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.

Adopted	Rejected

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:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-5-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. "Election district" means the area comprised by precincts where voters **who are qualified to vote for a candidate or on a public question** reside **and** whose votes a candidate or committee proposes to influence.

SECTION 2. IC 3-5-4-1.7, AS ADDED BY P.L.230-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.7. **(a)** Except as otherwise expressly authorized or required under this title, a filing by a person with a commission, the election division, or an election board may not be made by fax or electronic mail.

(b) A petition of nomination filed with a county voter registration office under IC 3-8-2, IC 3-8-3, or IC 3-8-6 or a petition to place a public question on the ballot may not contain the electronic signature (as defined in IC 5-24-2-2), digital signature (as defined in IC 5-24-2-1), digitized signature, or photocopied signature of a voter.

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

corporation subject to any of the following:

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

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

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

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

(5) IC 20-23-12.

(6) IC 20-23-13.

(7) IC 20-23-14.

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

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

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

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

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

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

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

(d) This section expires July 1, 2016.

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

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

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

(B) Maintain an office for the election division.

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

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

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

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

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

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

(d) The co-directors must:

(1) be classified the same under the state's personnel system; and

(2) except for differences due to years of service as co-directors, receive the same compensation.

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

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

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

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

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

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

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

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

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

scheduled under this article.

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

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

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

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

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

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

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

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

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

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

(2) The chairman of the following:

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

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

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

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

within a period specified in the request.

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

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

(1) information required to be supplied by an individual who received the completed application from the voter; or

(2) the signature of that individual;

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

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

(1) obtains the information or signature; or

(2) cannot obtain the information or signature of the individual who had custody of the application and the application is otherwise complete.

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

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

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

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

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

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

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

~~(i) the voter;~~

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

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

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

~~(i) the voter;~~

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

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

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

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

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

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

(2) ending at noon election day.

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

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

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

(i) the voter;

(ii) the voter's spouse; or

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

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

(i) the voter;

(ii) the voter's spouse; or

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

(2) Completing a registration affidavit.

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

(1) Complete an application for an absentee ballot.

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

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

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

circuit court clerk shall do the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

whichever is the case.

(b) If a town council member:

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

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

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

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

~~(b) A:~~

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

~~(2) withdrawal of a declaration;~~

~~must be subscribed and sworn to before an individual authorized to administer oaths.~~

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

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

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

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

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

SECTION 18. IC 3-8-2-2.7, AS AMENDED BY P.L.164-2006, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.7. (a) ~~This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter.~~ A candidate may withdraw a declaration of intent

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

receive the statement of economic interests; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Each precinct election board consists of:

(1) one (1) inspector; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Ratification of a state constitutional amendment.

(2) Local public questions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The absentee voter board.

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

(3) The circuit court clerk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) was hand delivered;

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

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

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

(1) In person.

(2) By fax transmission.

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

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

application and signature of the applicant, if transmitted by an absent uniformed services voter or an overseas voter acting under section 6 of this chapter.

(b) Application forms shall:

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

(2) be:

(A) mailed;

(B) transmitted by fax; or

(C) transmitted by electronic mail with a ~~scanned~~ **digital** image of the application;

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

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

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

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

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

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

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

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

(3) Set forth the penalties for perjury.

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

(1) requests an absentee ballot; and

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

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

(d) Not later than June 30, 2012, the commission shall approve absentee ballot application forms that comply with this subsection. The form prescribed by the commission must request that a voter who

requests an absentee ballot:

(1) provide the last four (4) digits of the voter's Social Security number; or

(2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter after June 30, 2012, must:

(1) comply with subsection (d); or

(2) be an earlier approved version of an application form authorized for use on June 30, 2012.

(f) The form prescribed by the commission must include a statement that permits an applicant to indicate whether:

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

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

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

SECTION 36. IC 3-11-4-6, AS AMENDED BY P.L.225-2011, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

(1) An absent uniformed services voter.

(2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).

(3) An overseas voter.

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

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

(1) A combined absentee registration form and absentee ballot request approved under 42 U.S.C. 1973ff(b)(2).

(2) A form prescribed under IC 3-5-4-8 that identifies the applicant as an absent uniformed services voter or an overseas voter. A form prescribed under this subdivision must permit the applicant to designate whether the applicant wishes to receive the absentee ballot by electronic mail, fax, or United States mail.

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

electronic mail or fax.

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

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

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

(1) To a law enforcement agency, upon request.

(2) As directed by a court order.

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

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

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

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

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

(3) If:

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

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

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

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

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

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

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

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

(1) Any candidate for nomination at a primary election.

(2) Any candidate, political party, or public question on a general election, municipal election, or special election ballot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

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

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

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

poll list is being used.

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

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

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

(9) ~~After~~ **On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after** election day, the electronic poll list must permit voter history to be quickly and accurately uploaded into the computerized list.

(10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.

(11) The electronic poll list must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll list must include a bar code reader or tablet that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) The electronic poll list must be compatible with:

(A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll list.

