012,
 31 SECTION 149, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 1. (a) In a
 33 community school corporation established under IC 20-23-4, that has
 34 a population of more than eighty thousand five hundred (80,500) but
 35 less than one hundred thousand (100,000), the governing body consists
 36 of a board of trustees of five (5) members elected in the manner
 37 provided in this chapter.
 38 (b) The governing body members shall be elected at the times
 39 provided and shall succeed the retiring members in the order and
 40 manner as set forth in this chapter.
 41 (c) **The term of each person elected to serve on the governing**
 42 **body begins on the date set in the school corporation's organization**

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1 **plan. The date set in the organization plan for an elected member**
 2 **of the governing body to take office may not be more than fourteen**
 3 **(14) months after the date of the member's election. If the school**
 4 **corporation's organization plan does not set a date for an elected**
 5 **member of the governing body to take office, the member takes**
 6 **office the January 1 that immediately follows the person's election.**

7 SECTION 66. IC 20-23-14-8, AS AMENDED BY P.L.179-2011,
 8 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8. (a) The term of each
 10 person elected to serve on the governing body is four (4) years.

11 (b) The term of each person elected to serve on the governing body
 12 begins on the **date set in the school corporation's organization plan.**
 13 **The date set in the organization plan for an elected member of the**
 14 **governing body to take office may not be more than fourteen (14)**
 15 **months after the date of the member's election. If the school**
 16 **corporation's organization plan does not set a date for an elected**
 17 **member of the governing body to take office, the member takes**
 18 **office** January 1 that **next immediately** follows the person's election.

19 SECTION 67. IC 20-23-15-11, AS ADDED BY P.L.1-2005,
 20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 11. (a) Except as
 22 otherwise provided in this section, a person elected to serve on the
 23 governing body **serves as follows:**

24 (1) ~~begins~~ The person's term **begins on the date set in the school**
 25 **corporation's organization plan. The date set in the**
 26 **organization plan for an elected member of the governing**
 27 **body to take office may not be more than fourteen (14)**
 28 **months after the date of the member's election. If the school**
 29 **corporation's organization plan does not set a date for an**
 30 **elected member of the governing body to take office, the**
 31 **member takes office** January 1 of the year following the person's
 32 election. ~~and~~

33 (2) **The person** serves a four (4) year term.

34 (b) The two (2) members of the governing body who were last
 35 selected under the selection process in effect for the school corporation
 36 before a referendum is held under this chapter shall serve as at-large
 37 members through December 31 of the year in which the second general
 38 election is held to elect members of the governing body under this
 39 chapter. However, if this subsection applies to more than two (2)
 40 members, the circuit court judge for the county shall select two (2) of
 41 these members to serve as at-large members through December 31 of
 42 the year in which the second general election is held to elect members



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- 1 of the governing body under this chapter.
- 2 (c) The terms of all other members of the governing body who were
3 selected to serve on the governing body before a referendum is held
4 under this chapter expire December 31 of the year in which the
5 referendum is held.
- 6 (d) In the initial general election held to elect members of the
7 governing body under this chapter, five (5) of the members shall be
8 elected by voters from their districts as follows:
- 9 (1) Three (3) of the members elected shall serve for four (4) year
10 terms.
- 11 (2) Two (2) of the members elected shall serve for two (2) year
12 terms.
- 13 (e) In the second general election held to elect members of the
14 governing body under this chapter, four (4) of the members shall be
15 elected as follows:
- 16 (1) Two (2) of the members shall be elected by voters from their
17 district and shall serve four (4) year terms.
- 18 (2) Two (2) of the members shall be elected at large and shall
19 serve four (4) year terms.
- 20 SECTION 68. IC 20-23-17-3, AS ADDED BY P.L.179-2011,
21 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2013]: Sec. 3. (a) The governing body of the school
23 corporation consists of five (5) members chosen as follows:
- 24 (1) Three (3) members shall be elected by the voters of the school
25 corporation at a general election to be held in the county and
26 every four (4) years thereafter.
- 27 (2) One (1) member shall be appointed by the city executive.
- 28 (3) One (1) member shall be appointed by the city legislative
29 body.
- 30 (b) The members elected under subsection (a)(1) shall be elected as
31 follows:
- 32 (1) On a nonpartisan basis.
- 33 (2) In a general election held in the county.
- 34 (3) By the registered voters of the entire school corporation.
- 35 (c) The following apply to an election of members of the governing
36 body of the school corporation under subsection (a)(1):
- 37 (1) Each candidate must file a petition of nomination with the
38 circuit court clerk **not earlier than one hundred four (104) days**
39 **and** not later than seventy-four (74) days before the election at
40 which members are to be elected. The petition of nomination must
41 include the following information:
- 42 (A) The name of the candidate.

