

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1157**

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11; IC 3-11; IC 3-11.5; IC 3-11.7-2-1; IC 3-12; IC 3-13; IC 3-14-1-17; IC 6-1.1-20-3.6; IC 10-16-7-16; IC 12-14-1.5-8; IC 12-15-1.5-8; IC 16-35-1.6-9; IC 20-23; IC 20-23; IC 20-25-3-4; IC 20-26-4-4; IC 30-5-5-14; IC 36-1.5-4-11; IC 36-1.5-4-30; IC 36-5-1.

Synopsis: Various election law matters. Proposed conference committee report for EHB 1157. 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. 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. 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. 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 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 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 when determining whether a voter registration application is eligible to be

processed, the application may not be rejected solely on the ground that the individual who received the application from the voter failed to complete the application with the required information or signature. 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. 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 ballot 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 ballot 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 (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. Permits a vendor to display or demonstrate a voting system that has not been approved by the commission for use in Indiana, if certain conditions are met. 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 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. Amends the statute (enacted by SEA 519) that prohibits the use of a government employer's property by an employee for certain political purposes to provide that the statute does not apply to a government employee carrying out administrative duties under the direction of an elected official who is the government employee's supervisor. Removes various obsolete references. Makes technical changes. **(This conference committee report: (1) Adds the provision relating to the validity of a voter registration application that does not contain information about or the signature of the individual who received the application. (2) Relocates certain provisions enacted in other bills during the session. (3) Specifies and revises standards for electronic poll books. (4) Adds the exception to the statute that prohibits the use of a government employer's property by an employee for certain political purposes. (5) Resolves conflicts among HEA 1311, SEA 518, SEA 519 and this bill. (6) Resolves conflicts between SEA 343 and SEA 518. (7) Resolves conflicts between this bill and HEA 1186. (8) Makes technical corrections to HEA 1391, SEA 518, and SEA 519. (9) Repeals conflicting SECTIONS in these bills.)**

Effective: Upon passage; January 1, 2012 (retroactive); July 1, 2013; January 1, 2014.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1157 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 3-5-2-19 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2013]: Sec. 19. "Election district" means the
- 4 area comprised by precincts where voters **who are qualified to vote**
- 5 **for a candidate or on a public question** and whose votes a
- 6 candidate or committee proposes to influence.
- 7 SECTION 2. IC 3-5-4-1.7, AS ADDED BY P.L.230-2005,
- 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2013]: Sec. 1.7. **(a)** Except as otherwise expressly authorized
- 10 or required under this title, a filing by a person with a commission, the
- 11 election division, or an election board may not be made by fax or
- 12 electronic mail.
- 13 **(b) A petition of nomination filed with a county voter**
- 14 **registration office under IC 3-8-2, IC 3-8-3, or IC 3-8-6 or a**
- 15 **petition to place a public question on the ballot may not contain the**
- 16 **electronic signature (as defined in IC 5-24-2-2), digital signature**
- 17 **(as defined in IC 5-24-2-1), digitized signature, or photocopied**
- 18 **signature of a voter.**
- 19 SECTION 3. IC 3-5-4-11, AS ADDED BY P.L.179-2011,
- 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 11. (a) As used in this
- 22 section, "governing body" refers to the governing body of a school

1 corporation subject to any of the following:

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

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

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

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

7 (5) IC 20-23-12.

8 (6) IC 20-23-13.

9 (7) IC 20-23-14.

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

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

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

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

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

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

25 (2) take office **on the date set in the school corporation's**
26 **organization plan. The date set in the organization plan for an**
27 **elected member of the governing body to take office may not**
28 **be more than fourteen (14) months after the date of the**
29 **member's election. If the school corporation's organization**
30 **plan does not set a date for an elected member of the**
31 **governing body to take office, the member takes office** January
32 1, 2015.

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

34 SECTION 4. IC 3-6-4.2-3, AS AMENDED BY HEA 1391-2013,
35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2013]: Sec. 3. (a) The governor shall appoint two (2)
37 co-directors for the election division.

38 (1) The co-directors shall do the following:

39 (A) Carry out the policies, decisions, and recommendations of
40 the commission.

41 (B) Maintain an office for the election division.

42 (b) The co-directors may not be members of the same political party.

43 (c) The co-directors have equal authority and responsibilities under
44 this title. However, if the co-directors are unable to resolve a dispute
45 between themselves regarding:

46 (1) the commission's or the election division's budget;

47 (2) the commission's or the election division's expenditures; or

48 (2) (3) contracts to which the commission or the election division
49 is a party;

50 the secretary of state may decide the matter. A decision by the secretary
51 of state regarding the matter is final.

- 1 (d) The co-directors must:
- 2 (1) be classified the same under the state's personnel system; and
- 3 (2) except for differences due to years of service as co-directors,
- 4 receive the same compensation.

5 SECTION 5. IC 3-6-5-15 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) Except as ~~otherwise~~
 7 provided by law, **whenever in subsection (b), this section applies**
 8 **when an election is conducted in** a political subdivision (as defined
 9 in IC 36-1-2-13 and other than a county) **that** contains territory in more
 10 than one (1) county.

- 11 (b) **This section does not apply to an election:**
- 12 (1) **conducted at the same time as a primary or general**
- 13 **election during an even-numbered year; or**
- 14 (2) **conducted in a town by a town election board under**
- 15 **IC 3-10-7.**

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

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

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

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

47 (c) **Except as provided in IC 3-7-36 for absent uniformed**
 48 **services voters and overseas voters,** the registration period resumes
 49 fourteen (14) days after primary election day and continues through the
 50 twenty-ninth day before the date a general or municipal election is

1 scheduled under this article.

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

8 SECTION 8. IC 3-7-27-15, AS AMENDED BY P.L.164-2006,
9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2013]: Sec. 15. (a) This section does not apply to a county
11 acting in accordance with section 21.1 or 22 of this chapter.

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

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

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

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

27 SECTION 9. IC 3-7-27-16 IS REPEALED [EFFECTIVE JULY 1,
28 2013]. Sec. 16. (a) This section does not apply to a county if the county
29 election board has adopted a resolution providing that affidavits or
30 forms are not required to be delivered to the polls.

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

34 SECTION 10. IC 3-7-28-14, AS AMENDED BY P.L.225-2011,
35 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2013]: Sec. 14. (a) Each county voter registration office shall
37 provide a list of the names and addresses of all voters whose
38 registrations have been canceled under this article to the following
39 upon request:

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

42 (2) The chairman of the following:

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

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

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

49 (b) A request filed under this section may state that the list is to
50 include only cancellations made by the county voter registration office

1 within a period specified in the request.

2 SECTION 11. IC 3-7-34-4.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2013]: **Sec. 4.5. (a) This section applies to an application that is
5 incomplete under section 1.5(b) of this chapter.**

6 **(b) If the application contains all the information required to be
7 supplied by the voter, but does not include:**

- 8 **(1) information required to be supplied by an individual who
9 received the completed application from the voter; or
10 (2) the signature of that individual;**

11 **the county voter registration office shall promptly make one (1)
12 effort to contact the individual who received the completed
13 application from the voter, if possible, and one (1) effort to contact
14 the voter to obtain the missing information or the signature in the
15 case of the individual who received the completed application from
16 the voter.**

17 **(c) The county voter registration office shall process the
18 application under this article if the county voter registration office:**

- 19 **(1) obtains the information or signature; or
20 (2) cannot obtain the information or signature of the
21 individual who had custody of the application and the
22 application is otherwise complete.**

23 **(d) In determining the eligibility of the applicant, the county
24 voter registration office may not reject the application solely on the
25 ground that the individual who received the completed application
26 from the voter failed to complete the application with the
27 information or signature described in section 1.5(b) of this chapter.
28 However, the county voter registration office shall, not later than
29 three (3) days after receipt of the application, provide notice of the
30 failure to properly complete the application to the county election
31 board for appropriate action under IC 3-6-5-31.**

32 SECTION 12. IC 3-7-36-11 IS REPEALED [EFFECTIVE JULY 1,
33 2013]. ~~Sec. 11. (a) This section applies only to a person described in
34 subsection (b) who applies to register to vote:~~

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

38 ~~(b) An absent uniformed services voter who is absent from Indiana
39 during the registration period described in IC 3-7-13-10 and who
40 otherwise would be entitled to register to vote under Indiana law may,
41 upon returning to Indiana during the period described in subsection (a)
42 following discharge from service or reassignment, register to vote by
43 doing the following:~~

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

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

- 49 ~~(i) the voter;
50 (ii) the voter's spouse; or
51 (iii) the individual of whom the voter is a dependent.~~

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

4 (i) the voter;

5 (ii) the voter's spouse; or

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

7 (2) Completing a registration affidavit.

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

10 SECTION 13. IC 3-7-36-14 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) This section
 12 applies to a person described in subsection (b) who applies to register
 13 to vote during the period:

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

16 (2) ending at noon election day.

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

23 (1) Showing either of the following to the county voter
 24 registration office:

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; tenth day before election day,~~ 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; tenth~~
 34 **day before election day,** of:

35 (i) the voter;

36 (ii) the voter's spouse; or

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

38 (2) Completing a registration affidavit.

39 (c) A voter who registers under this section may vote at the
 40 upcoming election only by absentee ballot at the office of the circuit
 41 court clerk at the time the voter registers under this section or at any
 42 time after the voter registers under this section and before noon on
 43 election day. A voter who wants to vote under this subsection must do
 44 both of the following:

45 (1) Complete an application for an absentee ballot.

46 (2) Sign an affidavit that the voter has not voted at any other
 47 precinct in the election.

48 The voter may vote at subsequent elections as otherwise provided in
 49 this title.

50 (d) If the voter votes by absentee ballot under this section, the

1 circuit court clerk shall do the following:

2 (1) Certify in writing that the voter registered under this section.

3 (2) Attach the certification to the voter's absentee ballot envelope.

4 (e) If the county has a board of registration, the board of registration
5 shall promptly deliver the voter's registration affidavit to the circuit
6 court clerk to permit the voter to vote under subsection (c).

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

10 SECTION 14. IC 3-7-43-6, AS AMENDED BY P.L.164-2006,
11 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2013]: Sec. 6. (a) This section applies to a voter who requests
13 a cancellation of voter registration under IC 3-7-39-6.

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

25 SECTION 15. IC 3-7-45-4, AS AMENDED BY SEA 519-2013,
26 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2013]: Sec. 4. (a) Except as provided in subsection ~~(b)~~, **(c)**, a
28 county voter registration office shall cancel the registration of a
29 deceased person after receiving a copy of the deceased person's death
30 certificate on an expedited basis, as required under 42 U.S.C. 15483.
31 The county voter registration office shall enter the date and other
32 information regarding the cancellation into the computerized list under
33 IC 3-7-26.3.

34 (b) Except as provided in subsection (c), a county voter registration
35 office shall cancel the registration of a deceased person after receiving
36 a copy of an obituary, notice of estate administration, or other notice of
37 death of that person published in a newspaper in which a legal notice
38 may be published under IC 5-3-1.

39 (c) A county voter registration office may require additional written
40 information before canceling the registration of a person under
41 subsection (a) **or (b)** if the information contained in the death
42 certificate or notice of death is insufficient to identify the person whose
43 registration is to be canceled. If:

44 (1) additional written information is not given to the county voter
45 registration office; or

46 (2) the additional written information is insufficient to identify the
47 person whose registration is to be canceled;

48 the county voter registration office is not required to cancel the person's
49 registration.

50 SECTION 16. IC 3-8-1-5.7 IS AMENDED TO READ AS
51 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.7. (a) Except as

1 expressly provided by law, a candidate for selection under IC 3-13-5 or
 2 IC 3-13-11 for an appointment pro tempore to an office must comply
 3 with the requirements imposed under this chapter on a candidate for
 4 election to the office. **For purposes of determining whether a**
 5 **candidate for an appointment pro tempore complies with a**
 6 **requirement imposed under this chapter on a candidate for**
 7 **election to the office, the term "before the election" is considered**
 8 **to read as:**

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

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

13 **whichever is the case.**

14 (b) If a town council member:

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

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

19 a candidate for selection for an appointment pro tempore to succeed the
 20 town council member is not required to reside within the district
 21 formerly represented by the town council member.

22 SECTION 17. IC 3-8-2-2.6 IS REPEALED [EFFECTIVE JULY 1,
 23 2013]. Sec. 2-6: (a) This section applies to a write-in candidate for a
 24 school board office to be elected on the same election day that a
 25 primary election is conducted:

26 (b) A:

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

28 (2) withdrawal of a declaration;

29 must be subscribed and sworn to before an individual authorized to
 30 administer oaths:

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

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

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

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

40 (e) A question concerning the validity of a declaration of intent to
 41 be a write-in candidate for a school board office must be filed with the
 42 county election board under IC 3-8-1-2(c) not later than noon
 43 eighty-one (81) days before the date of the primary election. The
 44 county election board shall determine all questions regarding the
 45 validity of the declaration not later than noon sixty-eight (68) days
 46 before the date of the primary election.

47 SECTION 18. IC 3-8-2-2.7, AS AMENDED BY P.L.164-2006,
 48 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 49 JULY 1, 2013]: Sec. 2.7. (a) This subsection does not apply to a
 50 write-in candidate for school board office who is subject to section
 51 2-6(c) of this chapter. A candidate may withdraw a declaration of intent

1 to be a write-in candidate not later than noon July 15 before a general
2 or municipal election.

