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# HOUSE BILL No. 1157

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Various election law matters. Provides that a candidate's petition of nomination or a petition to place a public question on the ballot may not use an electronic, digital, digitized, or photocopied signature. Restates procedures to be followed when an election is conducted for a city or town located in more than one county. Permits a poll worker in an election conducted by a town election board to serve if the worker meets the qualifications to work in a town election conducted by a county election board. Specifies that January 1 of the year following the general election at which a school board member is elected is the date for the term of the school board member to begin. Specifies the deadline for withdrawal of school board candidates, and revises the deadline for filing as a write-in candidate for school board office. Specifies the first date on which a candidate may file a petition of nomination in Mishawaka and East Chicago school district elections. (Current law specifies the final date for filing, but not the first date.) Specifies that a school corporation with members of the school board elected only by the voters of a school board residence district must adopt a redistricting resolution not later than December 31 of the year following the decennial census. (Current law requires the adoption of a redistricting resolution by the school corporation "before the election next following the effective date of the subsequent decennial census".) Specifies the procedure for certification of school board candidates to the county election board of each county in which a school corporation is located. Provides that a county voter registration office is not required to forward to another county a paper copy of an authorization by a voter to cancel the voter's registration, if the authorization to

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**Effective:** July 1, 2013.

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January 10, 2013, read first time and referred to Committee on Elections and Apportionment.

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cancel is electronically transmitted to the other county using the statewide voter registration system. Specifies requirements for candidates for selection to an appointment pro tempore to an office. Permits photocopies of receipts for filing of a statement of economic interests to be accepted as part of a candidate filing. Specifies how a voter's vote in a primary is to be recorded in the statewide voter registration system when a voter's choice of political party ballot is not recorded on the poll list. Provides that an independent or minor party candidate in a special election for U.S. Representative may withdraw not later than noon 71 days before the special election (instead of noon 45 days before the special election under current law). Provides that special elections to fill certain offices are to be held unless the vacancy in the office occurs less than 74 days (rather than 30 days) before a general election. Amends absentee application and voting procedures relating to the deadlines applicable to certain types of absentee ballot applications. Provides that the application must permit a person to indicate whether the applicant is currently a participant in the address confidentiality program. Makes changes concerning the procedure for processing military and overseas voter absentee ballot applications. Conforms procedures governing federal write-in absentee ballots used in central count counties with current law in precinct count counties. Permits a military or overseas voter to transmit an absentee application or a secrecy waiver for an absentee ballot by sending electronic mail with a digital image (rather than a optically scanned image under current law) as an attachment. Establishes a procedure for a federal write-in absentee ballot received in an envelope inadvertently opened by the county election board to be resealed and counted, if otherwise valid, and makes other changes to conform to the federal laws governing federal write-in absentee ballots. Specifies requirements for optical scan ballot card voting systems and direct record electronic voting systems to permit straight ticket voting and split ticket voting. Permits a county to continue to use a voting system whose approval or certification expired on or before October 1, 2013, if the voting system: (1) was approved by the Indiana election commission for use in elections in Indiana before October 1, 2013, and purchased by the county before October 1, 2013; and (2) otherwise complies with the applicable provisions of the federal Help America Vote Act and Indiana law. Specifies rules for counting paper or optical scan ballots when a voting mark does not touch a circle, oval, or square on the ballot, and when a voting mark partially connects a connectable arrow on the ballot. Establishes standards for ballot card voting system certification for detection of a voting mark when a voting mark touches only the outside edge of a circle, oval, or square. Permits a local government body to proceed to fill an office vacancy when an official has filed a resignation with a delayed effective date, in the same manner that a political party caucus may fill a vacancy in such cases. Conforms the deadlines for certification and withdrawal of public questions for controlled projects with the deadlines for certifying other public questions and printing absentee ballots. Provides that the current law concerning national guard musters applies to all election days. Repeals certain statutes relating to elections conducted in towns located in more than one county. Removes a requirement that a petition to dissolve a town or change the name of a town must be accompanied by a census of the voters of the town. Removes various obsolete references. Makes technical changes.

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Introduced

First Regular Session 118th General Assembly (2013)

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

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

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

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# HOUSE BILL No. 1157



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

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

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

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

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



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

3 SECTION 3. IC 3-5-4-11, AS ADDED BY P.L.179-2011,  
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2013]: Sec. 11. (a) As used in this section, "governing body"  
 6 refers to the governing body of a school corporation subject to any of  
 7 the following:

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

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

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

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

13 (5) IC 20-23-12.

14 (6) IC 20-23-13.

15 (7) IC 20-23-14.

16 **(8) IC 20-23-17.**

17 **(9) IC 20-23-17.2.**

18 ~~(8)~~ **(10) IC 20-25-3-4.**

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

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

22 (2) take office January 1, 2013.

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

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

26 (2) take office January 1, 2015.

27 ~~(d) This section expires July 1, 2016.~~

28 **(d) Notwithstanding any other statute or a school corporation's**  
 29 **plan for the organization of its governing body, after January 1,**  
 30 **2015, an elected member of the governing body shall:**

31 **(1) be elected at the general election held immediately before**  
 32 **the term of office for that position on the governing body**  
 33 **expires; and**

34 **(2) take office the following January 1.**

35 SECTION 4. IC 3-6-5-15 IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) Except as otherwise  
 37 provided by law, ~~whenever in subsection (b), this section applies~~  
 38 **when an election is conducted in a political subdivision (as defined**  
 39 **in IC 36-1-2-13 and other than a county) that contains territory in more**  
 40 **than one (1) county.**

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

42 **(1) conducted at the same time as a primary or general**

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1 election during an even-numbered year; or  
 2 (2) conducted in a town by a town election board under  
 3 IC 3-10-7.