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- 1 (B) A certification that the candidate meets the qualifications
 2 for candidacy imposed by this chapter.
- 3 (2) Only eligible voters residing in the school corporation may
 4 vote for a candidate seeking election.
- 5 SECTION 69. IC 20-23-17-4, AS ADDED BY P.L.179-2011,
 6 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. (a) The term of each
 8 individual chosen to serve on the governing body is four (4) years.
 9 **beginning**
- 10 (b) **The term of each individual chosen to serve on the governing**
 11 **body begins on the date set in the school corporation's organization**
 12 **plan. The date set in the organization plan for an elected member**
 13 **of the governing body to take office may not be more than fourteen**
 14 **(14) months after the date of the member's election. If the school**
 15 **corporation's organization plan does not set a date for a member**
 16 **of the governing body to take office, the member takes office**
 17 **January 1 immediately** following the individual's election or
 18 appointment.
- 19 SECTION 70. IC 20-23-17.2-5, AS ADDED BY P.L.179-2011,
 20 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2013]: Sec. 5. (a) The following apply to an election of
 22 members of the governing body of the school corporation under section
 23 3(a)(1) of this chapter:
- 24 (1) Each candidate must file a petition of nomination with the
 25 circuit court clerk **not earlier than one hundred four (104) days**
 26 **and** not later than seventy-four (74) days before the general
 27 election at which members are to be elected. The petition of
 28 nomination must include the following information:
- 29 (A) The name of the candidate.
- 30 (B) The candidate's residence address and the district in which
 31 the candidate resides.
- 32 (C) The signatures of at least twenty (20) registered voters
 33 residing within the school corporation district the candidate
 34 seeks to represent.
- 35 (D) A certification that the candidate meets the qualifications
 36 for candidacy imposed by this chapter.
- 37 (2) Only eligible voters residing in the school corporation district
 38 may vote for a candidate to represent that district.
- 39 (3) One (1) candidate shall be elected for each district. The
 40 candidate elected for a district must reside within the boundaries
 41 of the district. The candidate elected as the member for a
 42 particular district is the candidate who, among all the candidates

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1 who reside within that district, receives the greatest number of
2 votes from voters residing in that district.

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

6 (1) Each candidate must file a petition of nomination with the
7 circuit court clerk **not earlier than one hundred four (104) days**
8 **and** not later than seventy-four (74) days before the general
9 election at which members are to be elected. The petition of
10 nomination must include the following information:

- 11 (A) The name of the candidate.
12 (B) The candidate's residence address.
13 (C) The signatures of at least one hundred (100) registered
14 voters residing within the school corporation.
15 (D) A certification that the candidate meets the qualifications
16 for candidacy imposed by this chapter.

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

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

23 SECTION 71. IC 20-23-17.2-8, AS ADDED BY P.L.179-2011,
24 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8. (a) The term of each
26 person elected to serve on the governing body of the school corporation
27 is four (4) years. ~~beginning~~

28 (b) **The term of each person elected to serve on the governing**
29 **body begins on the date set in the school corporation's organization**
30 **plan. The date set in the organization plan for an elected member**
31 **of the governing body to take office may not be more than fourteen**
32 **(14) months after the date of the member's election. If the school**
33 **corporation's organization plan does not set a date for an elected**
34 **member of the governing body to take office, the member takes**
35 **office** January 1 **immediately** following the **person's** election.

36 SECTION 72. IC 20-25-3-4, AS AMENDED BY P.L.179-2011,
37 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. (a) The board consists
39 of seven (7) members. A member:

- 40 (1) must be elected on a nonpartisan basis in general elections
41 held in the county as specified in this section; and
42 (2) serves a four (4) year term.