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

8 SECTION 19. IC 3-8-2-4, AS AMENDED BY P.L.225-2011,
9 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2013]: Sec. 4. (a) A declaration of candidacy for a primary
11 election must be filed not later than noon eighty-eight (88) days and not
12 earlier than one hundred eighteen (118) days before the primary
13 election. The declaration must be subscribed and sworn to before a
14 person authorized to administer oaths.

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

- 18 (1) not earlier than the first date specified in IC 3-8-6-10(b) for
19 the timely filing of a petition of nomination; and
20 (2) not later than noon on the date specified by IC 3-13-1-15(c)
21 for a major political party to file a certificate of candidate
22 selection.

23 The declaration must be subscribed and sworn to before a person
24 authorized to administer oaths.

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

- 28 (1) candidacy may be filed for an office that will appear on the
29 primary election ballot; or
30 (2) intent to be a write-in candidate **may be filed** for an office that
31 will appear on the general, municipal, or school board election
32 ballot;

33 that year as a result of the new tabulation of population or corrected
34 population count.

35 SECTION 20. IC 3-8-2-11, AS AMENDED BY P.L.90-2012,
36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 11. (a) A declaration of candidacy may be made
38 by mail and is considered filed as of the date and hour the filing occurs
39 in the manner described by IC 3-5-2-24.5 in the office of the election
40 division or circuit court clerk.

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

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

- 50 (1) copy of the statement, file stamped by the office required to

1 receive the statement of economic interests; or

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

4 before the election division accepts the declaration for filing. The
5 election division shall reject a filing that does not comply with this
6 subsection.

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

11 SECTION 21. IC 3-8-2.5-4, AS ADDED BY P.L.179-2011,
12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2013]: Sec. 4. (a) A petition of nomination for a school board
14 office must be filed not earlier than one hundred four (104) days and
15 not later than noon seventy-four (74) days before the general election.
16 The petition must be subscribed and sworn to before a person
17 authorized to administer oaths.

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

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

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

36 SECTION 22. IC 3-8-6-13.5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13.5. A candidate may
38 withdraw a petition of nomination by noon:

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

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

41 SECTION 23. IC 3-10-1-31.3 IS ADDED TO THE INDIANA
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
43 [EFFECTIVE JULY 1, 2013]: **Sec. 31.3. (a) This subsection applies**
44 **to a primary election within an election district in which more than**
45 **one (1) political party chooses the party's nominees or in which a**
46 **nonpartisan ballot is available for a voter to vote for an office or on**
47 **a public question. A voter whose political party is not recorded on**
48 **the poll list as required under section 24 of this chapter shall be**
49 **shown on the voter's registration record as having cast an**
50 **unknown ballot in that primary.**

51 (b) **This subsection applies to a primary election within an**

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

7 SECTION 24. IC 3-10-2-16 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2013]: **Sec. 16. Notwithstanding any other statute or a school
 10 corporation's organization plan, an elected member of the
 11 governing body shall be elected at the general election held
 12 immediately before the term of office for that position on the
 13 governing body expires.**

14 SECTION 25. IC 3-10-6-9 IS REPEALED [EFFECTIVE JULY 1,
 15 2013]. ~~Sec. 9: In accordance with IC 3-11-1.5 and to the extent
 16 applicable and feasible, the circuit court clerk, the county fiscal body,
 17 the county executive, and the county election board of each county in
 18 which there are voters who may vote in a municipal election, but who
 19 live in a county adjacent to the county in which the greatest percentage
 20 of the population of the municipality resides, shall:~~

21 ~~(1) upon written request of their counterpart election officers in
 22 the county with the greatest percentage of the population of the
 23 municipality, establish precincts for municipal election purposes;
 24 and~~

25 ~~(2) supply the precincts established with poll lists and perform all
 26 other duties under this title as if the voters were inhabitants of a
 27 municipality with the greatest percentage of its population within
 28 that county.~~

29 SECTION 26. IC 3-10-6-10 IS REPEALED [EFFECTIVE JULY 1,
 30 2013]. ~~Sec. 10: The commission shall, if necessary, implement section
 31 9 of this chapter by orders and rules. Local governments may use
 32 IC 36-1-7 for contractual agreements concerning the costs of services,
 33 supplies, and equipment required.~~

34 SECTION 27. IC 3-10-7-22, AS AMENDED BY P.L.230-2005,
 35 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: **Sec. 22. (a) A town election board shall appoint a
 37 precinct election board for each precinct in the town.**

38 **(b) If a precinct is wholly or partly in the town, the town election
 39 board may designate the polls for the precinct to be at the polls for an
 40 adjoining precinct, using the precinct election board of the adjoining
 41 precinct.**

42 **(c) If a precinct election board administers more than one (1)
 43 precinct under subsection (b), the board shall keep the ballots cast in
 44 each precinct separate from ballots cast in any other precinct, so that
 45 the votes cast for each candidate and on each public question in each
 46 of the precincts administered by the board may be determined.**

47 **(d) Each precinct election board consists of:**

48 **(1) one (1) inspector; and**

49 **(2) two (2) judges of opposite political parties.**

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

1 SECTION 28. IC 3-10-8-1, AS AMENDED BY P.L.164-2006,
 2 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 1. A special election shall be held in the following
 4 cases:

5 (1) Whenever two (2) or more candidates for a federal, state,
 6 legislative, circuit, or school board office receive the highest and
 7 an equal number of votes for the office, except as provided in
 8 Article 5, Section 5 of the Constitution of the State of Indiana or
 9 in IC 20.

10 (2) Whenever a vacancy occurs in the office of United States
 11 Senator, as provided in IC 3-13-3-1.

12 (3) Whenever a vacancy occurs in the office of United States
 13 Representative unless the vacancy occurs less than ~~thirty (30)~~
 14 **seventy-four (74)** days before a general election.

15 (4) Whenever a vacancy occurs in any local office the filling of
 16 which is not otherwise provided by law.

17 (5) Whenever required by law for a public question.

18 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
 19 recount commission under IC 3-12-11-18.

20 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
 21 legislative office unless the vacancy occurs less than ~~thirty (30)~~
 22 **seventy-four (74)** days before a general election.

23 SECTION 29. IC 3-10-8-7.5 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2013]: **Sec. 7.5. (a) This section applies to a special election to fill
 26 one (1) or more vacancies in the office of United States
 27 Representative under 2 U.S.C. 8(b).**

28 **(b) A special election conducted under this section shall be
 29 governed by other provisions of this title as far as applicable.**

30 **(c) A political party entitled to fill a candidate vacancy under
 31 IC 3-13-2 shall nominate a candidate for election to the office
 32 under IC 3-13-2-3.**

33 **(d) A candidate who does not intend to affiliate with a political
 34 party described by subsection (c) shall:**

35 **(1) be nominated as an independent or a candidate of a
 36 political party by petition in accordance with IC 3-8-6; or**

37 **(2) file a declaration of intent to be a write-in candidate under
 38 IC 3-8-2-4(b).**

39 **(e) A certificate of candidate selection under IC 3-13-2-8, a
 40 petition of nomination, or a declaration of intent to be a write-in
 41 candidate must be filed with the election division not later than
 42 noon thirty-five (35) days before the special election is to be
 43 conducted.**

44 **(f) A candidate shall file a notice of withdrawal with the election
 45 division not later than noon thirty-three (33) days before the
 46 special election is to be conducted.**

47 **(g) As required under 2 U.S.C. 8(b)(5)(B), and notwithstanding
 48 IC 3-11-10-14, a county election board shall accept an absentee
 49 ballot cast by an absent uniformed services voter or an overseas
 50 voter for up to forty-five (45) days after the absentee ballot is
 51 transmitted to the voter.**

1 **(h) Notwithstanding IC 3-12-5-8(a), if a ballot accepted under**
 2 **subsection (g) is determined by the county election board to be**
 3 **otherwise valid, the circuit court clerk shall file an amendment to**
 4 **the certified statement previously filed under IC 3-12-5-6 with the**
 5 **election division not later than noon seven (7) days following the**
 6 **determination of the validity of the ballot. Notwithstanding**
 7 **IC 3-12-5-9, the election division, the secretary of state, and the**
 8 **governor shall prepare, execute, and transmit a replacement**
 9 **certificate of election if the amendment filed under this subsection**
 10 **results in a different candidate receiving the highest number of**
 11 **votes for the office.**

12 SECTION 30. IC 3-11-2-10, AS AMENDED BY P.L.190-2011,
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2013]: Sec. 10. (a) Public questions shall be placed on the
 15 general election ballot in the following order after the statement
 16 described in section 7 of this chapter, and the instructions described in
 17 subsections (d) and (e) and section 8 of this chapter:

- 18 (1) Ratification of a state constitutional amendment.
 19 (2) Local public questions.

20 Each public question shall be placed in a separate column on the ballot.

21 (b) The name or title of the political party or independent ticket
 22 described in section 6 of this chapter shall be placed on the general
 23 election ballot after the public questions described in subsection (a).
 24 The device of the political party or independent ticket shall be placed
 25 immediately under the name of the political party or independent ticket.
 26 The instructions for voting a straight party ticket shall be placed to the
 27 right of the device.

28 (c) The instructions for voting a straight party ticket must conform
 29 as nearly as possible to the following: "To vote a straight (insert
 30 political party name) ticket for all (**insert** political party name)
 31 candidates on this ballot, make a voting mark on or in this circle and do
 32 not make any other marks on this ballot. If you wish to vote for a
 33 candidate seeking a nonpartisan office or on a public question, you
 34 must make another voting mark on the appropriate place on this
 35 ballot."

36 (d) If the ballot contains an independent ticket described in section
 37 6 of this chapter and at least one (1) other independent candidate, the
 38 ballot must also contain a statement that reads substantially as follows:
 39 "A vote cast for an independent ticket will only be counted for the
 40 candidates for President and Vice President or governor and lieutenant
 41 governor comprising that independent ticket. This vote will NOT be
 42 counted for any OTHER independent candidate appearing on the
 43 ballot."

44 (e) The ballot must also contain a statement that reads substantially
 45 as follows: "A write-in vote will NOT be counted unless the vote is for
 46 a DECLARED write-in candidate. To vote for a write-in candidate, you
 47 must make a voting mark on or in the square to the left of the name you
 48 have written in or your vote will not be counted."

49 (f) The list of candidates of the political party shall be placed
 50 immediately under the instructions for voting a straight party ticket.
 51 The names of the candidates shall be placed three-fourths (3/4) of an

1 inch apart from center to center of the name. The name of each
 2 candidate must have, immediately on its left, a square three-eighths
 3 (3/8) of an inch on each side.

4 ~~(g) The election division or~~ The circuit court clerk may authorize the
 5 printing of ballots containing a ballot variation code to ensure that the
 6 proper version of a ballot is used within a precinct.

7 SECTION 31. IC 3-11-3-4 IS REPEALED [EFFECTIVE JULY 1,
 8 2013]. ~~Sec. 4. The election division shall provide a seat for the ballots.
 9 The seal may be of a design considered proper by the election division,
 10 but the same design may not be used for two (2) consecutive elections.~~

11 SECTION 32. IC 3-11-3-29.5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29.5. **(a) This section
 13 applies to a primary, general, or special election in which the name
 14 of a candidate appears on the ballot. This section does not apply to
 15 an election for presidential electors in which the name of a
 16 candidate for President of the United States or Vice President of
 17 the United States appears on the ballot.**

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

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

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

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

29 (B) ~~by unanimous vote of votes unanimously~~ by the entire
 30 membership that there is good cause to believe that the
 31 candidate has died.

32 ~~(b) (c)~~ The election division ~~or~~ election board shall provide the
 33 number of ~~opaque pasters the election division or election board~~
 34 ~~determines to be necessary for all ballots necessary~~ to reflect a vacancy
 35 to the following:

36 (1) The absentee voter board.

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

39 (3) The circuit court clerk.

40 ~~(c) If (d)~~ The election division ~~or~~ election board ~~determines that the~~
 41 ~~use of pasters under this section would be impractical or uneconomical;~~
 42 ~~the election division or board~~ may order the printing of new ballots that
 43 omit the name of a candidate described in subsection ~~(a): (b)~~. **Except
 44 for ballots used in a primary election,** a ballot printed under this
 45 subsection must contain the statement "NO CANDIDATE" or
 46 "CANDIDATE DECEASED" or words to that effect at the appropriate
 47 position on the ballot.

48 ~~(d) (e)~~ If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled
 49 after noon five (5) days before the election, the ~~election division or~~
 50 election board is not required to reprint ballots ~~or have pasters with the~~

1 ~~name of the successor candidate placed over to remove~~ the name of an
 2 individual who is no longer a candidate but may do so upon the vote of
 3 the ~~commission or~~ election board.

4 SECTION 33. IC 3-11-4-3, AS AMENDED BY P.L.225-2011,
 5 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]: Sec. 3. (a) Except as provided in section 6 of this
 7 chapter, an application for an absentee ballot must be received by the
 8 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of
 9 the board of elections and registration) not earlier than the date the
 10 registration period resumes under IC 3-7-13-10 nor later than the
 11 following:

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

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

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

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

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

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

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

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

29 (A) is a mailed application; ~~or~~

30 (B) was transmitted by fax; ~~or~~

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

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

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

43 SECTION 34. IC 3-11-4-4, AS AMENDED BY P.L.66-2010,
 44 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2013]: Sec. 4. (a) Applications may be made on application
 46 forms approved by the commission by any of the following means:

47 (1) In person.

