First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1311

AN ACT to amend the Indiana Code concerning elections.

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

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

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

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

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

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

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

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

~~(b)~~ **(c)** The lists must contain the following information concerning

Copy

each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

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

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

(5) The date of birth of the voter.

(6) The scanned signature of the voter.

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

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

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

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

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

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

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

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

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

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

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

(A) concerning the individual's name; or

C o p y

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

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

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

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

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

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

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

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

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

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

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

(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an

C o p y

electronic poll list at an election (rather than requiring voters to sign certified poll lists prepared under this chapter).

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

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

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

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

(1) may be issued at any time after:

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

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

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

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

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

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

SECTION 10. IC 3-10-1-7.1, AS AMENDED BY P.L.164-2006,

C o p y

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

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

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

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

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

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

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

(1) The voter's name.

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

(3) The name of the voter's party.

(b) The poll clerks shall:

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

C o p y

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

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

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

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

(e) If the voter makes:

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

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

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

SECTION 13. IC 3-10-1-24.6, AS AMENDED BY P.L.164-2006, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24.6. (a) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the ~~affidavit of~~ registration **record** or any certified copy of the signature provided under section 7.1 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote.

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

C o p y

SECTION 14. IC 3-11-1.5-10.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 10.7. If a conflict exists between the map of a precinct and the description of the boundaries of a precinct submitted by a county and approved under this chapter, the precinct boundary is the description of the boundaries of the precinct, rather than the map of the precinct, to the extent of any conflict between the map and the description.**

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

(1) The supplies provided for the inspector's precinct by the election division.

(2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The local ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.

(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

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

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

C o p y

(b) This subsection applies to a county that:

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

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

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

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

SECTION 17. IC 3-11-8-10.3, AS ADDED BY P.L.1-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10.3. (a) As used in this section, "electronic poll 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.

C o p y

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

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

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

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

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

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

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

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

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

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

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

(11) The electronic poll list must be used with a signature pad that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10).

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

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

C o p y

reader; and

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

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

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

(B) the statewide voter registration system; and

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

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

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

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

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

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

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

(16) The electronic poll list must enable a precinct election officer to verify that the electronic poll list:

(A) has been set up correctly;

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

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

(D) has been shut down correctly.

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

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

(B) Training materials that:

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

(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

C o p y

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,

C o p y

usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2).

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

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

(c) If:

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

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

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

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

(1) sign the poll list; and

(2) receive a provisional ballot.

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

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

(1) The voter's name.

(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;

C o p y

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

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

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

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

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

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

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

the voter may then vote.

(k) **The electronic poll list (or** each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that **the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used, the poll clerk may check the box** ~~a voter whose~~ **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 resides at an address that is within the same precinct, or makes an affirmation of this change of address under IC 3-7-39-7, the county election board shall direct the county voter registration office to transfer the voter's voter registration to the address within the precinct indicated by the voter.

(m) 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

C o p y

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.

(n) 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 19. IC 3-11-8-25.5, AS AMENDED BY P.L.164-2006, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.5. If an individual signs the individual's name and either:

(1) signs the individual's address; or

(2) checks the "Address Unchanged" box;

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

SECTION 20. IC 3-11-8-25.7, AS ADDED BY P.L.120-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.7. (a) This section applies only to a voter who is a member of the military or public safety officer.

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

(1) writes the voter's address; or

(2) checks the "Address Unchanged" box;

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

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

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

(e) If the voter returns to the polls, the voter shall be permitted to

C o p y

vote if the voter executes an affidavit stating all of the following:

(1) The name of the voter.

(2) That the voter is a member of the military or public safety officer.

(3) The military or public safety position the voter holds.

(4) That after the voter signed the poll list, but before the voter voted, the voter was called to respond to an emergency in the voter's capacity as a member of the military or public safety officer.

(5) A brief description of the emergency to which the voter responded.

(6) The time at which the voter returned to the polls.

(f) The commission shall prescribe the form of the affidavit required by this section.

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

(1) cannot sign; or

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

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

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

(1) The voter's name.

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

(c) The poll clerks shall:

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

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

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

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

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

C o p y

list, or if an electronic poll list is used, the poll clerk may check the box ~~to indicate that the~~ **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 instead of writing the voter's current residence address on the poll list **or reentering the address in the electronic poll list.**

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

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

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

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

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

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

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

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

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

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

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

(A) state law; or

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

SECTION 23. IC 3-11-17-1, AS ADDED BY P.L.221-2005,

C o p y

SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter applies to a voting system **or an electronic poll book** vendor who sells, leases, installs, implements, or permits the use of a voting system **or an electronic poll book** in an election conducted in Indiana.