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1 (b) Five (5) members shall be elected from the school board districts
 2 in which the members reside, and two (2) members must be elected at
 3 large. Not more than two (2) of the members who serve on the board
 4 may reside in the same school board district.

5 (c) If a candidate runs for one (1) of the district positions on the
 6 board, only eligible voters residing in the candidate's district may vote
 7 for that candidate. If a person is a candidate for one (1) of the at-large
 8 positions, eligible voters from all the districts may vote for that
 9 candidate.

10 (d) If a candidate files to run for a position on the board, the
 11 candidate must specify whether the candidate is running for a district
 12 or an at-large position.

13 (e) A candidate who runs for a district or an at-large position wins
 14 if the candidate receives the greatest number of votes of all the
 15 candidates for the position.

16 (f) Districts shall be established within the school city by the state
 17 board. The districts must be drawn on the basis of precinct lines, and
 18 as nearly as practicable, of equal population with the population of the
 19 largest district not to exceed the population of the smallest district by
 20 more than five percent (5%). District lines must not cross precinct
 21 lines. The state board shall establish:

22 (1) balloting procedures for the election under IC 3; and

23 (2) other procedures required to implement this section.

24 (g) A member of the board serves under section 3 of this chapter.

25 (h) In accordance with subsection (k), a vacancy in the board shall
 26 be filled temporarily by the board as soon as practicable after the
 27 vacancy occurs. The member chosen by the board to fill a vacancy
 28 holds office until the member's successor is elected and qualified. The
 29 successor shall be elected at the next regular school board election
 30 occurring after the date on which the vacancy occurs. The successor
 31 fills the vacancy for the remainder of the term.

32 (i) An individual elected to serve on the board begins the
 33 individual's term on **the date set in the school corporation's**
 34 **organization plan. The date set in the organization plan for an**
 35 **elected member of the board to take office may not be more than**
 36 **fourteen (14) months after the date of the member's election. If the**
 37 **school corporation's organization plan does not set a date for a**
 38 **member of the board to take office, the member takes office**
 39 January 1 immediately following the individual's election.

40 (j) Notwithstanding any law to the contrary, each voter must cast a
 41 vote for a school board candidate or school board candidates by voting
 42 system or paper ballot. However, the same method used to cast votes



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1 for all other offices for which candidates have qualified to be on the
2 election ballot must be used for the board offices.

3 (k) If a vacancy in the board exists because of the death of a
4 member, the remaining members of the board shall meet and select an
5 individual to fill the vacancy in accordance with subsection (h) after
6 the secretary of the board receives notice of the death under IC 5-8-6.

7 SECTION 73. IC 20-26-4-4, AS AMENDED BY P.L.96-2012,
8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JANUARY 1, 2012]: Sec. 4. (a) This section does not apply to a school
10 city of the first class or to a school corporation succeeding to all or the
11 major part in area of a school city of the first class.

12 (b) The commencement and termination of terms of members of a
13 governing body are as follows:

14 (1) Except as provided in ~~subdivision~~ **subdivisions (2) and (3)**,
15 the governing body of each school corporation shall determine
16 whether the term of office for the governing body's members
17 extends from January 1 to December 31 or from July 1 to June 30.
18 A governing body that makes a change in the commencement date
19 of the governing body's members' terms shall report the change to
20 the state board before August 1 preceding the year in which the
21 change takes place. An ex officio member of a governing body
22 shall take office at the time the ex officio member takes the oath
23 of the office by virtue of which the ex officio member is entitled
24 to become an ex officio member.

25 (2) **Except as provided in subdivision (3)**, in a county having a
26 population of more than four hundred thousand (400,000), the
27 terms of office for the members of a governing body who are
28 appointed commence on July 1 of the year in which the members
29 are to take office under the plan, resolution, or law under which
30 the school corporation is established, and terminate on the June
31 30 of the final year of the term for which the members are to serve
32 under the plan, resolution, or law.