48 (2) By fax transmission.

49 (3) By mail (including United States mail or bonded courier).

50 (4) By electronic mail with a ~~scanned~~ **digital** image of the

- 1 application and signature of the applicant, if transmitted by an
 2 absent uniformed services voter or an overseas voter acting under
 3 section 6 of this chapter.
- 4 (b) Application forms shall:
- 5 (1) be furnished to a central committee of the county at the
 6 request of the central committee;
- 7 (2) be:
- 8 (A) mailed;
- 9 (B) transmitted by fax; or
- 10 (C) transmitted by electronic mail with a ~~scanned~~ **digital**
 11 image of the application;
- 12 upon request, to a voter applying by mail, by telephone, by
 13 electronic mail, or by fax; and
- 14 (3) be delivered to a voter in person who applies at the circuit
 15 court clerk's office.
- 16 (c) A county election board shall accept an application for an
 17 absentee ballot transmitted by fax even though the application is
 18 delivered to the county election board by a person other than the person
 19 submitting the application.
- 20 (d) When an application is received under subsection (a)(4), the
 21 circuit court clerk's office (or, in a county subject to IC 3-6-5.2 or
 22 IC 3-6-5.4, the office of the board of elections and registration) shall
 23 send an electronic mail receipt acknowledging receipt of the voter's
 24 application.
- 25 SECTION 35. IC 3-11-4-5.1, AS AMENDED BY P.L.121-2012,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2013]: Sec. 5.1. (a) The commission shall prescribe the form
 28 of an application for an absentee ballot.
- 29 (b) This subsection does not apply to the form for an absentee ballot
 30 application to be submitted by an absent uniformed services voter or
 31 overseas voter that contains a standardized oath for those voters. The
 32 form of the application for an absentee ballot must do all of the
 33 following:
- 34 (1) Require the applicant to swear to or affirm under the penalties
 35 of perjury that all of the information set forth on the application
 36 is true to the best of the applicant's knowledge and belief.
- 37 (2) Require a person who assisted with the completion of the
 38 application to swear to or affirm under the penalties of perjury the
 39 statements set forth in section 2(f) of this chapter.
- 40 (3) Set forth the penalties for perjury.
- 41 (c) The form prescribed by the commission shall require that a voter
 42 who:
- 43 (1) requests an absentee ballot; and
- 44 (2) is eligible to vote in the precinct under IC 3-10-11 or
 45 IC 3-10-12;
- 46 must include the affidavit required by IC 3-10-11 or a written
 47 affirmation described in IC 3-10-12.
- 48 (d) Not later than June 30, 2012, the commission shall approve
 49 absentee ballot application forms that comply with this subsection. The
 50 form prescribed by the commission must request that a voter who

- 1 requests an absentee ballot:
- 2 (1) provide the last four (4) digits of the voter's Social Security
- 3 number; or
- 4 (2) state that the voter does not have a Social Security number.
- 5 The form must indicate that the voter's compliance with this request is
- 6 optional.
- 7 (e) An application form submitted by a voter after June 30, 2012,
- 8 must:
- 9 (1) comply with subsection (d); or
- 10 (2) be an earlier approved version of an application form
- 11 authorized for use on June 30, 2012.
- 12 **(f) The form prescribed by the commission must include a**
- 13 **statement that permits an applicant to indicate whether:**
- 14 **(1) the applicant has been certified and is currently a**
- 15 **participant in the address confidentiality program under**
- 16 **IC 5-26.5-2; and**
- 17 **(2) the applicant's legal residence is at the address set forth in**
- 18 **the applicant's voter registration.**
- 19 **If the applicant confirms these statements, the applicant may**
- 20 **indicate the address of the office of the attorney general as the**
- 21 **address at which the applicant resides and to which the absentee**
- 22 **ballot is to be mailed.**
- 23 SECTION 36. IC 3-11-4-6, AS AMENDED BY P.L.225-2011,
- 24 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2013]: Sec. 6. (a) This section applies, notwithstanding any
- 26 other provision of this title, to absentee ballot applications for the
- 27 following:
- 28 (1) An absent uniformed services voter.
- 29 (2) An address confidentiality program participant (as defined in
- 30 IC 5-26.5-1-6).
- 31 (3) An overseas voter.
- 32 (b) A county election board shall make blank absentee ballot
- 33 applications available for persons covered by this section. A person
- 34 may apply for an absentee ballot at any time after the registration
- 35 period resumes under IC 3-7-13-10.
- 36 (c) A person covered by this section may apply for an absentee
- 37 ballot for the next scheduled primary, general, or special election at any
- 38 time by filing either of the following:
- 39 (1) A combined absentee registration form and absentee ballot
- 40 request approved under 42 U.S.C. 1973ff(b)(2).
- 41 (2) A form prescribed under IC 3-5-4-8 that identifies the
- 42 applicant as an absent uniformed services voter or an overseas
- 43 voter. A form prescribed under this subdivision must permit the
- 44 applicant to designate whether the applicant wishes to receive the
- 45 absentee ballot by electronic mail, fax, or United States mail.
- 46 (d) If the county election board receives an absentee ballot
- 47 application from a person described by subsection (c), the circuit court
- 48 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
- 49 3406, all ballots for the election immediately upon receipt of the ballots
- 50 under section 15 of this chapter, unless the person has indicated under
- 51 subsection (c) that the person wishes to receive the absentee ballot by

1 electronic mail or fax.

2 (e) Whenever a voter files an application for an absentee ballot and
3 indicates on the application that the voter is an absent uniformed
4 services voter or an overseas voter, the application is an adequate
5 application for an absentee ballot for an election conducted during the
6 period that ends on December 31 following the date the application is
7 filed, unless an absentee ballot mailed to the voter at the address set
8 forth in the application is returned to the county election board during
9 that period as undeliverable. The circuit court clerk and county election
10 board shall process this application and send general election absentee
11 ballots to the voter in the same manner as other general election and
12 special election absentee ballot applications and ballots are processed
13 and sent under this chapter. **If a voter entitled to receive an absentee
14 ballot under this subsection subsequently files a voter registration
15 application for a change of address within the same county or for
16 a change of name or other information set forth in the voter's
17 registration record, the previously approved absentee ballot
18 application remains effective for the same period, unless the
19 acknowledgment notice sent to the voter at that address is returned
20 by the United States Postal Service due to an unknown or
21 insufficient address in accordance with IC 3-7-33-5. If a voter
22 entitled to receive an absentee ballot under this subsection
23 subsequently files a voter registration application for an address
24 that is not located in the same county, the voter must file a new
25 absentee ballot application under this section with the appropriate
26 county election board.**

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

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

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

48 (h) The county election board shall by fax or electronic mail
49 transmit an absentee ballot to and receive an absentee ballot from an
50 absent uniformed services voter or an overseas voter by electronic mail
51 or fax at the request of the voter indicated in the application filed under

1 this section. If the voter wants to submit absentee ballots by fax or
 2 electronic mail, the voter must separately sign and date a statement
 3 submitted with the electronic mail or the fax transmission that states
 4 substantively the following: "I understand that by faxing or e-mailing
 5 my voted ballot I am voluntarily waiving my right to a secret ballot."

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

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

12 (2) If the voter provides an electronic mail address to which a
 13 confirmation may be sent, the county election board shall send the
 14 confirmation to the voter at the electronic mail address provided
 15 by the voter.

16 (3) If:

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

19 (B) the number or address provided does not permit the board
 20 to send the confirmation not later than the end of the first
 21 business day after the board receives the voter's absentee
 22 ballot;

23 the county election board shall send the confirmation by United
 24 States mail.

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

28 (j) **Upon approval of the voter's absentee ballot application**, a
 29 county election board ~~may~~ **shall** transmit an absentee ballot to an
 30 absent uniformed services voter or an overseas voter by electronic mail
 31 under a program authorized and administered by the Federal Voting
 32 Assistance Program of the United States Department of Defense or
 33 directly to the voter at the voter's electronic mail address, if requested
 34 to do so by the voter. A voter described by this section may transmit the
 35 voted absentee ballot to a county election board by electronic mail. If
 36 a voter described in this section transmits the voted absentee ballot
 37 through the United States Department of Defense program, the ballot
 38 must be transmitted in accordance with the procedures established
 39 under that program. An electronic mail message transmitting a voted
 40 absentee ballot under this subsection must include ~~an optically scanned~~
 41 **a digital** image of the voter's signature on the statement required under
 42 subsection (h).

43 SECTION 37. IC 3-11-4-12.5, AS ADDED BY P.L.66-2010,
 44 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2013]: Sec. 12.5. (a) This section applies to an absent
 46 uniformed services voter or overseas voter.

47 (b) If a voter makes a timely application for and does not receive an
 48 absentee ballot from a county election board, the voter may use a
 49 federal write-in absentee ballot in the form prescribed by the Federal
 50 Voting Assistance Program of the United States Department of Defense

1 and in accordance with the requirements set forth in 42 U.S.C. 1973ff-2
2 to cast a vote **by mail, electronic mail, or fax** for any of the following:

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

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

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

11 SECTION 38. IC 3-11-7-4, AS AMENDED BY P.L.221-2005,
12 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2013]: Sec. 4. **(a)** A ballot card voting system must permit a
14 voter to vote: **either:**

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

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

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

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

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

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

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

32 SECTION 39. IC 3-11-7.5-10 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. **(a)** An electronic
34 voting system must permit a voter to vote:

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

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

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

44 **(4) a straight party ticket and then split that ticket by casting
45 individual votes for candidates of another political party or
46 independent candidates.**

47 **(b) An electronic voting system must permit a voter to vote:**

48 ~~(2)~~ **(1)** for as many candidates for an office as the voter may vote
49 for, but no more;

50 ~~(3)~~ **(2)** for or against a public question on which the voter may
51 vote, but no other; and

1 ~~(4)~~ **(3)** for all the candidates for presidential electors of a political
 2 party or an independent ticket ~~at one (1) time.~~ **by making a single**
 3 **voting mark.**

4 SECTION 40. IC 3-11-8-10.3, AS AMENDED BY SEA 519-2013,
 5 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]: Sec. 10.3. (a) As used in this section, "electronic poll
 7 list" refers to a poll list that is maintained in a computer data base.

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

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

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

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

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

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

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

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

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

26 (4) The information contained on an electronic poll list must be
 27 encrypted and placed on a dedicated, private server to secure
 28 connectivity between a precinct polling place or satellite absentee
 29 office and the county election board. The electronic poll book
 30 must have the capability of:

31 (A) storing **(in external or internal memory)** a local version
 32 of the data base; ~~that serves as a backup;~~ and

33 (B) producing a list of audit records that reflect all of the
 34 idiosyncrasies of the system, including in-process audit
 35 records that set forth all transactions.

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

40 (A) already cast a ballot at the election;

41 (B) returned an absentee ballot; or

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

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

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

- 1 poll list is being used.
- 2 (8) The electronic poll list must permit reports to be:
- 3 (A) generated by a county election board for a watcher
- 4 appointed under IC 3-6-8 at any time during election day; and
- 5 (B) electronically transmitted by the county election board to
- 6 a political party or independent candidate who has appointed
- 7 a watcher under IC 3-6-8.
- 8 **(9) After On each day after absentee ballots are cast before an**
- 9 **absentee voter board in the circuit court clerk's office, a**
- 10 **satellite office, or a vote center, and after** election day, the
- 11 electronic poll list must permit voter history to be quickly and
- 12 accurately uploaded into the computerized list.
- 13 (10) The electronic poll list must be able to display an electronic
- 14 image of the signature of a voter taken from the voter's
- 15 registration application, if available.
- 16 (11) The electronic poll list must be used with a signature pad,
- 17 tablet, or other signature capturing device that permits the voter
- 18 to make an electronic signature for comparison with the signature
- 19 displayed under subdivision (10). An image of the electronic
- 20 signature made by the voter on the signature pad, tablet, or other
- 21 signature capturing device must be retained and identified as the
- 22 signature of the voter for the period required for retention under
- 23 IC 3-10-1-31.1.
- 24 (12) The electronic poll list must include a bar code reader or
- 25 tablet that:
- 26 (A) permits a voter who presents an Indiana driver's license or
- 27 a state identification card issued under IC 9-24-16 to scan the
- 28 license or card through the bar code reader or tablet; and
- 29 (B) has the capability to display the voter's registration record
- 30 upon processing the information contained within the bar code
- 31 on the license or card.
- 32 (13) The electronic poll list must be compatible with:
- 33 (A) any hardware attached to the poll book, such as signature
- 34 pads, bar code scanners, and network cards;
- 35 (B) the statewide voter registration system; and
- 36 (C) any software system used to prepare voter information to
- 37 be included on the electronic poll list.
- 38 (14) The electronic poll list must have the ability to be used in
- 39 conformity with this title for:
- 40 (A) any type of election conducted in Indiana; or
- 41 (B) any combination of elections held concurrently with a
- 42 general election, municipal election, primary election, or
- 43 special election.
- 44 (15) The procedures for setting up, using, and shutting down an
- 45 electronic poll list must:
- 46 (A) be reasonably easy for a precinct election officer to learn,
- 47 understand, and perform; and
- 48 (B) not require a significant amount of training in addition to
- 49 the training required by IC 3-6-6-40.
- 50 (16) The electronic poll list must enable a precinct election officer