(14) The electronic poll list must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(15) The procedures for setting up, using, and shutting down an electronic poll list must:

(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(16) The electronic poll list must enable a precinct election officer

to verify that the electronic poll list:

(A) has been set up correctly;

(B) is working correctly so as to verify the eligibility of the voter;

(C) is correctly recording that a voter has voted; and

(D) has been shut down correctly.

(17) The electronic poll list must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.

(B) Training materials that:

(i) may be in written or video form; and

(ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll list.

(D) Usability tests:

(i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;

(ii) that include the setting up, using, and shutting down of the electronic poll list; and

(iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.

(E) A clear model of the electronic poll list system architecture and the following documentation:

(i) End user documentation.

(ii) System-level documentation.

(iii) Developer documentation.

(F) Detailed information concerning:

(i) electronic poll list consumables; and

(ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.

(H) Repair and maintenance policies for the electronic poll list.

(I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2), the following:

(i) A list of customers who are using or have previously used the vendor's electronic poll list.

(ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.

(18) The electronic poll list and any hardware attached to the poll book must be designed to prevent injury or damage to any

individual or the hardware, including fire and electrical hazards.

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

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

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

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

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

(A) permit a voter to sign the poll list even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature and its assignment to the voter's registration record.

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

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

(1) A statement that the voter is a citizen of the United States.

(2) The voter's date of birth to the best of the voter's information and belief.

(3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

(4) The voter's name and a statement that the voter is generally known by that name.

(5) A statement that the voter has not voted and will not vote in any other precinct in this election.

(6) The voter's occupation.

(7) The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.

(8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.

(9) If the individual's name does not appear on the registration list, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by

~~(A)~~ IC 3-7-13-10. ~~or~~

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

SECTION 42. HEA 1311-2013, SECTION 18, IS REPEALED [EFFECTIVE JULY 1, 2013].

SECTION 43. SEA 518-2013, SECTION 58, IS REPEALED [EFFECTIVE JULY 1, 2013].

SECTION 44. SEA 519-2013, SECTION 77, IS REPEALED [EFFECTIVE JULY 1, 2013].

SECTION 45. IC 3-11-8-25.1, AS AMENDED BY P.L.53-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. **One (1) of each of the precinct election officers nominated by each county chairman of a major political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter to provide proof of identification.** The voter shall produce the proof of identification **to each precinct officer requesting the proof of identification** before being permitted to sign the poll list.

(c) If:

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

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

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

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

(1) sign the poll list; and

(2) receive a provisional ballot.

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

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to

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

(1) The voter's name.

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

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

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

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

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

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

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

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

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

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

the voter may then vote.

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

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

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

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

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

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

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

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

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

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

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

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

(1) a municipal election;

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

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

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

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

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

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

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

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

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

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

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

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

whichever is the latest.

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

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

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

whichever is later.

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

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

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

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

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

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

(1) was:

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

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

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

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

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

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

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

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

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

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

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

vendor complies with all the following requirements:

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

(A) a state agency; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 60. IC 3-11.5-5-14, AS AMENDED BY P.L.66-2010, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) This section applies to the counting of federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

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

(2) included a list of electors on the declaration of intent to be a write-in candidate filed by a write-in candidate under IC 3-8-2-2.5;

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

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

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

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

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

(1) the ballot was submitted:

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

(B) from within the United States;

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

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

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

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

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

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

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

(1) An individual:

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

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

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

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

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

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

poll clerk before voting in person under IC 3-11-8-25.1; or

(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

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

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

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

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

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

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

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

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

(2) to connect a connectable arrow;

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

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

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

(b) A voting mark that:

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

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

may not be counted.

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

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

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

(1) a ballot

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the ballot was submitted:

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

(B) from within the United States;

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

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

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

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

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

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

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

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

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

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

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

(2) been elected to another office.

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

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

(2) been elected to another office.

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

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

(2) been elected to another office.

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

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

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

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

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

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

(1) Equipment, goods, and materials, including mail and messaging systems.
(2) Money.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or

(2) August 1 if the public question is to be placed on the general or municipal election ballot.

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

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

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

(2) The department of local government finance.

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

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

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

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

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

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

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

~~(m)~~ **(l)** If a public question regarding a controlled project is placed on the ballot to be voted on at a public question under this section, the political subdivision shall submit to the department of local government finance, at least thirty (30) days before the election, the following information regarding the proposed controlled project for

posting on the department's Internet web site:

(1) The cost per square foot of any buildings being constructed as part of the controlled project.

(2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.

(3) The maximum term of the bonds or lease.

(4) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(6) The purpose of the bonds or lease.

(7) In the case of a controlled project proposed by a school corporation:

(A) the current and proposed square footage of school building space per student;

(B) enrollment patterns within the school corporation; and

(C) the age and condition of the current school facilities.

SECTION 74. IC 10-16-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A muster or an assembly for instruction, review, or parade may not be held or called in any county on any day during which a general election, **primary election, municipal election,** or special election is held in the county, except in case of or imminent danger of riot, invasion, insurrection, or public disaster.