33 **(3) An elected member of a governing body takes office on the**
34 **date set in the school corporation's organization plan. The**
35 **date set in the organization plan for an elected member of the**
36 **governing body to take office may not be more than fourteen**
37 **(14) months after the date of the member's election. If the**
38 **school corporation's organization plan does not set a date for**
39 **an elected member of the governing body to take office, the**
40 **member takes office January 1 immediately after the**
41 **member's election.**

42 (c) If a vacancy in the membership of a governing body occurs for any

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1 reason (including the failure of a sufficient number of petitions for
 2 candidates for governing body membership being filed for an election
 3 and whether the vacancy was of an elected or appointed member), the
 4 remaining members of the governing body shall by majority vote fill
 5 the vacancy by appointing a person from within the boundaries of the
 6 school corporation, with the residence and other qualifications
 7 provided for a regularly elected or appointed board member filling the
 8 membership, to serve for the term or the balance of the term. However,
 9 this subsection does not apply to a vacancy:

10 (1) of a member who serves on a governing body in an ex officio
 11 capacity; or

12 (2) a vacancy in an appointed board membership if a plan,
 13 resolution, or law under which the school corporation operates
 14 specifically provides for filling vacancies by the appointing
 15 authority.

16 SECTION 74. IC 36-5-1-10.1, AS AMENDED BY P.L.113-2010,
 17 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2013]: Sec. 10.1. (a) Except as provided in
 19 subsection (g), if the county executive makes the findings required by
 20 section 8 of this chapter, it may adopt an ordinance incorporating the
 21 town. The ordinance must:

22 (1) ~~provide that:~~ **either:**

23 (A) **provide that** all members of the town legislative body are
 24 to be elected at large (if the town would have a population of
 25 less than three thousand five hundred (3,500)); or

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

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

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

42 (b) Districts established by an ordinance adopted under this section



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- 1 must comply with IC 3-11-1.5.
- 2 (c) If any territory in the town is not included in one (1) of the
- 3 districts established under this section, the territory is included in the
- 4 district that:
- 5 (1) is contiguous to that territory; and
- 6 (2) contains the least population of all districts contiguous to that
- 7 territory.
- 8 (d) If any territory in the town is included in more than one (1) of
- 9 the districts established under this section, the territory is included in
- 10 the district that:
- 11 (1) is one (1) of the districts in which the territory is described in
- 12 the ordinance adopted under this section;
- 13 (2) is contiguous to that territory; and
- 14 (3) contains the least population of all districts contiguous to that
- 15 territory.
- 16 (e) Except as provided in subsection (f), an ordinance adopted under
- 17 this section becomes effective when filed with:
- 18 (1) the office of the secretary of state; and
- 19 (2) the circuit court clerk of each county in which the town is
- 20 located.
- 21 (f) An ordinance incorporating a town under this section may not
- 22 take effect during the year preceding a year in which a federal
- 23 decennial census is conducted. An ordinance under this section that
- 24 would otherwise take effect during the year preceding a year in which
- 25 a federal decennial census is conducted takes effect January 1 of the
- 26 year in which a federal decennial census is conducted.
- 27 (g) Proceedings to incorporate a town across county boundaries
- 28 must have the approval of the county executive of each county that
- 29 contains a part of the proposed town. Each county that contains a part
- 30 of the proposed town must adopt identical ordinances providing for the
- 31 incorporation of the town.
- 32 (h) Notwithstanding subsection (f) as that subsection existed on
- 33 December 31, 2009, an ordinance that took effect January 2, 2010,
- 34 because of the application of subsection (f), as that subsection existed
- 35 on December 31, 2009, is instead considered to take effect January 1,
- 36 2010, without the adoption of an ordinance or an amended ordinance
- 37 or any other additional action being required.
- 38 SECTION 75. IC 36-5-1-12 IS AMENDED TO READ AS
- 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Proceedings to
- 40 dissolve a town may be instituted under either this section or
- 41 IC 36-5-1.1.
- 42 (b) A proceeding under this section may be instituted to either

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1 dissolve the town or change its name. The proceeding is instituted by
 2 filing a petition with the town clerk. The petition must be signed by at
 3 least the number of the voters of the town required to place a candidate
 4 on the ballot under IC 3-8-6-3, must be verified by at least one (1) of
 5 the petitioners, and must include the reasons for the dissolution or
 6 change of name.