- 1 to verify that the electronic poll list:
- 2 (A) has been set up correctly;
- 3 (B) is working correctly so as to verify the eligibility of the
- 4 voter;
- 5 (C) is correctly recording that a voter has voted; and
- 6 (D) has been shut down correctly.
- 7 (17) The electronic poll list must include the following
- 8 documentation:
- 9 (A) Plainly worded, complete, and detailed instructions
- 10 sufficient for a precinct election officer to set up, use, and shut
- 11 down the electronic poll list.
- 12 (B) Training materials that:
- 13 (i) may be in written or video form; and
- 14 (ii) must be in a format suitable for use at a polling place,
- 15 such as simple "how to" guides.
- 16 (C) Failsafe data recovery procedures for information included
- 17 in the electronic poll list.
- 18 (D) Usability tests:
- 19 (i) that are conducted by the manufacturer of the electronic
- 20 poll list using individuals who are representative of the
- 21 general public;
- 22 (ii) that include the setting up, using, and shutting down of
- 23 the electronic poll list; and
- 24 (iii) that report their results using the ANSI/INCITS -354
- 25 Common Industry Format (CIF) for Usability Test Reports
- 26 approved by the American National Standards Institute
- 27 (ANSI) on December 12, 2001.
- 28 (E) A clear model of the electronic poll list system architecture
- 29 and the following documentation:
- 30 (i) End user documentation.
- 31 (ii) System-level documentation.
- 32 (iii) Developer documentation.
- 33 (F) Detailed information concerning:
- 34 (i) electronic poll list consumables; and
- 35 (ii) the vendor's supply chain for those consumables.
- 36 (G) Vendor internal quality assurance procedures and any
- 37 internal or external test data and reports available to the
- 38 vendor concerning the electronic poll list.
- 39 (H) Repair and maintenance policies for the electronic poll
- 40 list.
- 41 (I) As of the date of the vendor's application for approval of
- 42 the electronic poll list by the secretary of state as required by
- 43 IC 3-11-18.1-12(2), the following:
- 44 (i) A list of customers who are using or have previously used
- 45 the vendor's electronic poll list.
- 46 (ii) A description of any known anomalies involving the
- 47 functioning of the electronic poll list, including how those
- 48 anomalies were resolved.
- 49 (18) The electronic poll list and any hardware attached to the poll
- 50 book must be designed to prevent injury or damage to any

1 individual or the hardware, including fire and electrical hazards.
 2 (19) The electronic poll list must demonstrate that it correctly
 3 processes all activity regarding each voter registration record
 4 included on the list, including the use, alteration, storage, and
 5 transmittal of information that is part of the record. Compliance
 6 with this subdivision requires the mapping of the data life cycle
 7 of the voter registration record as processed by the electronic poll
 8 list.

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

14 (21) The electronic poll list must have the capacity to transmit all
 15 information generated by the voter or poll clerk as part of the
 16 process of casting a ballot, including the time and date stamp
 17 indicating when the voter voted, and the electronic signature of
 18 the voter, for retention on the dedicated private server maintained
 19 by the county election board for the period required by Indiana
 20 and federal law.

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

26 ~~(23)~~ (22) The electronic poll list must:

- 27 (A) permit a voter to sign the poll list even when there is a
- 28 temporary interruption in connectivity to the Internet; and
- 29 (B) provide for the uploading of each signature and its
- 30 assignment to the voter's registration record.

31 SECTION 41. IC 3-11-8-23, AS AMENDED BY P.L.164-2006,
 32 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2013]: Sec. 23. (a) If a challenged voter has already made an
 34 affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9,
 35 IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to
 36 execute an additional affidavit under this section.

37 (b) The affidavit of a challenged voter required by section 22.1 of
 38 this chapter must be sworn and affirmed and must contain the
 39 following:

- 40 (1) A statement that the voter is a citizen of the United States.
- 41 (2) The voter's date of birth to the best of the voter's information
- 42 and belief.
- 43 (3) A statement that the voter has been a resident of the precinct
- 44 for thirty (30) days immediately before this election or is qualified
- 45 to vote in the precinct under IC 3-10-10, IC 3-10-11, or
- 46 IC 3-10-12.
- 47 (4) The voter's name and a statement that the voter is generally
- 48 known by that name.
- 49 (5) A statement that the voter has not voted and will not vote in
- 50 any other precinct in this election.

- 1 (6) The voter's occupation.
- 2 (7) The voter's current residential address, including the street or
- 3 number, and if applicable, the voter's residential address thirty
- 4 (30) days before the election, and the date the voter moved.
- 5 (8) A statement that the voter understands that making a false
- 6 statement on the affidavit is punishable under the penalties of
- 7 perjury.
- 8 (9) If the individual's name does not appear on the registration
- 9 list, a statement that the individual registered to vote and where
- 10 the individual believes the individual registered to vote during the
- 11 registration period described by
- 12 ~~(A) IC 3-7-13-10.~~ ~~or~~
- 13 ~~(B) IC 3-7-36-11, if the voter registered under that section.~~
- 14 SECTION 42. HEA 1311-2013, SECTION 18, IS REPEALED
- 15 [EFFECTIVE JULY 1, 2013].
- 16 SECTION 43. SEA 518-2013, SECTION 58, IS REPEALED
- 17 [EFFECTIVE JULY 1, 2013].
- 18 SECTION 44. SEA 519-2013, SECTION 77, IS REPEALED
- 19 [EFFECTIVE JULY 1, 2013].
- 20 SECTION 45. IC 3-11-8-25.1, AS AMENDED BY P.L.53-2009,
- 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2013]: Sec. 25.1. (a) Except as provided in subsection (e), a
- 23 voter who desires to vote an official ballot at an election shall provide
- 24 proof of identification.
- 25 (b) Except as provided in subsection (e), before the voter proceeds
- 26 to vote in the election, a precinct election officer shall ask the voter to
- 27 provide proof of identification. **One (1) of each of the precinct**
- 28 **election officers nominated by each county chairman of a major**
- 29 **political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is**
- 30 **entitled to ask the voter to provide proof of identification.** The voter
- 31 shall produce the proof of identification **to each precinct officer**
- 32 **requesting the proof of identification** before being permitted to sign
- 33 the poll list.
- 34 (c) If:
- 35 (1) the voter is unable or declines to present the proof of
- 36 identification; or
- 37 (2) a member of the precinct election board determines that the
- 38 proof of identification provided by the voter does not qualify as
- 39 proof of identification under IC 3-5-2-40.5;
- 40 a member of the precinct election board shall challenge the voter as
- 41 prescribed by this chapter.
- 42 (d) If the voter executes a challenged voter's affidavit under section
- 43 22.1 of this chapter, the voter may:
- 44 (1) sign the poll list; and
- 45 (2) receive a provisional ballot.
- 46 (e) A voter who votes in person at a precinct polling place that is
- 47 located at a state licensed care facility where the voter resides is not
- 48 required to provide proof of identification before voting in an election.
- 49 (f) After a voter has passed the challengers or has been sworn in, the
- 50 voter shall be instructed by a member of the precinct election board to

1 proceed to the location where the poll clerks are stationed. The voter
 2 shall announce the voter's name to the poll clerks or assistant poll
 3 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
 4 election board shall require the voter to write the following on the poll
 5 **list or to provide the following information for entry into the**
 6 **electronic poll list:**

7 (1) The voter's name.

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

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

12 (1) ask the voter to provide or update the voter's voter
 13 identification number;

14 (2) tell the voter the number the voter may use as a voter
 15 identification number; and

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

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

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

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

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

32 (2) the voter executes a challenged voter's affidavit under section
 33 22.1 of this chapter or executed the affidavit before signing the
 34 poll list;

35 the voter may then vote.

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

47 (l) **If the voter indicates that the voter's current residence is**
 48 **located within another county in Indiana, the voter is considered**
 49 **to have directed the county voter registration office of the county**
 50 **where the precinct is located to cancel the voter registration record**

1 within the county. The precinct election board shall provide the
 2 voter with a voter registration application for the voter to complete
 3 and file with the county voter registration office of the county
 4 where the voter's current residence address is located.

5 (m) If the voter indicates that the voter's current residence is
 6 located outside Indiana, the voter is considered to have directed the
 7 county voter registration office of the county where the precinct is
 8 located to cancel the voter registration record within the county.

9 SECTION 46. IC 3-11-8-25.3 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2013]: **Sec. 25.3. If the voter makes:**

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

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

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

20 SECTION 47. IC 3-11-10-8 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) If a county
 22 election board (or the absentee voter board in the office of the circuit
 23 court clerk) unanimously finds that the signature on a ballot envelope
 24 or transmitted affidavit is genuine, the board shall enclose immediately
 25 the accepted and unopened ballot envelope together with the voter's
 26 application for the absentee ballot in a ~~large~~ or carrier envelope. **The**
 27 **board may enclose in the same carrier envelope all absentee ballot**
 28 **envelopes and voter applications to be transmitted to the same**
 29 **precinct.**

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

34 SECTION 48. IC 3-11-10-14, AS AMENDED BY P.L.198-2005,
 35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 14. Subject to **IC 3-10-8-7.5 and** section 11 of
 37 this chapter, absentee ballots received by mail (or by fax or electronic
 38 mail under IC 3-11-4-6) after the county election board has started the
 39 final delivery of the ballots to the precincts on election day are
 40 considered as arriving too late and need not be delivered to the polls.

41 SECTION 49. IC 3-11-10-26.5, AS AMENDED BY SEA 518-2013,
 42 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 43 JULY 1, 2013]: Sec. 26.5. (a) This section applies to:

44 (1) a municipal election;

45 (2) a primary conducted in a municipal election year; and

46 (3) a special election conducted under IC 3-10-8.

47 (b) Notwithstanding section 26 of this chapter, a county election
 48 board (or a town election board acting under IC 3-10-7) may adopt a
 49 resolution by the unanimous vote of the board's entire membership
 50 stating that voters are entitled to vote by absentee ballot before an
 51 absentee voter board in the office of the circuit court clerk or town

1 election board during specific days and hours identified in the
2 resolution.

3 (c) If the election board adopts a resolution under subsection (b), the
4 board must include written findings of fact in the resolution stating:

5 (1) the number of absentee ballot applications anticipated or
6 previously received for the election;

7 (2) the expense to be incurred by providing absentee ballot voting
8 in the office during the entire period required under section 26 of
9 this chapter; and

10 (3) that voters would experience little or no inconvenience by
11 restricting absentee ballot voting in the office to the days and
12 hours specified in the resolution.

13 (d) This subsection does not apply to an absentee ballot challenged
14 under IC 3-11-4-18.5 until the challenge has been decided by the
15 election board. If the election board adopts a resolution under
16 subsection (b), an absentee ballot requested to be mailed to a voter
17 shall be mailed:

18 (1) on the first business day that a voter is entitled to vote by
19 absentee ballot before an absentee voter board in the office of the
20 election board following receipt of the voter's application;

21 (2) not more than five (5) days after the date of delivery of the
22 ballots under IC 3-11-4-15; or

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

24 whichever is the latest.

25 (e) This subsection does not apply to an absentee ballot application
26 challenged under IC 3-11-4-18.5 until the challenge has been decided
27 by the election board. If the absentee ballot is requested by an absent
28 uniformed services voter or an overseas voter, the absentee ballot shall
29 be ~~mailed~~: **transmitted**:

30 (1) not more than five (5) days after the date of delivery of the
31 ballots under IC 3-11-4-15; or

32 (2) on the day of the receipt of the voter's application;

33 whichever is later.

34 SECTION 50. IC 3-11-10-29.5 IS ADDED TO THE INDIANA
35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2013]: **Sec. 29.5. Each day after absentee**
37 **voting concludes in the circuit court clerk's office, a satellite office,**
38 **or a vote center, the county election board shall direct that the vote**
39 **history be uploaded from each electronic poll list into the**
40 **computerized list.**

41 SECTION 51. IC 3-11-15-13.3, AS AMENDED BY P.L.120-2009,
42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
43 JULY 1, 2013]: Sec. 13.3. (a) To be approved by the commission for
44 use in Indiana, a voting system must meet:

45 (1) the Voting System Standards adopted by the Federal Election
46 Commission on April 30, 2002; or

47 (2) the Voluntary Voting System Guidelines adopted by the
48 United States Election Assistance Commission on December 13,
49 2005.

50 (b) A county may continue to use an optical scan ballot card voting

1 system or an electronic voting system whose approval or certification
2 expired on or before October 1, ~~2009~~; **2013**, if the voting system:

3 (1) was:

4 (A) approved by the commission for use in elections in Indiana
5 before October 1, ~~2009~~; **2013**; and

6 (B) purchased by the county before October 1, ~~2009~~; **2013**;
7 and

8 (2) otherwise complies with the applicable provisions of HAVA
9 and this article.

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

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

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

22 (e) If a voter who is otherwise qualified to cast a ballot in a precinct
23 chooses to cast the voter's ballot on the voting system provided under
24 subsection (d), the voter must be allowed to cast the voter's ballot on
25 that voting system, whether or not the voter is an individual with
26 disabilities.