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

SECTION 75. IC 12-14-1.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. ~~(a)~~ The ~~co-directors of the~~ election division shall provide the division with a list of the current ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the ~~offices of the circuit court clerk or board of~~ **county voter** registration **office** in each county. The division shall promptly forward the list and each revision of the list to each county office.

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

SECTION 76. IC 12-15-1.5-8, AS AMENDED BY P.L.44-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. ~~(a)~~ The ~~codirectors of the~~ election division shall provide the division of family resources with a list of the current ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the ~~offices of the circuit court clerk or board of~~ **county voter** registration **office** in each county. The division of family resources shall promptly forward the list and each revision of the list to each county office.

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

SECTION 77. IC 16-35-1.6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. ~~(a)~~ The ~~co-directors of the~~ election division shall provide the commissioner with a list of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) in the form prescribed by IC 3-11-2;

(2) by board member districts; and

(3) without party designation.

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

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

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

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

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

(2) the candidates elected are those who, among the candidates from the board member district, receive the most votes; and

(3) the other candidates from the board member district are eliminated.

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

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

(1) appointing a person from the board member district from which the person who vacated the board was elected; or

(2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

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

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

(1) more than sixty (60) days after an elected board member vacates membership on the board; or

(2) immediately before the end of the term for which the vacating member was elected;

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

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

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

SECTION 80. HEA 1311-2013, SECTION 40, IS REPEALED [EFFECTIVE JULY 1, 2013].

SECTION 81. IC 20-23-8-8, AS AMENDED BY P.L.2-2006, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) A plan is subject to the following limitations:

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

the selection and qualification of a member under the new plan.

(2) The plan, if the members are:

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

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

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

(4) If the plan provides for electoral districts, where a member of the governing body is elected solely by the voters of a single district, the districts must be as near as practicable equal in population. The districts shall be reapportioned and their boundaries:

(A) changed, if necessary; **or**

(B) recertified, if changes are not necessary;

by resolution of the governing body ~~before the election~~ **not later than December 31 of the year** next following the ~~effective date of the subsequent~~ **year in which a** decennial census **is taken** to preserve the equality ~~by resolution~~ of the governing body.

(5) The plan shall comply with the:

(A) Constitution of the State of Indiana; and

(B) Constitution of the United States;

including the equal protection clauses of both constitutions.

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

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

SECTION 82. IC 20-23-12-8, AS AMENDED BY P.L.179-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8. (a) The term of each person elected to serve on the governing body is four (4) years.

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

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

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

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

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

SECTION 84. IC 20-23-14-8, AS AMENDED BY P.L.179-2011, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8. (a) The term of each person elected to serve on the governing body is four (4) years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) On a nonpartisan basis.

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

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

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

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

(A) The name of the candidate.

(B) A certification that the candidate meets the qualifications

for candidacy imposed by this chapter.

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

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

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

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

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

(A) The name of the candidate.

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

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

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

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

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

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

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

nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) other procedures required to implement this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Execute any document under IC 3 except:

~~(1)~~ **(A)** a voter registration application;

~~(2)~~ **(B)** the authorization to cancel a voter registration;

~~(3)~~ **(C)** a declaration of candidacy;

~~(4)~~ **(D)** a candidate's consent to be placed on the ballot;

~~(5)~~ **(E)** a ballot; or

~~(6)~~ **(F)** an absentee ballot.

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

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

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

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

(1) proposes a reorganization; ~~and~~

(2) names the political subdivisions that would be reorganized in

the proposed reorganization; **and**

(3) for a petition filed after December 31, 2013, contains all of the following:

(A) The signature of each petitioner.

(B) The name of each petitioner legibly printed.

(C) The residence mailing address of each petitioner.

(D) The date on which each petitioner signed the petition.

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

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

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

(1) The clerk of each of the reorganizing political subdivisions.

(2) The county auditor of each county in which a reorganizing political subdivision is located.

(3) The county recorder of each county in which a reorganizing political subdivision is located.

(4) The state board of accounts.

(5) The department of local government finance.

(6) The department of state revenue.

(7) The budget agency.

(8) If any of the reorganizing political subdivisions is a school corporation, the department of education.

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

(1) the public question on a plan of reorganization shall be placed on the ballot for consideration by the voters of the reorganizing municipality and township;

(2) the vote on the public question by the voters of a

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

(A) each reorganizing municipality;

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

(C) each reorganizing municipality and the reorganizing township;

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

(A) each reorganizing municipality; and

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

shall be tabulated separately; and

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

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

(B) each reorganizing municipality; and

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

voting on the public question.

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

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

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

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

(A) each reorganizing municipality; and

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

shall be tabulated separately; and

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

(A) the entire county;

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

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

voting on the public question.

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

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

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

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

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

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

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

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

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

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

(1) is contiguous to that territory; and

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

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

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

(2) is contiguous to that territory; and

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

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

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

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

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

year in which a federal decennial census is conducted.

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

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

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

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

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

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

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

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

(1) the petition; ~~and census;~~ and

(2) all statements presented in favor of or in opposition to granting the petition.

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

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

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

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

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

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

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

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

(b) This SECTION expires January 1, 2015.

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**