7 ~~(c) A census of all the voters of the town, taken within ten (10) days~~
 8 ~~before the filing of the petition, must be filed with the petition. The~~
 9 ~~person who prepared the census must, by affidavit attached to the~~
 10 ~~census, verify that the census is correct.~~

11 SECTION 76. IC 36-5-1-13 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. A petition ~~and~~
 13 ~~census~~ filed under section 12 of this chapter must be accompanied by
 14 a bond for costs and expenses, payable to and approved by the town
 15 legislative body. The petitioners shall pay all costs and expenses
 16 incurred under this chapter, including the expenses of an election, if
 17 their petition is not successful.

18 SECTION 77. IC 36-5-1-14 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. When a petition
 20 ~~and census are is~~ filed under section 12 of this chapter, the town clerk
 21 shall give notice of the filing and of the day of a hearing on the petition,
 22 ~~and census~~, in the manner prescribed by IC 5-3-1.

23 SECTION 78. IC 36-5-1-15 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) On the date
 25 named in the notice given under section 14 of this chapter, the town
 26 legislative body shall hear and consider:

- 27 (1) the petition; ~~and census~~; and
 28 (2) all statements presented in favor of or in opposition to
 29 granting the petition.

30 The legislative body shall then decide whether there is sufficient cause
 31 to submit the question of dissolving the town or changing its name to
 32 the voters of the town.

33 (b) A petitioner who wants to withdraw his name from the petition
 34 must do so before the legislative body makes its decision. The
 35 legislative body may not count names withdrawn from the petition as
 36 part of the total required by section 12 of this chapter.

37 SECTION 79. IC 36-5-1-18, AS AMENDED BY P.L.113-2010,
 38 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) If at least two-thirds (2/3) of
 40 the votes cast in an election under section 16 of this chapter are
 41 affirmative, ~~and at least four-fifths (4/5) of all the voters listed in the~~
 42 ~~census voted in the election~~, the dissolution or change of name takes

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1 effect in the manner prescribed by this section.
 2 (b) A change of name takes effect thirty (30) days after the filing of
 3 the statement required by section 17 of this chapter.
 4 (c) Except as provided in subsection (d), a dissolution takes effect
 5 six (6) months after the filing of the statement required by section 17
 6 of this chapter. The property owned by the town after payment of debts
 7 and liabilities shall be disposed of in the manner chosen by a majority
 8 of the voters of the town at a special election for that purpose.
 9 Dissolution of a town does not affect the validity of a contract to which
 10 the town is a party.
 11 (d) A dissolution under this chapter may not take effect during the
 12 year preceding a year in which a federal decennial census is conducted.
 13 A dissolution that would otherwise take effect during the year
 14 preceding a year in which a federal decennial census is conducted takes
 15 effect January 1 of the year in which a federal decennial census is
 16 conducted.
 17 (e) Notwithstanding subsection (d) as that subsection existed on
 18 December 31, 2009, a dissolution that took effect January 2, 2010,
 19 because of the application of subsection (d), as that subsection existed
 20 on December 31, 2009, is instead considered to take effect January 1,
 21 2010, without any additional action being required.
 22 **SECTION 80. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1157, 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 2, delete lines 3 through 34, begin a new paragraph and insert:

"SECTION 3. IC 3-5-4-11, AS ADDED BY P.L.179-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 11. (a) As used in this section, "governing body" refers to the governing body of a school corporation subject to any of the following:

- (1) IC 20-23-4-30.
- (2) IC 20-23-7-8 (before its repeal on July 1, 2011) and IC 20-23-7-8.1 (after June 30, 2011).
- (3) IC 20-23-8-8.
- (4) IC 20-23-10-8.
- (5) IC 20-23-12.
- (6) IC 20-23-13.
- (7) IC 20-23-14.
- (8) IC 20-25-3-4.

(b) This subsection applies to a member of a governing body elected at the 2008 primary election. The successor of such a member shall:

- (1) be elected at the 2012 general election; and
- (2) take office **on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office** January 1, 2013.