27 SECTION 52. IC 3-11-15-26 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26. The ballot counting
29 software must be designed in a modular fashion and not be
30 self-modifying. Modular programs must consist of code written in
31 relatively small and easily identifiable sections, with each unit having
32 a single entry point and a single exit point. Each module must have a
33 specific function that can be tested and verified more or less
34 independently of the remainder of the code. ~~Appendix E of the~~
35 ~~Performance and Test Standards for Punchcard, Marksense, and Direct~~
36 ~~Recording contains numerical guidelines for program modules.~~

37 SECTION 53. IC 3-11-15-32 IS REPEALED [EFFECTIVE JULY
38 1, 2013]. ~~Sec. 32: In considering the compliance of a voting system~~
39 ~~with this chapter, the commission may determine whether the system~~
40 ~~conforms with other preferred coding practices and software~~
41 ~~characteristics set forth in the Voting System Standards adopted by the~~
42 ~~Federal Election Commission on April 30, 2002.~~

43 SECTION 54. IC 3-11-15-49 IS AMENDED TO READ AS
44 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 49. **(a) Except as**
45 **provided in subsection (b)**, before a vendor markets, sells, leases,
46 installs, or permits the implementation of a voting system in Indiana,
47 the commission must have approved the vendor's application for the
48 approval of the voting system.

49 **(b) A vendor may display or demonstrate a voting system that**
50 **has not been approved by the commission for use in Indiana, if the**

1 vendor complies with all the following requirements:

2 (1) The display or demonstration occurs at a conference of
3 election officials sponsored by:

4 (A) a state agency; or

5 (B) an association of circuit court clerks or voter
6 registration officers.

7 (2) The vendor files a notice with the election division at least
8 seven (7) days before the scheduled starting date of a
9 conference referred to in subdivision (1) setting forth the
10 following:

11 (A) The name of the vendor and each vendor
12 representative scheduled to display or demonstrate the
13 voting system.

14 (B) The address and telephone number of the vendor.

15 (C) The model name and number of the voting system,
16 including the hardware, firmware, and software version
17 number for the voting system.

18 (D) The name and manufacturer of the voting system.

19 (E) The date and location of the display or demonstration
20 of the voting system.

21 (3) The vendor displays the voting system with a notice that:

22 (A) is in at least 16 point type size;

23 (B) is posted on the face of the voting system; and

24 (C) states that the voting system is "Not Approved for Use
25 in Indiana".

26 (4) The vendor ensures that each communication concerning
27 the voting system that is available or made at a conference
28 referred to in subdivision (1) includes a statement that the
29 voting system is "Not Approved for Use in Indiana". A
30 printed communication must include the statement in a type
31 size that is at least as large as the largest type size used in the
32 communication.

33 SECTION 55. HEA 1311-2013, SECTION 24, IS REPEALED
34 [EFFECTIVE JULY 1, 2013].

35 SECTION 56. SEA 519-2013, SECTION 80, IS REPEALED
36 [EFFECTIVE JULY 1, 2013].

37 SECTION 57. IC 3-11-17-2, AS ADDED BY P.L.221-2005,
38 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 2. In addition to any other penalty imposed,
40 a vendor who knowingly, recklessly, or negligently **markets**, sells,
41 leases, installs, implements, or permits the use of a voting system **or an**
42 **electronic poll book** in an election conducted in Indiana in violation
43 of this title is subject to a civil penalty under this chapter.

44 SECTION 58. IC 3-11-18.1-14.5, AS ADDED BY SEA 519-2013,
45 SECTION 83 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 14.5:~~
46 Each day after absentee voting concludes in the circuit court clerk's
47 office, a satellite office, or a vote center, the county election board shall
48 direct that the vote history be uploaded from each electronic pollbook
49 into the computerized list.

50 SECTION 59. IC 3-11.5-1-4, AS AMENDED BY P.L.225-2011,
51 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2013]: Sec. 4. To the extent that they are in conflict with this
 2 article, the following statutes do not apply to a county that has adopted
 3 a resolution described by section 1 of this chapter **(before its repeal)**
 4 **or section 1.1 of this chapter:**

- 5 (1) IC 3-11-4-22.
 6 (2) IC 3-11-10-1.5.
 7 (3) IC 3-11-10-3.
 8 (4) IC 3-11-10-5.
 9 (5) IC 3-11-10-6.
 10 (6) IC 3-11-10-7.
 11 (7) IC 3-11-10-8.
 12 (8) IC 3-11-10-9.
 13 (9) IC 3-11-10-11.
 14 (10) IC 3-11-10-12.
 15 (11) IC 3-11-10-12.5.
 16 (12) IC 3-11-10-13.
 17 (13) IC 3-11-10-14.
 18 (14) IC 3-11-10-15.
 19 (15) IC 3-11-10-16.
 20 (16) IC 3-11-10-17.
 21 (17) IC 3-11-10-18.
 22 (18) IC 3-11-10-20.
 23 (19) IC 3-11-10-21.
 24 (20) IC 3-11-10-22.
 25 (21) IC 3-11-10-23.
 26 (22) IC 3-11-10-31.
 27 (23) IC 3-11-10-32.
 28 (24) IC 3-11-10-34.
 29 (25) IC 3-11-10-35.
 30 (26) IC 3-11-10-36.
 31 (27) IC 3-11-10-37.
 32 (28) IC 3-12-2.
 33 (29) IC 3-12-3-12.

34 SECTION 60. IC 3-11.5-5-14, AS AMENDED BY P.L.66-2010,
 35 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 14. (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, a 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 and writes in the name of a candidate or political party that
 43 has not:

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

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

50 (d) **As required by 42 U.S.C. 1973ff-2(b), and except as provided**
 51 **in this section, an absentee ballot subject to this section shall be**

1 **submitted and processed in the same manner provided by this title**
 2 **for a regular absentee ballot.**

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

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

6 (1) the ballot was submitted:

7 **(A) by an overseas voter who is not an absent uniformed**
 8 **services voter; and**

9 **(B) from within the United States;**

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

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

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

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

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

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

34 SECTION 61. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006,
 35 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) As provided by 42 U.S.C.
 37 15482, this section applies to the following individuals:

38 (1) An individual:

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

40 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the
 41 voter makes an oral or a written affirmation under IC 3-7-48-5
 42 or IC 3-7-48-7 or after the voter produces a certificate of error
 43 under IC 3-7-48-1.

44 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
 45 IC 3-11-8-27.5 who is challenged as not eligible to vote.

46 (3) An individual who seeks to vote in an election as a result of a
 47 court order (or any other order) extending the time established for
 48 closing the polls under IC 3-11-8-8.

49 (b) As required by 42 U.S.C. 15483, a voter who has registered to
 50 vote but has not:

51 (1) presented identification required under 42 U.S.C. 15483 to the

1 poll clerk before voting in person under IC 3-11-8-25.1; or
 2 (2) filed a copy of the identification required under 42 U.S.C.
 3 15483 to the county voter registration office before the voter's
 4 absentee ballot is cast;
 5 is entitled to vote a provisional ballot under this article.

6 (c) A precinct election officer shall inform an individual described
 7 by subsection (a)(1) or (a)(2) that the individual may cast a provisional
 8 ballot if the individual:

9 (1) is eligible to vote under IC 3-7-13-1;

10 (2) submitted a voter registration application during the
 11 registration period described by IC 3-7-13-10; ~~(or IC 3-7-36-11;~~
 12 ~~if the voter registered under that section);~~ and

13 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

14 (d) A precinct election officer shall inform an individual described
 15 by subsection (a)(3) that the individual may cast a provisional ballot.

16 SECTION 62. IC 3-12-1-5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. **(a) This subsection**
 18 **does not apply to a ballot card voting system or an electronic**
 19 **voting system.** A voting mark made by a voter on or in a voting square
 20 at the left of a candidate's name **or political party's name** shall be
 21 counted as a vote for the candidate **or candidates of the political**
 22 **party.**

23 **(b) This subsection applies to a ballot card voting system. A**
 24 **voting mark made by a voter:**

25 **(1) on or in a circle, oval, or square; or**

26 **(2) to connect a connectable arrow;**

27 **immediately below or beside a candidate's name or political party's**
 28 **name shall be counted as a vote for the candidate or candidates of**
 29 **the political party.**

30 **(c) This subsection applies to a direct record electronic voting**
 31 **system. A voting mark made by a voter touching a touch sensitive**
 32 **point or button below or beside a candidate's name or political**
 33 **party's name shall be counted as a vote for the candidate or**
 34 **candidates of the political party.**

35 SECTION 63. IC 3-12-1-9 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) A voting mark
 37 that touches a circle, **an oval**, or a square shall be counted as if it were
 38 on or in the circle, **oval**, or square. **A voting mark that partially**
 39 **connects a connectable arrow shall be counted as if the voting**
 40 **mark completed the connection of the arrow.**

41 (b) A voting mark that:

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

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

44 may not be counted.

45 **(c) For purposes of the certification of voting systems under**
 46 **IC 3-11, a ballot card voting system complies with this section if the**
 47 **system can detect a voting mark within the circle, oval, or square,**
 48 **even if manual inspection of the ballot is required to detect a voting**
 49 **mark that touches only the outside edge of the circle, oval, or**
 50 **square.**

51 SECTION 64. IC 3-12-1-16 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) This section
2 applies when:

3 (1) a ballot

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

6 ~~(B)~~ is reprinted under ~~IC 3-11-3-29.5(c)~~ IC 3-11-3-29.5(d) to
7 omit the name of an individual who is no longer a candidate;

8 and

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

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

14 SECTION 65. IC 3-12-2-7.5, AS AMENDED BY P.L.66-2010,
15 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 7.5. (a) This section applies to the counting of
17 federal write-in absentee ballots described in IC 3-11-4-12.5.

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

21 (c) If a voter casts a ballot under this section for President or Vice
22 President of the United States and writes in the name of a candidate or
23 political party that has not:

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

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

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

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

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

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

36 (1) the ballot was submitted:

37 (A) by an overseas voter who is not an absent uniformed
38 services voter; and

39 (B) from within the United States;

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

44 ~~(2)~~ **(3)** the voter's completed regular state absentee ballot was
45 received by the county election board by the deadline for
46 receiving absentee ballots under IC 3-11-10-11; or

47 ~~(3)~~ **(4)** the ballot subject to this section was not received by the
48 county election board by the deadline for receiving absentee
49 ballots under IC 3-11-10-11.

50 **(g) If a federal write-in absentee ballot is received by the county**
51 **election board in an envelope that does not indicate that the**

1 envelope contains the ballot, and the envelope is opened by the
 2 county election board, the absentee ballot shall nevertheless be
 3 counted if otherwise valid. The county election board shall:

4 (1) immediately seal the absentee ballot and the envelope in
 5 which the ballot was received in a carrier envelope indicating
 6 that a voted absentee ballot is enclosed; and

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

10 SECTION 66. IC 3-13-1-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Except as provided
 12 in section 18 or 20 of this chapter or **IC 3-10-8-7.5**, this chapter
 13 applies to the filling of a candidate vacancy that arises for any reason
 14 if the vacancy leaves a major political party without a candidate for the
 15 office and occurs before the thirtieth day before a general, special, or
 16 municipal election.

17 SECTION 67. IC 3-13-1-4 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. **Except as provided**
 19 **in IC 3-10-8-7.5**, a candidate vacancy for United States Representative
 20 shall be filled by a caucus comprised by the precinct committeemen of
 21 the political party whose precincts are within the congressional district.

22 SECTION 68. IC 3-13-7-1.5 IS ADDED TO THE INDIANA CODE
 23 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2013]: **Sec. 1.5. A county auditor may give notice of a meeting**
 25 **under this chapter, and the meeting may be conducted under this**
 26 **chapter, before a vacancy in an office exists if the person holding**
 27 **the office has:**

28 (1) submitted a written resignation under **IC 5-8-3.5**; or

29 (2) been elected to another office.

30 SECTION 69. IC 3-13-8-1.5 IS ADDED TO THE INDIANA CODE
 31 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2013]: **Sec. 1.5. A city clerk or city clerk-treasurer may give**
 33 **notice of a meeting under this chapter, and the meeting may be**
 34 **conducted under this chapter, before a vacancy in an office exists**
 35 **if the person holding the office has:**

36 (1) submitted a written resignation under **IC 5-8-3.5**; or

37 (2) been elected to another office.

38 SECTION 70. IC 3-13-9-1.5 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2013]: **Sec. 1.5. A town clerk-treasurer or president of the town**
 41 **council may give notice of a meeting under this chapter, and the**
 42 **meeting may be conducted under this chapter, before a vacancy in**
 43 **an office exists if the person holding the office has:**

44 (1) submitted a written resignation under **IC 5-8-3.5**; or

45 (2) been elected to another office.

46 SECTION 71. IC 3-13-10-1.5 IS ADDED TO THE INDIANA
 47 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 48 [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. A county auditor may give**
 49 **notice of a meeting under this chapter, and the meeting may be**
 50 **conducted under this chapter, before a vacancy in an office exists**
 51 **if the person holding the office has:**

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

3 SECTION 72. IC 3-14-1-17, AS ADDED BY SEA 519-2013,
 4 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2013]: Sec. 17. (a) As used in this section, "government
 6 employee" refers to any of the following:

- 7 (1) An employee of the state.
 8 (2) An employee of a political subdivision.
 9 (3) A special state appointee (as defined in IC 4-2-6-1).
 10 (4) An employee of a charter school (as defined in IC 20-24-1-4).

11 (b) As used in this section, "government employer" refers to the
 12 state or a political subdivision.

13 (c) As used in this section, "property" refers only to the following:

- 14 (1) Equipment, goods, and materials, including mail and
 15 messaging systems.
 16 (2) Money.