SECTION 24. IC 3-11-17-2, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. In addition to any other penalty imposed, a vendor who knowingly, recklessly, or negligently **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 25. IC 3-11-18.1-12, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. **(a)** Notwithstanding any other law, the electronic poll list used at each vote center

~~(1)~~ must:

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

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

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

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

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

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

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

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

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

(e) After the report required by subsection (d) is filed, the secretary of state may approve the application for certification

C o p y

permitting the electronic poll book to be used in an election in Indiana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C o p y

person; and

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

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

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

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

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

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

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

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

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

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

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

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

(1) Mark the poll list.

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

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

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

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

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

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

in an envelope in the presence of both poll clerks.

~~(c)~~ **(d)** The inspector shall seal the envelope. The inspector and each poll clerk shall then sign a statement printed on the envelope indicating

C o p y

that the inspector or poll clerk has complied with the requirements of this chapter governing the marking of the poll list and certificates.

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

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

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

(c) This section applies to a county that:

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

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

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

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

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

C o p y

voting in person.

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

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

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

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

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

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

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

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

(1) absentee voter boards;

(2) teams of absentee ballot counters; and

(3) teams of couriers;

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

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

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

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

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

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

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

(1) is unable to read, write, and speak the English language;

(2) has any property bet or wagered on the result of the election;

(3) is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state

C o p y

convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

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

(1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and

(2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.

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

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

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

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

(1) mark the poll list; and

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

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

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

(1) marked the poll list; and

(2) attached the certificates described in subsection ~~(a)(2);~~ **(b)(2);** under this section in the presence of both poll clerks.

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

Copy

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

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

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

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct.

(b) This section applies to a county that:

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

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

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

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

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

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

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

(b) This subsection applies to a county that:

(1) has adopted an order to use an electronic poll list under

C o p y

IC 3-7-29-6; or

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

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

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

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

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

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

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

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

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

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

C o p y

election.

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

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

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

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

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

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

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

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

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

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

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

(1) shall be drawn on the basis of precinct lines;

(2) may not cross precinct lines; and

(3) as nearly as practicable, be of equal population, with the population of the largest exceeding the population of the smallest by not more than fifteen percent (15%).

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

(1) be drawn in any manner considered appropriate by the governing body; and

(2) be drawn along township lines.

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

(1) the state board; and

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

C o p y

(i) The governing body shall designate:

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

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

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

(k) If a conflict exists between:

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

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

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

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

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

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

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

C o p y

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

(1) A copy of the amendment.

(2) Either of the following:

(A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 35(f) and 35(g) of this chapter.

(B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 35(f) and 35(g) of this chapter, a map of the new district boundaries.

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

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

(1) readjust the boundaries of the districts to equalize the districts by population; **or**

(2) recertify that the boundaries of the districts as drawn comply with this subsection.

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

(1) provide that the metropolitan school district to be created shall be divided into two (2) or more governing body districts;

(2) describe the governing body member districts;

(3) provide that one (1) or more members of the governing body must reside within each of the governing body member districts;

(4) set out the number of members to serve from each designated district;

(5) provide that the governing body member districts need not be equal in size or population, and that one (1) board member district

C o p y

may include all the area in the metropolitan school district;

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

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

(c) If the resolution or petition:

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

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

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

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

SECTION 39. IC 20-23-7-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4.5. (a) Not later than December 31, 2013, the board of commissioners shall do the following:**

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

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

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

C o p y

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

(1) A copy of the amendment.

(2) Either of the following:

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

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

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

(e) If a conflict exists between:

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

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

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

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

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

(2) The plan, if the members are:

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

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

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

C o p y

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

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

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

(b) This subsection applies during the first year after a year in

C o p y

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

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

(1) A copy of the amendment.

(2) Either of the following:

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

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

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

(e) If a conflict exists between:

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

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

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

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

(b) Three (3) of the members are elected from the school districts referred to in section ~~4~~ **4.5** of this chapter by eligible voters residing in the school districts. Each member:

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

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

(c) Two (2) of the members:

C o p y

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

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

(3) upon election and in conducting the business of the governing body, represent the interests of the entire school corporation.