(c) This subsection applies to a member of a governing body elected at the 2010 primary election. The successor of such a member shall:

- (1) be elected at the 2014 general election; and
- (2) take office **on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office** January 1, 2015.

HB 1157—LS 6191/DI 75+



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

Page 11, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 21. IC 3-10-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 16. Notwithstanding any other statute or a school corporation's organization plan, an elected member of the governing body shall be elected at the general election held immediately before the term of office for that position on the governing body expires.**"

Page 16, line 3, delete "and votes an absentee ballot".

Page 36, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 61. IC 20-23-4-30, AS AMENDED BY P.L.179-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 30. (a) This section applies to each school corporation.

(b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

(c) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

(1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or

(2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

(e) At the first general election in which members of the governing body are elected:

(1) a simple majority of the candidates elected as members of the

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governing body who receive the greatest number of votes shall be elected for four (4) year terms; and

(2) the balance of the candidates elected as members of the governing body receiving the next greatest number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

(f) Elected governing body members take office and assume their duties on **the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office** January 1 **immediately** after ~~their~~ **the member's** election.

SECTION 62. IC 20-23-7-8.1, AS ADDED BY P.L.179-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.

(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.

(c) Nominees for the board shall be listed on the general election ballot:

- (1) in the form prescribed by IC 3-11-2;
- (2) by board member districts; and
- (3) without party designation.

The ballot must state the number of board members to be voted on and the maximum number of members that may be elected from each board member district as provided under section 5 of this chapter. A ballot that contains more votes than the maximum number allowed from a board member district is invalid.

(d) The precinct election boards in each county serving at the general election shall conduct the election for school board members.

(e) Voting and tabulation of votes shall be conducted in accordance with IC 3, and the candidates who receive the most votes are elected to

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the board.

(f) If there are more candidates from a particular board member district than may be elected from the board member district under section 5 of this chapter:

- (1) the number of candidates elected is the greatest number that may be elected from the board member district;
- (2) the candidates elected are those who, among the candidates from the board member district, receive the most votes; and
- (3) the other candidates from the board member district are eliminated.

(g) If there is a tie vote among the candidates for the board, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

(h) If, at any time after the first board member election, a vacancy on the board occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the board, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

- (1) appointing a person from the board member district from which the person who vacated the board was elected; or
- (2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(i) At a general election held on the earlier of:

- (1) more than sixty (60) days after an elected board member vacates membership on the board; or
- (2) immediately before the end of the term for which the vacating member was elected;

a successor to a board member appointed under subsection (h) shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a successor board member to fill a vacancy for a two (2) year balance of a term, candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must

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be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the fewest votes at the election at which the successor is elected shall serve for a two (2) year term.

(j) At the first general election where members of the board are elected under this section, the elected candidates who constitute a simple majority of the elected candidates and who receive the most votes shall be elected for four (4) year terms, and the other elected candidates shall be elected for two (2) year terms.

(k) Board members shall be elected for four (4) year terms after the first election and shall take office **on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office** January 1 **immediately** following ~~their~~ **the member's** election."

Page 37, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 64. IC 20-23-12-8, AS AMENDED BY P.L.179-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8. (a) The term of each person elected to serve on the governing body is four (4) years.

(b) The term of each person elected to serve on the governing body begins **on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office** the January 1 that ~~next~~ **immediately** follows the person's election.

SECTION 65. IC 20-23-13-1, AS AMENDED BY P.L.119-2012, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 1. (a) In a community school corporation established under IC 20-23-4, that has a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000), the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and



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manner as set forth in this chapter.

(c) The term of each person elected to serve on the governing body begins on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office the January 1 that immediately follows the person's election.

SECTION 66. IC 20-23-14-8, AS AMENDED BY P.L.179-2011, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8. (a) The term of each person elected to serve on the governing body is four (4) years.

(b) The term of each person elected to serve on the governing body begins on the **date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office** January 1 that ~~next~~ immediately follows the person's election.

SECTION 67. IC 20-23-15-11, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 11. (a) Except as otherwise provided in this section, a person elected to serve on the governing body **serves as follows:**

(1) ~~begins~~ The person's term **begins on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office** January 1 of the year following the person's election. ~~and~~

(2) **The person** serves a four (4) year term.