17 (d) A government employee may not knowingly or intentionally use
 18 the property of the employee's government employer to do any of the
 19 following:

- 20 (1) Solicit a contribution.
 21 (2) Advocate the election or defeat of a candidate.
 22 (3) Advocate the approval or defeat of a public question.

23 (e) A government employee may not knowingly or intentionally
 24 distribute campaign materials advocating:

- 25 (1) the election or defeat of a candidate; or
 26 (2) the approval or defeat of a public question;

27 on the government employer's real property during regular working
 28 hours.

29 (f) This section does not prohibit **the following**:

- 30 **(1) Activities permitted under IC 6-1.1-20.**
 31 **(2) A government employee from carrying out administrative**
 32 **duties under the direction of an elected official who is the**
 33 **government employee's supervisor.**

34 (g) A government employee who knowingly or intentionally
 35 performs several actions described in subsection (d) or (e) in a
 36 connected series that are closely related in time, place, and
 37 circumstance may be charged with only one (1) violation of this section
 38 for that connected series of actions.

39 (h) A government employee who violates this section commits a
 40 Class A misdemeanor. However, the offense is a Class D felony if the
 41 person has a prior unrelated conviction under this section.

42 SECTION 73. IC 6-1.1-20-3.6, AS AMENDED BY P.L.198-2011,
 43 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JULY 1, 2013]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8
 45 of this chapter, this section applies only to a controlled project
 46 described in section 3.5(a) of this chapter.

47 (b) If a sufficient petition requesting the application of the local
 48 public question process has been filed as set forth in section 3.5 of this
 49 chapter, a political subdivision may not impose property taxes to pay
 50 debt service on bonds or lease rentals on a lease for a controlled project
 51 unless the political subdivision's proposed debt service or lease rental

1 is approved in an election on a local public question held under this
2 section.

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

6 "Shall _____ (insert the name of the political subdivision)
7 issue bonds or enter into a lease to finance _____ (insert
8 a brief description of the controlled project), which is estimated
9 to cost not more than _____ (insert the total cost of the project)
10 and is estimated to increase the property tax rate for debt service
11 by _____ (insert increase in tax rate as determined by the
12 department of local government finance)?"

13 The public question must appear on the ballot in the form approved by
14 the county election board. If the political subdivision proposing to issue
15 bonds or enter into a lease is located in more than one (1) county, the
16 county election board of each county shall jointly approve the form of
17 the public question that will appear on the ballot in each county. The
18 form approved by the county election board may differ from the
19 language certified to the county election board by the county auditor.
20 If the county election board approves the language of a public question
21 under this subsection, the county election board shall submit the
22 language to the department of local government finance for review.

23 ~~(d) This subsection applies to ballot language submitted by the~~
24 ~~county election board under subsection (c) before May 1, 2011. The~~
25 ~~department of local government finance shall review the language of~~
26 ~~the public question to evaluate whether the description of the~~
27 ~~controlled project is accurate and is not biased against either a vote in~~
28 ~~favor of the controlled project or a vote against the controlled project.~~
29 ~~The department of local government finance may recommend that the~~
30 ~~ballot language be used as submitted or recommend modifications to~~
31 ~~the ballot language as necessary to ensure that the description of the~~
32 ~~controlled project is accurate and is not biased. The department of local~~
33 ~~government finance shall send its recommendations to the county~~
34 ~~election board not more than ten (10) days after the language of the~~
35 ~~public question is submitted to the department for review. After~~
36 ~~reviewing the recommendations of the department of local government~~
37 ~~finance under this subsection, the county election board shall take final~~
38 ~~action to approve ballot language. The finally adopted ballot language~~
39 ~~may differ from the recommendations made by the department of local~~
40 ~~government finance.~~

41 ~~(e) This subsection applies to ballot language submitted by the~~
42 ~~county election board under subsection (c) after April 30, 2011. (d)~~
43 The department of local government finance shall review the language
44 of the public question to evaluate whether the description of the
45 controlled project is accurate and is not biased against either a vote in
46 favor of the controlled project or a vote against the controlled project.
47 The department of local government finance may either approve the
48 ballot language as submitted or recommend that the ballot language be
49 modified as necessary to ensure that the description of the controlled
50 project is accurate and is not biased. The department of local

1 government finance shall certify its approval or recommendations to
 2 the county auditor and the county election board not more than ten (10)
 3 days after the language of the public question is submitted to the
 4 department for review. If the department of local government finance
 5 recommends a modification to the ballot language, the county election
 6 board shall, after reviewing the recommendations of the department of
 7 local government finance, submit modified ballot language to the
 8 department for the department's approval or recommendation of any
 9 additional modifications. The public question may not be certified by
 10 the county auditor under subsection ~~(f)~~ (e) unless the department of
 11 local government finance has first certified the department's final
 12 approval of the ballot language for the public question.

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

- 17 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if
 18 the public question is to be placed on the primary or municipal
 19 primary election ballot; or
- 20 (2) August 1 if the public question is to be placed on the general
 21 or municipal election ballot.

22 Subject to the certification requirements and deadlines under this
 23 subsection and except as provided in subsection ~~(f)~~, (k), the public
 24 question shall be placed on the ballot at the next primary election,
 25 general election, or municipal election in which all voters of the
 26 political subdivision are entitled to vote. However, if a primary
 27 election, general election, or municipal election will not be held during
 28 the first year in which the public question is eligible to be placed on the
 29 ballot under this section and if the political subdivision requests the
 30 public question to be placed on the ballot at a special election, the
 31 public question shall be placed on the ballot at a special election to be
 32 held on the first Tuesday after the first Monday in May or November
 33 of the year. The certification must occur not later than noon ~~sixty (60)~~
 34 **seventy-four (74)** days before a special election to be held in May (if
 35 the special election is to be held in May) or noon on August 1 (if the
 36 special election is to be held in November). ~~However, in 2009, a~~
 37 ~~political subdivision may hold a special election under this section on~~
 38 ~~any date scheduled for the special election if notice of the special~~
 39 ~~election was given before July 1, 2009, to the election division of the~~
 40 ~~secretary of state's office as provided in IC 3-10-8-4.~~ The fiscal body
 41 of the political subdivision that requests the special election shall pay
 42 the costs of holding the special election. The county election board
 43 shall give notice under IC 5-3-1 of a special election conducted under
 44 this subsection. A special election conducted under this subsection is
 45 under the direction of the county election board. The county election
 46 board shall take all steps necessary to carry out the special election.

47 ~~(g)~~ (f) The circuit court clerk shall certify the results of the public
 48 question to the following:

- 49 (1) The county auditor of each county in which the political
 50 subdivision is located.

- 1 (2) The department of local government finance.
- 2 ~~(h)~~ **(g)** Subject to the requirements of IC 6-1.1-18.5-8, the political
- 3 subdivision may issue the proposed bonds or enter into the proposed
- 4 lease rental if a majority of the eligible voters voting on the public
- 5 question vote in favor of the public question.
- 6 ~~(i)~~ **(h)** If a majority of the eligible voters voting on the public
- 7 question vote in opposition to the public question, both of the following
- 8 apply:
- 9 (1) The political subdivision may not issue the proposed bonds or
- 10 enter into the proposed lease rental.
- 11 (2) Another public question under this section on the same or a
- 12 substantially similar project may not be submitted to the voters
- 13 earlier than one (1) year after the date of the election.
- 14 ~~(j)~~ **(i)** IC 3, to the extent not inconsistent with this section, applies
- 15 to an election held under this section.
- 16 ~~(k)~~ **(j)** A political subdivision may not artificially divide a capital
- 17 project into multiple capital projects in order to avoid the requirements
- 18 of this section and section 3.5 of this chapter.
- 19 ~~(l)~~ **(k)** This subsection applies to a political subdivision for which
- 20 a petition requesting a public question has been submitted under
- 21 section 3.5 of this chapter. The legislative body (as defined in
- 22 IC 36-1-2-9) of the political subdivision may adopt a resolution to
- 23 withdraw a controlled project from consideration in a public question.
- 24 If the legislative body provides a certified copy of the resolution to the
- 25 county auditor and the county election board not later than ~~forty-nine~~
- 26 ~~(49)~~ **sixty-three (63)** days before the election at which the public
- 27 question would be on the ballot, the public question on the controlled
- 28 project shall not be placed on the ballot and the public question on the
- 29 controlled project shall not be held, regardless of whether the county
- 30 auditor has certified the public question to the county election board.
- 31 If the withdrawal of a public question under this subsection requires the
- 32 county election board to reprint ballots, the political subdivision
- 33 withdrawing the public question shall pay the costs of reprinting the
- 34 ballots. If a political subdivision withdraws a public question under this
- 35 subsection that would have been held at a special election and the
- 36 county election board has printed the ballots before the legislative body
- 37 of the political subdivision provides a certified copy of the withdrawal
- 38 resolution to the county auditor and the county election board, the
- 39 political subdivision withdrawing the public question shall pay the
- 40 costs incurred by the county in printing the ballots. If a public question
- 41 on a controlled project is withdrawn under this subsection, a public
- 42 question under this section on the same controlled project or a
- 43 substantially similar controlled project may not be submitted to the
- 44 voters earlier than one (1) year after the date the resolution
- 45 withdrawing the public question is adopted.
- 46 ~~(m)~~ **(l)** If a public question regarding a controlled project is placed
- 47 on the ballot to be voted on at a public question under this section, the
- 48 political subdivision shall submit to the department of local
- 49 government finance, at least thirty (30) days before the election, the
- 50 following information regarding the proposed controlled project for

- 1 posting on the department's Internet web site:
- 2 (1) The cost per square foot of any buildings being constructed as
- 3 part of the controlled project.
- 4 (2) The effect that approval of the controlled project would have
- 5 on the political subdivision's property tax rate.
- 6 (3) The maximum term of the bonds or lease.
- 7 (4) The maximum principal amount of the bonds or the maximum
- 8 lease rental for the lease.
- 9 (5) The estimated interest rates that will be paid and the total
- 10 interest costs associated with the bonds or lease.
- 11 (6) The purpose of the bonds or lease.
- 12 (7) In the case of a controlled project proposed by a school
- 13 corporation:
- 14 (A) the current and proposed square footage of school building
- 15 space per student;
- 16 (B) enrollment patterns within the school corporation; and
- 17 (C) the age and condition of the current school facilities.
- 18 SECTION 74. IC 10-16-7-16 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A muster or an
- 20 assembly for instruction, review, or parade may not be held or called
- 21 in any county on any day during which a general election, **primary**
- 22 **election, municipal election,** or special election is held in the county,
- 23 except in case of or imminent danger of riot, invasion, insurrection, or
- 24 public disaster.
- 25 (b) An officer who orders a muster or an assembly on an election
- 26 day shall forfeit an amount as a court-martial adjudges.
- 27 SECTION 75. IC 12-14-1.5-8 IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. ~~(a) The co-directors~~
- 29 ~~of the~~ election division shall provide the division with a list of the
- 30 current ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the
- 31 ~~offices of the circuit court clerk or board of~~ **county voter** registration
- 32 **office** in each county. The division shall promptly forward the list and
- 33 each revision of the list to each county office.
- 34 ~~(b) The co-directors shall provide the division with pre-addressed~~
- 35 ~~packets for county offices to transmit applications under section 6(1)~~
- 36 ~~or 6(2) of this chapter.~~
- 37 SECTION 76. IC 12-15-1.5-8, AS AMENDED BY P.L.44-2009,
- 38 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2013]: Sec. 8. ~~(a) The codirectors of the~~
- 40 provide the division of family resources with a list of the current
- 41 ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the ~~offices of the~~
- 42 ~~circuit court clerk or board of~~ **county voter** registration **office** in each
- 43 county. The division of family resources shall promptly forward the list
- 44 and each revision of the list to each county office.
- 45 ~~(b) The codirectors shall provide the division of family resources~~
- 46 ~~with pre-addressed packets for county offices to transmit applications~~
- 47 ~~under section 6(1) or 6(2) of this chapter.~~
- 48 SECTION 77. IC 16-35-1.6-9 IS AMENDED TO READ AS
- 49 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. ~~(a) The co-directors~~
- 50 ~~of the~~ election division shall provide the commissioner with a list of the

1 current ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the
 2 ~~offices of the circuit court clerk or board of county voter~~ registration
 3 **office** in each county. The commissioner shall promptly forward the list
 4 and each revision of the list to each WIC office.

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

8 SECTION 78. IC 20-23-4-30, AS AMENDED BY P.L.179-2011,
 9 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 30. (a) This section
 11 applies to each school corporation.

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

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

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

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

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

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

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

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

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

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

46 (f) Elected governing body members take office and assume their
 47 duties on **the date set in the school corporation's organization plan.**
 48 **The date set in the organization plan for an elected member of the**
 49 **governing body to take office may not be more than fourteen (14)**
 50 **months after the date of the member's election. If the school**

1 **corporation's organization plan does not set a date for an elected**
 2 **member of the governing body to take office, the member takes**
 3 **office** January 1 **immediately** after ~~their~~ **the member's** election.

4 SECTION 79. IC 20-23-7-8.1, AS ADDED BY P.L.179-2011,
 5 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8.1. (a) The registered
 7 voters of the metropolitan school district shall elect the members of the
 8 metropolitan board of education at general elections held biennially,
 9 beginning with the next general election that is held more than sixty
 10 (60) days after the creation of the metropolitan school district as
 11 provided in this chapter.