SECTION 43. IC 20-23-14-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. The school districts for the election of the members of the governing body under section 3(b) of this chapter are as follows:~~

~~(1) Commencing at the Southeast corner of Section 16; thence West along the center line of 29th Avenue (South line of Section 16) to Deep River; thence Southwesterly along the center line of Deep River to State Road 51; thence South along the center line of State Road 51 to 33rd Avenue to Montgomery Street (the North-South center line of Section 20); thence North along the center line of Montgomery Street to 31st Avenue; then West along the center line of 31st Avenue to Grand Boulevard; then North along the center line of Grand Boulevard to Riverside Drive; then Northeasterly along the center line of Riverside Drive to Laporte Street; thence North along the center line of Laporte Street to Fairview Avenue; thence Easterly along the center line of Fairview Avenue to State Road 51; thence North along the center line of State Road 51 to Central Avenue; thence East along the center line of Central Avenue to the county line; thence South along the county line to the point of beginning.~~

~~(2) Commencing at the Northeast Corner of Section 9-36-7; thence South along the county line to Central Avenue; thence West along the center line of Central Avenue to State Road 51; thence South along the center line of State Road 51 to Fairview Street; thence Westerly along the center line of Fairview Avenue to Laporte Street; thence South along the center line of Laporte Street to Riverside Drive; thence Southwesterly along the center line of Riverside Drive to Grand Boulevard; thence North along the center line of Grand Boulevard to Court Street; thence West along the center line of Court Street to Howard Street; thence Northerly along the center line of Howard Street to the Borman Tri-State Highway (I-80 and I-94); thence Westerly along the center line of the Borman Tri-State Highway to the Little Calumet River Bed; thence meandering along the center line of the Little Calumet River Bed first in a Northeasterly direction, then in a Southwesterly direction, then in a Northerly direction to Burns Ditch; thence Westerly along the center line of Burns Ditch to Clay Street; then North along the center line of Clay Street to 15th~~

Copy

~~Avenue; thence East along the center line of 15th Avenue to Gibson Street; thence North along Gibson Street to the Indiana Toll Road; thence Easterly along the North Line of the Indiana Toll Road to Lake Street; thence North along the East Line of Lake Street to the Wabash Railroad; thence East along the Wabash Railroad to the point of beginning.~~

~~(3) Commencing at the Southeast corner of Section 18-36-7; thence West along the center line of 29th Avenue to Hancock Street; thence South along the center line of Hancock Street to Deep River; thence Southwesterly along the center line of Deep River to Gibson Street; thence North along the center line of Gibson Street to 29th Avenue; thence West along 29th Avenue, including residences on both the North and South sides of 29th Avenue to Clay Street; thence South along the center line of Clay Street to Liverpool Road; thence Westerly along the center line of Liverpool Road to Benton Street; thence North along the center line of Benton Street to 29th Avenue; thence West along the center line of 29th Avenue to State Street; thence North along the center line of State Street to Marquette Road; thence Easterly along the center line of Marquette Road to Clay Street; thence North along the center line of Clay Street to Burns Ditch; thence Easterly along the center line of Burns Ditch to the Little Calumet River Bed; thence meandering along the center line of the Little Calumet River Bed first in a Southerly direction, then in a Northeasterly direction, and then in a Southerly direction to the Borman Tri-State Highway (I-80 and I-94); then Easterly along the center line of the Borman Tri-State Highway to Howard Street; thence Southerly along the center line of Howard Street to Court Street; thence East along the center line of Court Street to Grand Boulevard; thence South along the center line of Grand Boulevard to the point of beginning.~~

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

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

C o p y

(c) The school districts established must:

(1) be as near as practicable equal in population;

(2) have boundaries set forth in the text of the resolution; and

(3) comply with:

(A) the Constitution of the United States; and

(B) the Constitution of the State of Indiana;

including the equal protection clauses of both constitutions.

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

(e) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the resolution if an amendment is necessary to reapportion the school districts and change their boundaries to comply with subsection (c). If the governing body determines that reapportionment and changes to the boundaries of the school districts are not required, the governing body shall recertify that the school districts as established comply with subsection (c).

(f) Each time the governing body amends the resolution or makes a recertification, the governing body shall file a copy of the following with the board of elections and registration established by IC 3-6-5.2-3 not later than thirty (30) days after the amendment or recertification occurs:

(1) A copy of the amendment or recertification.

(2) One (1) of the following:

(A) A certification that changes to the school district boundaries as established are not required to comply with subsection (c).

(B) If reapportionment of the school districts and changes to their boundaries are required to comply with subsection (c), a map showing the boundaries of the new school districts.