(b) The two (2) members of the governing body who were last selected under the selection process in effect for the school corporation before a referendum is held under this chapter shall serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter. However, if this subsection applies to more than two (2)

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members, the circuit court judge for the county shall select two (2) of these members to serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter.

(c) The terms of all other members of the governing body who were selected to serve on the governing body before a referendum is held under this chapter expire December 31 of the year in which the referendum is held.

(d) In the initial general election held to elect members of the governing body under this chapter, five (5) of the members shall be elected by voters from their districts as follows:

(1) Three (3) of the members elected shall serve for four (4) year terms.

(2) Two (2) of the members elected shall serve for two (2) year terms.

(e) In the second general election held to elect members of the governing body under this chapter, four (4) of the members shall be elected as follows:

(1) Two (2) of the members shall be elected by voters from their district and shall serve four (4) year terms.

(2) Two (2) of the members shall be elected at large and shall serve four (4) year terms."

Page 38, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 69. IC 20-23-17-4, AS ADDED BY P.L.179-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]; Sec. 4. **(a)** The term of each individual chosen to serve on the governing body is four (4) years. **beginning**

(b) The term of each individual chosen to serve on the governing body begins on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for a member of the governing body to take office, the member takes office January 1 immediately following the individual's election or appointment."

Page 39, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 71. IC 20-23-17.2-8, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]; Sec. 8. **(a)** The term of each

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person elected to serve on the governing body of the school corporation is four (4) years. ~~beginning~~

(b) The term of each person elected to serve on the governing body begins on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 immediately following the person's election.

SECTION 72. IC 20-25-3-4, AS AMENDED BY P.L.179-2011, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. (a) The board consists of seven (7) members. A member:

- (1) must be elected on a nonpartisan basis in general elections held in the county as specified in this section; and
- (2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

- (1) balloting procedures for the election under IC 3; and
- (2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall

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be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on **the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the board to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for a member of the board to take office, the member takes office** January 1 immediately following the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

SECTION 73. IC 20-26-4-4, AS AMENDED BY P.L.96-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 4. (a) This section does not apply to a school city of the first class or to a school corporation succeeding to all or the major part in area of a school city of the first class.

(b) The commencement and termination of terms of members of a governing body are as follows:

(1) Except as provided in ~~subdivision~~ **subdivisions (2) and (3)**, the governing body of each school corporation shall determine whether the term of office for the governing body's members extends from January 1 to December 31 or from July 1 to June 30. A governing body that makes a change in the commencement date of the governing body's members' terms shall report the change to the state board before August 1 preceding the year in which the change takes place. An ex officio member of a governing body shall take office at the time the ex officio member takes the oath of the office by virtue of which the ex officio member is entitled to become an ex officio member.

(2) **Except as provided in subdivision (3)**, in a county having a

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population of more than four hundred thousand (400,000), the terms of office for the members of a governing body who are appointed commence on July 1 of the year in which the members are to take office under the plan, resolution, or law under which the school corporation is established, and terminate on the June 30 of the final year of the term for which the members are to serve under the plan, resolution, or law.

(3) An elected member of a governing body takes office on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 immediately after the member's election.

(c) If a vacancy in the membership of a governing body occurs for any reason (including the failure of a sufficient number of petitions for candidates for governing body membership being filed for an election and whether the vacancy was of an elected or appointed member), the remaining members of the governing body shall by majority vote fill the vacancy by appointing a person from within the boundaries of the school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the membership, to serve for the term or the balance of the term. However, this subsection does not apply to a vacancy:

- (1) of a member who serves on a governing body in an ex officio capacity; or
- (2) a vacancy in an appointed board membership if a plan, resolution, or law under which the school corporation operates specifically provides for filling vacancies by the appointing authority."

Page 40, delete lines 1 through 39.

Page 44, after line 3, begin a new paragraph and insert:

"SECTION 80. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1157 as introduced.)

SMITH M, Chair

Committee Vote: yeas 11, nays 0.

HB 1157—LS 6191/DI 75+



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