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

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

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

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

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

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

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

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

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

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

- 1 (1) appointing a person from the board member district from
 2 which the person who vacated the board was elected; or
 3 (2) if the person was appointed, appointing a person from the
 4 board member district from which the last elected predecessor of
 5 the person was elected.
- 6 If a majority of the remaining members of the board is unable to agree
 7 or the board fails to act within thirty (30) days after a vacancy occurs,
 8 the judge of the circuit court in the county where the majority of
 9 registered voters of the metropolitan school district reside shall make
 10 the appointment.
- 11 (i) At a general election held on the earlier of:
 12 (1) more than sixty (60) days after an elected board member
 13 vacates membership on the board; or
 14 (2) immediately before the end of the term for which the vacating
 15 member was elected;
- 16 a successor to a board member appointed under subsection (h) shall be
 17 elected. Unless the successor takes office at the end of the term of the
 18 vacating member, the member shall serve only for the balance of the
 19 vacating member's term. In an election for a successor board member
 20 to fill a vacancy for a two (2) year balance of a term, candidates for
 21 board membership need not file for or with reference to the vacancy.
 22 However, as required by IC 3-11-2, candidates for at-large seats must
 23 be distinguished on the ballot from candidates for district seats. If there
 24 is more than one (1) at-large seat on the ballot due to this vacancy, the
 25 elected candidate who receives the fewest votes at the election at which
 26 the successor is elected shall serve for a two (2) year term.
- 27 (j) At the first general election where members of the board are
 28 elected under this section, the elected candidates who constitute a
 29 simple majority of the elected candidates and who receive the most
 30 votes shall be elected for four (4) year terms, and the other elected
 31 candidates shall be elected for two (2) year terms.
- 32 (k) Board members shall be elected for four (4) year terms after the
 33 first election and shall take office **on the date set in the school**
 34 **corporation's organization plan. The date set in the organization**
 35 **plan for an elected member of the governing body to take office**
 36 **may not be more than fourteen (14) months after the date of the**
 37 **member's election. If the school corporation's organization plan**
 38 **does not set a date for an elected member of the governing body to**
 39 **take office, the member takes office** January 1 **immediately**
 40 **following their the member's** election.
- 41 SECTION 80. HEA 1311-2013, SECTION 40, IS REPEALED
 42 [EFFECTIVE JULY 1, 2013].
- 43 SECTION 81. IC 20-23-8-8, AS AMENDED BY P.L.2-2006,
 44 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2013]: Sec. 8. (a) A plan is subject to the following
 46 limitations:
 47 (1) A member of the governing body may not serve for a term of
 48 more than four (4) years, but a member may succeed himself or
 49 herself in office. This limitation does not apply to members who
 50 hold over during an interim period to effect a new plan awaiting

- 1 the selection and qualification of a member under the new plan.
 2 (2) The plan, if the members are:
 3 (A) to be elected, shall conform with one (1) of the types of
 4 board organization permitted by IC 20-23-4-27; or
 5 (B) appointed, shall conform with one (1) of the types
 6 permitted by IC 20-23-4-28.
 7 (3) The terms of the members of the governing body, either
 8 elected to or taking office on or before the time the plan takes
 9 effect, may not be shortened. The terms of the members taking
 10 office under the plan may be shortened to make the plan workable
 11 on a permanent basis.
 12 (4) If the plan provides for electoral districts, where a member of
 13 the governing body is elected solely by the voters of a single
 14 district, the districts must be as near as practicable equal in
 15 population. The districts shall be reapportioned and their
 16 boundaries:
 17 (A) changed, if necessary; or
 18 (B) **recertified, if changes are not necessary;**
 19 by resolution of the governing body ~~before the election not later~~
 20 **than December 31 of the year** next following the ~~effective date~~
 21 **of the subsequent year in which a** decennial census **is taken** to
 22 preserve the equality ~~by resolution~~ of the governing body.
 23 (5) The plan shall comply with the:
 24 (A) Constitution of the State of Indiana; and
 25 (B) Constitution of the United States;
 26 including the equal protection clauses of both constitutions.
 27 (6) The provisions of IC 20-23-4-26 through IC 20-23-4-33
 28 relating to the board of trustees of a community school
 29 corporation and to the community school corporation, including
 30 provisions relating to powers of the board and corporation and
 31 provisions relating to the mechanics of selection of the board,
 32 where elected and where appointed, apply to a governing body set
 33 up by a plan under this chapter and to the school corporation.
 34 (b) The limitations set forth in this section do not have to be
 35 specifically set forth in a plan but are a part of the plan. A plan shall be
 36 construed, if possible, to comply with this chapter. If a provision of the
 37 plan or an application of the plan violates this chapter, the invalidity
 38 does not affect the other provisions or applications of the plan that can
 39 be given effect without the invalid provision or application. The
 40 provisions of a plan are severable.
 41 SECTION 82. IC 20-23-12-8, AS AMENDED BY P.L.179-2011,
 42 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 43 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8. (a) The term of each
 44 person elected to serve on the governing body is four (4) years.
 45 (b) The term of each person elected to serve on the governing body
 46 begins **on the date set in the school corporation's organization plan.**
 47 **The date set in the organization plan for an elected member of the**
 48 **governing body to take office may not be more than fourteen (14)**
 49 **months after the date of the member's election. If the school**
 50 **corporation's organization plan does not set a date for an elected**

1 **member of the governing body to take office, the member takes**
 2 **office** ~~the~~ January 1 that ~~next~~ **immediately** follows the person's
 3 election.

4 SECTION 83. IC 20-23-13-1, AS AMENDED BY P.L.119-2012,
 5 SECTION 149, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 1. (a) In a
 7 community school corporation established under IC 20-23-4, that has
 8 a population of more than eighty thousand five hundred (80,500) but
 9 less than one hundred thousand (100,000), the governing body consists
 10 of a board of trustees of five (5) members elected in the manner
 11 provided in this chapter.

12 (b) The governing body members shall be elected at the times
 13 provided and shall succeed the retiring members in the order and
 14 manner as set forth in this chapter.

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

23 SECTION 84. IC 20-23-14-8, AS AMENDED BY P.L.179-2011,
 24 SECTION 28, 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 is four (4) years.

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

35 SECTION 85. IC 20-23-15-11, AS ADDED BY P.L.1-2005,
 36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 11. (a) Except as
 38 otherwise provided in this section, a person elected to serve on the
 39 governing body **serves as follows:**

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

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

50 (b) The two (2) members of the governing body who were last
 51 selected under the selection process in effect for the school corporation

1 before a referendum is held under this chapter shall serve as at-large
 2 members through December 31 of the year in which the second general
 3 election is held to elect members of the governing body under this
 4 chapter. However, if this subsection applies to more than two (2)
 5 members, the circuit court judge for the county shall select two (2) of
 6 these members to serve as at-large members through December 31 of
 7 the year in which the second general election is held to elect members
 8 of the governing body under this chapter.

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

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

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

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

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

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

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

27 SECTION 86. IC 20-23-17-3, AS ADDED BY P.L.179-2011,
 28 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 3. (a) The governing body of the school
 30 corporation consists of five (5) members chosen as follows:

31 (1) Three (3) members shall be elected by the voters of the school
 32 corporation at a general election to be held in the county and
 33 every four (4) years thereafter.

34 (2) One (1) member shall be appointed by the city executive.

35 (3) One (1) member shall be appointed by the city legislative
 36 body.

37 (b) The members elected under subsection (a)(1) shall be elected as
 38 follows:

39 (1) On a nonpartisan basis.

40 (2) In a general election held in the county.

41 (3) By the registered voters of the entire school corporation.

42 (c) The following apply to an election of members of the governing
 43 body of the school corporation under subsection (a)(1):

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

49 (A) The name of the candidate.

50 (B) A certification that the candidate meets the qualifications

1 for candidacy imposed by this chapter.

2 (2) Only eligible voters residing in the school corporation may
3 vote for a candidate seeking election.

4 SECTION 87. IC 20-23-17-4, AS ADDED BY P.L.179-2011,
5 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. (a) The term of each
7 individual chosen to serve on the governing body is four (4) years.
8 **beginning**

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

18 SECTION 88. IC 20-23-17.2-5, AS ADDED BY P.L.179-2011,
19 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2013]: Sec. 5. (a) The following apply to an election of
21 members of the governing body of the school corporation under section
22 3(a)(1) of this chapter:

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

28 (A) The name of the candidate.

29 (B) The candidate's residence address and the district in which
30 the candidate resides.

31 (C) The signatures of at least twenty (20) registered voters
32 residing within the school corporation district the candidate
33 seeks to represent.

34 (D) A certification that the candidate meets the qualifications
35 for candidacy imposed by this chapter.

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

38 (3) One (1) candidate shall be elected for each district. The
39 candidate elected for a district must reside within the boundaries
40 of the district. The candidate elected as the member for a
41 particular district is the candidate who, among all the candidates
42 who reside within that district, receives the greatest number of
43 votes from voters residing in that district.

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

47 (1) Each candidate must file a petition of nomination with the
48 circuit court clerk **not earlier than one hundred four (104) days**
49 **and** not later than seventy-four (74) days before the general
50 election at which members are to be elected. The petition of

1 nomination must include the following information:

2 (A) The name of the candidate.

3 (B) The candidate's residence address.

4 (C) The signatures of at least one hundred (100) registered
5 voters residing within the school corporation.

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

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

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

14 SECTION 89. IC 20-23-17.2-8, AS ADDED BY P.L.179-2011,
15 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2012 (RETROACTIVE)]; Sec. 8. (a) The term of each
17 person elected to serve on the governing body of the school corporation
18 is four (4) years. ~~beginning~~

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

27 SECTION 90. IC 20-25-3-4, AS AMENDED BY P.L.179-2011,
28 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JANUARY 1, 2012 (RETROACTIVE)]; Sec. 4. (a) The board consists
30 of seven (7) members. A member:

31 (1) must be elected on a nonpartisan basis in general elections
32 held in the county as specified in this section; and

33 (2) serves a four (4) year term.

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

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

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

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

49 (f) Districts shall be established within the school city by the state
50 board. The districts must be drawn on the basis of precinct lines, and
51 as nearly as practicable, of equal population with the population of the

1 largest district not to exceed the population of the smallest district by
 2 more than five percent (5%). District lines must not cross precinct
 3 lines. The state board shall establish:

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

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

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

7 (h) In accordance with subsection (k), a vacancy in the board shall
 8 be filled temporarily by the board as soon as practicable after the
 9 vacancy occurs. The member chosen by the board to fill a vacancy
 10 holds office until the member's successor is elected and qualified. The
 11 successor shall be elected at the next regular school board election
 12 occurring after the date on which the vacancy occurs. The successor
 13 fills the vacancy for the remainder of the term.

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

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

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

31 SECTION 91. IC 20-26-4-4, AS AMENDED BY P.L.96-2012,
 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 4. (a) This section does
 34 not apply to a school city of the first class or to a school corporation
 35 succeeding to all or the major part in area of a school city of the first
 36 class.

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

39 (1) Except as provided in ~~subdivision~~ **subdivisions (2) and (3)**,
 40 the governing body of each school corporation shall determine
 41 whether the term of office for the governing body's members
 42 extends from January 1 to December 31 or from July 1 to June 30.

43 A governing body that makes a change in the commencement date
 44 of the governing body's members' terms shall report the change to
 45 the state board before August 1 preceding the year in which the
 46 change takes place. An ex officio member of a governing body
 47 shall take office at the time the ex officio member takes the oath
 48 of the office by virtue of which the ex officio member is entitled
 49 to become an ex officio member.

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

1 population of more than four hundred thousand (400,000), the
 2 terms of office for the members of a governing body who are
 3 appointed commence on July 1 of the year in which the members
 4 are to take office under the plan, resolution, or law under which
 5 the school corporation is established, and terminate on the June
 6 30 of the final year of the term for which the members are to serve
 7 under the plan, resolution, or law.

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

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

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

29 (2) a vacancy in an appointed board membership if a plan,
 30 resolution, or law under which the school corporation operates
 31 specifically provides for filling vacancies by the appointing
 32 authority.

33 SECTION 92. IC 30-5-5-14, AS AMENDED BY SEA 518-2013,
 34 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2013]: Sec. 14. (a) Language conferring general authority with
 36 respect to records, reports, and statements means the principal
 37 authorizes the attorney in fact to do the following:

38 (1) Keep records of cash received and disbursed for or on account
 39 of the principal, of credits and debits to the account of the
 40 principal, and of transactions affecting the assets and liabilities of
 41 the principal.

42 (2) Prepare, execute, and file tax and tax information returns for
 43 all periods required by the laws of the United States, a state, or a
 44 subdivision of a state, or a foreign government, prepare, execute,
 45 and file other tax related documents for all tax periods, including
 46 requests for an extension of time, offers, waivers, consents,
 47 powers of attorney, closing agreements, and petitions to a tax
 48 court regarding tax matters, and prepare, execute, and file all
 49 other instruments the attorney in fact considers desirable or
 50 necessary for the safeguarding of the principal against excessive
 51 or illegal taxation or against penalties imposed for claimed

1 violation of a law or other governmental regulation. This
 2 subdivision is intended to be sufficiently definite to permit the
 3 attorney in fact to represent the principal respecting all taxes the
 4 principal has paid and all tax returns the principal has filed, either
 5 personally or through an agent, with the Internal Revenue Service,
 6 another agency of the United States, a state department of
 7 revenue, a political subdivision of a state, or a foreign country, or
 8 a political subdivision of a foreign country.