(g) If a conflict exists between:

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

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

the school district boundaries are the description of the boundaries

C o p y

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

SECTION 45. IC 20-23-15-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7.5. (a) Not later than December 31, 2013, the governing body shall do the following:**

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

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

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

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

(1) A copy of the amendment.

(2) Either of the following:

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

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

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

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

C o p y

provision or application. The provisions of the plan are severable.

(f) If a conflict exists between:

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

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

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

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

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

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

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

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

(1) the members of the Indiana election commission;

(2) two (2) members of the senate selected by the president pro tempore, one (1) from each political party; and

(3) two (2) members of the house of representatives selected by the speaker, one (1) from each political party.

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

(c) This subsection applies to a county having a population of more

C o p y

than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000). The executive shall divide the county into three (3) single-member districts that comply with subsection (d).

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

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

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

(3) not cross precinct lines.

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

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

(g) This subsection applies during the first year after a year in which a federal decennial census is conducted. If the county executive or county redistricting commission determines that a division under subsection (e) is not required, the county executive or county redistricting commission shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(h) Each time there is a division under subsection (e) or (f) or a recertification under subsection (g), the county executive or county redistricting commission shall file with the circuit court clerk of the county, not later than thirty (30) days after the division or recertification occurs, a map of the district boundaries:

(1) adopted under subsection (e) or (f); or

(2) recertified under subsection (g).

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

(j) If a conflict exists between:

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

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

C o p y

the ordinance;

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

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

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

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

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

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

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

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

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

(2) not cross precinct boundary lines;

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

(4) include whole townships, except when a division is clearly

C o p y

necessary to accomplish redistricting under this section.

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

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

(g) This subsection applies during the first year after a year in which a federal decennial census is conducted. If the county executive, county redistricting commission, or county fiscal body determines that a division under subsection (e) is not required, the county executive, county redistricting commission, or county fiscal body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(h) Each time there is a division under subsection (e) or (f) or a recertification under subsection (g), the county executive, county redistricting commission, or county fiscal body shall file with the circuit court clerk of the county, not later than thirty (30) days after the division or recertification occurs, a map of the district boundaries:

(1) adopted under subsection (e) or (f); or

(2) recertified under subsection (g).

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

(j) If a conflict exists between:

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

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

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

SECTION 48. IC 36-3-4-3, AS AMENDED BY P.L.141-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The city-county legislative body shall, by

C o p y

ordinance, divide the whole county into twenty-five (25) districts that:

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

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

(3) do not cross precinct boundary lines.

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

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

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

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

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

(f) This subsection applies during the second year after a year in which a federal decennial census is conducted. If the legislative body determines that a division under subsection (a) is not required, the legislative body shall adopt an ordinance recertifying

C o p y

that the districts as drawn comply with this section.

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

(1) adopted under subsection (a); or

(2) recertified under subsection (f).

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

(i) If a conflict exists between:

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

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

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

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

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

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

(2) are reasonably compact;

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

(4) contain, as nearly as is possible, equal population.

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

(1) more than one (1) member of the legislative body elected from the districts established under subsection (b) resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and

(2) following the establishment of a legislative body district

C o p y

whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from districts resides within the same city legislative body district.

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

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

(1) except when following a precinct boundary line; or

(2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

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

(1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and

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

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

(1) during the second year after a year in which a federal decennial census is conducted; and

(2) when required to assign annexed territory to a district.

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

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

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

(j) If any territory in the city 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.

(k) If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the

C o p y

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.

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

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

(1) adopted under subsection (b); or

(2) recertified under subsection (l).

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

(o) If a conflict exists between:

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

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

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

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

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

(1) are composed of contiguous territory, except for territory that

C o p y

is not contiguous to any other part of the city;

(2) are reasonably compact;

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

(4) contain, as nearly as is possible, equal population.

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

(1) more than one (1) member of the legislative body elected from the districts established under subsection (b), (j), or (m) resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and

(2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

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

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

(1) except when following a precinct boundary line; or

(2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

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

(1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and

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

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

(1) during the second year after a year in which a federal decennial census is conducted; and

(2) when required to assign annexed territory to a district.

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

(h) This subsection does not apply to a city with an ordinance described by subsection (j) or (m). The legislative body is composed of five (5) members elected from the districts established under subsection (b) and two (2) at-large members.

C o p y

(i) This subsection does not apply to a city with an ordinance described by subsection (j) or (m). Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

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

(1) are composed of contiguous territory;

(2) are reasonably compact;

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

(4) contain, as nearly as is possible, equal population.