9 (3) Prepare, execute, and file a return, report, declaration, or other
 10 document required by the laws of the United States, a state, a
 11 political subdivision of a state, or a foreign government, including
 12 a report or declaration required by the Social Security
 13 Administration, the commissioner of economic security, or other
 14 similar agency that the attorney in fact considers desirable or
 15 necessary for the safeguarding or maintenance of the principal's
 16 interest.

17 (4) Prepare, execute, and file a record, report, or statement the
 18 attorney in fact considers desirable or necessary for the
 19 safeguarding or maintenance of the principal's interest with
 20 respect to price, rent, wage, or rationing control, or other
 21 governmental activity.

22 (5) Hire, discharge, and compensate an attorney, accountant,
 23 expert witness, or other assistant when the attorney in fact
 24 considers the action to be desirable for the execution of a power
 25 permitted under this section.

26 (6) Execute any document under IC 3 except:

- 27 ~~(1)~~ (A) a voter registration application;
- 28 ~~(2)~~ (B) the authorization to cancel a voter registration;
- 29 ~~(3)~~ (C) a declaration of candidacy;
- 30 ~~(4)~~ (D) a candidate's consent to be placed on the ballot;
- 31 ~~(5)~~ (E) a ballot; or
- 32 ~~(6)~~ (F) an absentee ballot.

33 (7) Perform any other acts in connection with the preparation,
 34 execution, filing, storage, or other use of records, reports, or
 35 statements of or concerning the principal's affairs.

36 (b) The powers described in this section are exercisable equally with
 37 respect to records, reports, or statements of or concerning the affairs of
 38 the principal existing at the time of the giving of the power of attorney
 39 or arising after that time, whether arising in Indiana or in another
 40 jurisdiction.

41 SECTION 93. SEA 343-2013, SECTION 4, IS REPEALED
 42 [EFFECTIVE JULY 1, 2013]

43 SECTION 94. IC 36-1.5-4-11, AS AMENDED BY SEA 518-2013,
 44 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 45 [EFFECTIVE JANUARY 1, 2014]: Sec. 11. (a) The voters of a
 46 political subdivision may initiate a proposed reorganization by filing a
 47 written petition, substantially in the form prescribed by the department,
 48 with the clerk of the political subdivision that:

- 49 (1) proposes a reorganization; ~~and~~
- 50 (2) names the political subdivisions that would be reorganized in

1 the proposed reorganization; and
 2 **(3) for a petition filed after December 31, 2013, contains all of**
 3 **the following:**

- 4 **(A) The signature of each petitioner.**
 5 **(B) The name of each petitioner legibly printed.**
 6 **(C) The residence mailing address of each petitioner.**
 7 **(D) The date on which each petitioner signed the petition.**

8 (b) The clerk shall transmit the petition to the county voter
 9 registration office of the county in which a majority of the population
 10 of the political subdivision is located. If the county voter registration
 11 office determines that the written petition is signed by at least five
 12 percent (5%) of the voters of the political subdivision, as determined
 13 by the vote cast in the political subdivision for secretary of state at the
 14 most recent general election, the clerk of the political subdivision shall
 15 certify the petition to the legislative body of the political subdivision.
 16 **In certifying the number of voters, the clerk shall disregard any**
 17 **signature on the petition that is dated under subsection (a)(3)(D)**
 18 **more than ninety (90) days before the date the petition was filed**
 19 **with the clerk.**

20 SECTION 95. SEA 343-2013, SECTION 18, IS REPEALED
 21 [EFFECTIVE JULY 1, 2013].

22 SECTION 96. IC 36-1.5-4-30, AS AMENDED BY P.L.518-2013,
 23 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JANUARY 1, 2014]: Sec. 30. (a) Except as provided in
 25 **subsection (b); subsections (b) and (c),** at the same time that election
 26 results are certified under IC 3, the circuit court clerk of each of the
 27 counties in which a public question under this chapter is on the ballot
 28 shall jointly issue, in the form prescribed by the Indiana election
 29 commission, a certificate declaring whether the public question is
 30 approved or rejected by a majority of the voters voting on the public
 31 question in each of the reorganizing political subdivisions. In addition
 32 to any other requirements in IC 3 concerning filing of the certification,
 33 the certification shall be sent to each of the following:

- 34 (1) The clerk of each of the reorganizing political subdivisions.
 35 (2) The county auditor of each county in which a reorganizing
 36 political subdivision is located.
 37 (3) The county recorder of each county in which a reorganizing
 38 political subdivision is located.
 39 (4) The state board of accounts.
 40 (5) The department of local government finance.
 41 (6) The department of state revenue.
 42 (7) The budget agency.
 43 (8) If any of the reorganizing political subdivisions is a school
 44 corporation, the department of education.

45 **(b) In the case of a public question on a reorganization**
 46 **described in section 1(a)(7) of this chapter that is voted on by**
 47 **voters after December 31, 2013:**

- 48 **(1) the public question on a plan of reorganization shall be**
 49 **placed on the ballot for consideration by the voters of the**
 50 **reorganizing municipality and township;**
 51 **(2) the vote on the public question by the voters of a**

1 reorganizing municipality and township shall be tabulated by
 2 determining the sum of the votes of voters who reside in:

3 (A) each reorganizing municipality;

4 (B) the reorganizing township and not the reorganizing
 5 municipality; and

6 (C) each reorganizing municipality and the reorganizing
 7 township;

8 (3) the vote on the public question by the voters of:

9 (A) each reorganizing municipality; and

10 (B) each reorganizing township (excluding the voters of the
 11 reorganizing municipalities);

12 shall be tabulated separately; and

13 (4) the circuit court clerk shall issue, in a form prescribed by
 14 the Indiana election commission, separate certificates
 15 regarding whether the public question is approved or rejected
 16 by the voters of:

17 (A) each reorganizing municipality and township as set
 18 forth in subdivision (2)(C);

19 (B) each reorganizing municipality; and

20 (C) each reorganizing township, excluding the voters of the
 21 reorganizing municipalities;

22 voting on the public question.

23 ~~(b)~~ (c) In the case of a public question on a reorganization described
 24 in section 1(a)(9) of this chapter:

25 (1) the public question on a plan of reorganization shall be placed
 26 on the ballot for consideration by the voters of the entire county;

27 (2) the vote on the public question by the voters of the entire
 28 county shall be tabulated;

29 (3) if the legislative bodies of the reorganizing political
 30 subdivisions have agreed that the vote on the public question shall
 31 be conducted with a rejection threshold, the vote on the public
 32 question by the voters of:

33 (A) each reorganizing municipality; and

34 (B) the county (excluding the voters of the reorganizing
 35 municipalities);

36 shall be tabulated separately; and

37 (4) the circuit court clerk shall issue, in a form prescribed by the
 38 state election board, separate certificates regarding whether the
 39 public question is approved or rejected by the voters of:

40 (A) the entire county;

41 (B) each reorganizing municipality; ~~(if the legislative bodies~~
 42 ~~of the reorganizing political subdivisions have agreed that the~~
 43 ~~vote on the public question shall be conducted with a rejection~~
 44 ~~threshold); and~~

45 (C) the county, excluding the voters of the reorganizing
 46 municipalities; ~~(if the legislative bodies of the reorganizing~~
 47 ~~political subdivisions have agreed that the vote on the public~~
 48 ~~question shall be conducted with a rejection threshold);~~

49 voting on the public question.

50 SECTION 97. IC 36-5-1-10.1, AS AMENDED BY HEA
 51 1186-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2013]: Sec. 10.1. (a) If a majority of the voters
 2 voting on the public question under section 8 of this chapter vote "yes",
 3 the county executive shall adopt an ordinance incorporating the town.

4 (b) An ordinance adopted under subsection (a) must:

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

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

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

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

14 An election conducted under this section must comply with IC 3
 15 concerning town elections. If ~~on~~ the date that an ordinance ~~was is~~
 16 adopted under this section ~~absentee ballots for a general or municipal~~
 17 ~~election have been delivered under IC 3-11-4-15 for voters within a~~
 18 ~~precinct in the town, is not later than June 1 of a general or~~
 19 ~~municipal election year,~~ the election must be conducted on the date
 20 of the next general or municipal election held in any precincts in the
 21 county after the election for which absentee balloting is being
 22 conducted. However, a primary election may not be conducted before
 23 an election conducted under this section, regardless of the population
 24 of the town.

25 (c) Districts established by an ordinance adopted under this section
 26 must comply with IC 3-11-1.5.

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

30 (1) is contiguous to that territory; and

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

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

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

38 (2) is contiguous to that territory; and

39 (3) contains the least population of all districts contiguous to that
 40 territory.

41 (f) Except as provided in subsection (g), an ordinance adopted under
 42 this section becomes effective when filed with:

43 (1) the office of the secretary of state; and

44 (2) the circuit court clerk of each county in which the town is
 45 located.

46 (g) An ordinance incorporating a town under this section may not
 47 take effect during the year preceding a year in which a federal
 48 decennial census is conducted. An ordinance under this section that
 49 would otherwise take effect during the year preceding a year in which
 50 a federal decennial census is conducted takes effect January 1 of the

1 year in which a federal decennial census is conducted.

2 (h) Each county that contains a part of the proposed town must
3 adopt identical ordinances providing for the incorporation of the town.

4 (i) Notwithstanding subsection (g) as that subsection existed on
5 December 31, 2009, an ordinance that took effect January 2, 2010,
6 because of the application of subsection (g), as that subsection existed
7 on December 31, 2009, is instead considered to take effect January 1,
8 2010, without the adoption of an ordinance or an amended ordinance
9 or any other additional action being required.

10 SECTION 98. IC 36-5-1-12 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Proceedings to
12 dissolve a town may be instituted under either this section or
13 IC 36-5-1.1.

14 (b) A proceeding under this section may be instituted to either
15 dissolve the town or change its name. The proceeding is instituted by
16 filing a petition with the town clerk. The petition must be signed by at
17 least the number of the voters of the town required to place a candidate
18 on the ballot under IC 3-8-6-3, must be verified by at least one (1) of
19 the petitioners, and must include the reasons for the dissolution or
20 change of name.

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

25 SECTION 99. IC 36-5-1-13 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. A petition ~~and~~
27 ~~census~~ filed under section 12 of this chapter must be accompanied by
28 a bond for costs and expenses, payable to and approved by the town
29 legislative body. The petitioners shall pay all costs and expenses
30 incurred under this chapter, including the expenses of an election, if
31 their petition is not successful.

32 SECTION 100. IC 36-5-1-14 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. When a petition
34 ~~and census are is~~ filed under section 12 of this chapter, the town clerk
35 shall give notice of the filing and of the day of a hearing on the petition,
36 ~~and census~~, in the manner prescribed by IC 5-3-1.

37 SECTION 101. IC 36-5-1-15 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) On the date
39 named in the notice given under section 14 of this chapter, the town
40 legislative body shall hear and consider:

- 41 (1) the petition; ~~and census~~; and
42 (2) all statements presented in favor of or in opposition to
43 granting the petition.

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

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

1 SECTION 102. IC 36-5-1-18, AS AMENDED BY P.L.113-2010,
2 SECTION 124, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) If at least two-thirds (2/3) of
4 the votes cast in an election under section 16 of this chapter are
5 affirmative, ~~and at least four-fifths (4/5) of all the voters listed in the~~
6 ~~census voted in the election;~~ the dissolution or change of name takes
7 effect in the manner prescribed by this section.

8 (b) A change of name takes effect thirty (30) days after the filing of
9 the statement required by section 17 of this chapter.

10 (c) Except as provided in subsection (d), a dissolution takes effect
11 six (6) months after the filing of the statement required by section 17
12 of this chapter. The property owned by the town after payment of debts
13 and liabilities shall be disposed of in the manner chosen by a majority
14 of the voters of the town at a special election for that purpose.
15 Dissolution of a town does not affect the validity of a contract to which
16 the town is a party.

17 (d) A dissolution under this chapter may not take effect during the
18 year preceding a year in which a federal decennial census is conducted.
19 A dissolution that would otherwise take effect during the year
20 preceding a year in which a federal decennial census is conducted takes
21 effect January 1 of the year in which a federal decennial census is
22 conducted.

23 (e) Notwithstanding subsection (d) as that subsection existed on
24 December 31, 2009, a dissolution that took effect January 2, 2010,
25 because of the application of subsection (d), as that subsection existed
26 on December 31, 2009, is instead considered to take effect January 1,
27 2010, without any additional action being required.

28 SECTION 103. SEA 519-2013, SECTION 99, IS AMENDED TO
29 READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: (a) Not later than
30 October 1, 2013, the election division may enter into a contract with an
31 entity to conduct the address confirmation mailing ~~to each voter~~
32 ~~registration record address within Indiana.~~ **required under**
33 **IC 3-7-38.2-16, as amended by SEA 519-2013, SECTION 64.** If the
34 election division does not enter into a contract before October 2, 2013,
35 the secretary of state may enter into the contract without the approval
36 of the election division.

37 (b) This SECTION expires January 1, 2015.

38 SECTION 104. **An emergency is declared for this act.**

(Reference is to EHB 1157 as reprinted March 19, 2013.)

Conference Committee Report
on
Engrossed House Bill 1157

Signed by:

Representative Richardson
Chairperson

Senator Landske

Representative Bartlett

Senator Tallian

House Conferees

Senate Conferees