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

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

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

(1) the city shall be divided into three (3) districts that:

(A) are composed of contiguous territory;

(B) are reasonably compact;

(C) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and

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

(2) the legislative body of the city is composed of three (3) members elected from the districts established under this subsection and two (2) at-large members.

Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter

C o p y

resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

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

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

(2) recertified under subsection (q).

(o) If any territory in the city 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.

(p) If any territory in the city 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.

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

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

(s) If a conflict exists between:

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

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

C o p y

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

SECTION 51. IC 36-4-6-5, AS AMENDED BY P.L.113-2010, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) This section applies to third class cities having a population of less than ten thousand (10,000). The legislative body of such a city may, by ordinance adopted after June 30, 2010, and during a year in which an election of the legislative body will not occur, decide to be governed by this section instead of section 4 of this chapter. The legislative body districts created by an ordinance adopted under this subsection apply to the first election of the legislative body held after the date the ordinance is adopted. The clerk of the legislative body shall send a certified copy of any ordinance adopted under this subsection to the secretary of the county election board.

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

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

(2) are reasonably compact;

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

(4) contain, as nearly as is possible, equal population.

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

(1) more than one (1) member of the legislative body elected from the districts established under subsection (b) or (j) resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and

(2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

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

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

(1) except when following a precinct boundary line; or

(2) unless the city legislative body certifies in the ordinance that

C o p y

the census block has no population, and is not likely to ever have population.

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

(1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and

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

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

(1) during the second year after a year in which a federal decennial census is conducted; and

(2) when required to assign annexed territory to a district.

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

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

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

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

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

(2) are reasonably compact;

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

(4) contain, as nearly as is possible, equal population.

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

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the

C o p y

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

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

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

(1) adopted under subsection (b) or (j); or

(2) recertified under subsection (q).

(o) If any territory in the city 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.

(p) If any territory in the city 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.

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

(r) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply

C o p y

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

(s) If a conflict exists between:

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

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

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

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

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

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

(2) The district must be reasonably compact.

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

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

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

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

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

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

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

(1) is contiguous to that territory; and

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

C o p y

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) The ordinance may be appealed in the manner prescribed by IC 34-13-6. If the town is located in two (2) or more counties, the appeal may be filed in the circuit or superior court of any of those counties.

(g) This subsection does not apply to a town with an ordinance described by subsection (h). **Except as provided in subsection (k),** the division permitted by subsection (a) shall be made:

(1) during the second year after a year in which a federal decennial census is conducted, subject to IC 3-11-1.5-32; and

(2) when required to assign annexed territory to a municipal legislative body district.

The division may also be made in any other year.

(h) This subsection applies to a town having a population of less than three thousand five hundred (3,500). The town legislative body may adopt an ordinance providing that:

(1) town legislative body districts are abolished; and

(2) all members of the legislative body are elected at large.

(i) An ordinance described by subsection (h):

(1) may not be adopted or repealed during a year in which a municipal election is scheduled to be conducted in the town under IC 3-10-6 or IC 3-10-7; and

(2) is effective upon passage.

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

(1) adopted under subsection (a); or

(2) recertified under subsection (k).

(k) This subsection applies during the second year after a year in which a federal decennial census is conducted. If the legislative body determines that a division under subsection (a) is not required, the legislative body shall adopt an ordinance recertifying

C o p y

that the districts as drawn comply with this section.

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

(m) If a conflict exists between:

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

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

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

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

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

(1) are composed of contiguous territory;

(2) are reasonably compact;

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

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

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

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

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

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

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

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

C o p y

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

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

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

(1) adopted under subsection (b); or

(2) recertified under subsection (f).

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

(i) If a conflict exists between:

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

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

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

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

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

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

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

(3) Study allegations of election fraud occurring in the:

(A) absentee voting process;

C o p y

(B) candidate filing process;

(C) voter registration process; and

(D) voting process.

(4) Study methods for improving election administration by reducing lines at polling places.

(5) Study methods for reducing the cost of the election process.

(6) Study methods for enabling an emergency first responder responding to an emergency declaration to receive an absentee ballot or absentee ballot application by electronic mail or facsimile (fax) machine.

(7) Study the impact of sending written communications to a voter containing false vote history information regarding that voter.

(8) Study issues related to redistricting conducted by local units of government.

(c) The committee shall make any proposed recommendations concerning the topics described in subsection (b), including any proposed legislation, as the committee considers appropriate.

(d) This SECTION expires January 1, 2014.

C o p y

Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

C o p y