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

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

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

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

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

40 (d) This subsection applies in each precinct in which a special  
 41 election is to be conducted. **Except as provided in IC 3-7-36 for**  
 42 **absent uniformed services voters and overseas voters,** the

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1 registration period ceases in that precinct on the twenty-ninth day  
 2 before a special election is conducted and resumes fourteen (14) days  
 3 after the special election occurs.

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

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

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

- 18 (1) stored in a secure location outside of the office of the clerk or  
 19 board; or  
 20 (2) discarded, if a microfilmed or similar electronic record of the  
 21 duplicate affidavits is stored in a secure location outside the office  
 22 of the clerk or board.

23 SECTION 8. IC 3-7-27-16 IS REPEALED [EFFECTIVE JULY 1,  
 24 2013]. Sec. 16: (a) This section does not apply to a county if the county  
 25 election board has adopted a resolution providing that affidavits or  
 26 forms are not required to be delivered to the polls.

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

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

- 36 (1) The county chairmen of the major political parties of the  
 37 county.  
 38 (2) The chairman of the following:  
 39 (A) A bona fide political party of the county.  
 40 (B) An independent candidate's committee participating in a  
 41 primary, general, or municipal election.

42 ~~After that date,~~ Upon request the county voter registration office shall

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1 report cancellations daily and within forty-eight (48) hours after the day  
2 on which the cancellations were made, until election day.

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

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

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

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

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

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

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

23 (i) the voter;

24 (ii) the voter's spouse; or

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

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

29 (i) the voter;

30 (ii) the voter's spouse; or

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

32 (2) Completing a registration affidavit.

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

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

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

41 (2) ending at noon election day.

42 (b) An absent uniformed services voter who is absent from Indiana

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

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

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

- 11 (i) the voter;  
 12 (ii) the voter's spouse; or  
 13 (iii) the individual of whom the voter is a dependent.

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

- 18 (i) the voter;  
 19 (ii) the voter's spouse; or  
 20 (iii) the individual of whom the voter is a dependent.

21 (2) Completing a registration affidavit.

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

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

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

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

- 35 (1) Certify in writing that the voter registered under this section.  
 36 (2) Attach the certification to the voter's absentee ballot envelope.

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

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

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

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

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

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

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

30 **whichever is the case.**

31 (b) If a town council member:

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

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

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

39 SECTION 14. IC 3-8-2-2.6 IS REPEALED [EFFECTIVE JULY 1,  
 40 2013]. Sec. 2-6. (a) This section applies to a write-in candidate for a  
 41 school board office to be elected on the same election day that a  
 42 primary election is conducted.

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1 (b) A:

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

3 (2) withdrawal of a declaration;

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

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

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

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

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

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

22 SECTION 15. IC 3-8-2-2.7, AS AMENDED BY P.L.164-2006,  
23 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2013]: Sec. 2.7. (a) This subsection does not apply to a  
25 write-in candidate for school board office who is subject to section  
26 2.6(c) of this chapter. A candidate may withdraw a declaration of intent  
27 to be a write-in candidate not later than noon July 15 before a general  
28 or municipal election.

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

34 SECTION 16. IC 3-8-2-4, AS AMENDED BY P.L.225-2011,  
35 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2013]: Sec. 4. (a) A declaration of candidacy for a primary  
37 election must be filed not later than noon eighty-eight (88) days and not  
38 earlier than one hundred eighteen (118) days before the primary  
39 election. The declaration must be subscribed and sworn to before a  
40 person authorized to administer oaths.

41 (b) This subsection does not apply to a write-in candidate for school  
42 board office who is subject to section 2.6(c) of this chapter. A

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1 declaration of intent to be a write-in candidate must be filed:

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

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

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

- 12 (1) candidacy may be filed for an office that will appear on the  
 13 primary election ballot; or  
 14 (2) intent to be a write-in candidate **may be filed** for an office that  
 15 will appear on the general, municipal, or school board election  
 16 ballot;

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

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

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

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

- 34 (1) copy of the statement, file stamped by the office required to  
 35 receive the statement of economic interests; or  
 36 (2) receipt **or photocopy of a receipt** showing that the statement  
 37 has been filed;

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

41 (d) This subsection applies to a candidate for a local office or school  
 42 board office required to file a statement of economic interests under

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1 IC 3-8-9. The circuit court clerk shall reject a declaration of candidacy  
2 that does not include a statement of economic interests.

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

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

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

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

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

- 31 (1) July 15 before a general or municipal election; or
- 32 (2) ~~forty-five (45)~~ **seventy-one (71)** days before a special election.

33 SECTION 20. IC 3-10-1-31.3 IS ADDED TO THE INDIANA  
34 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2013]: **Sec. 31.3. (a) This subsection applies**  
36 **to a primary election within an election district in which more than**  
37 **one (1) political party chooses the party's nominees or in which a**  
38 **nonpartisan ballot is available for a voter to vote for an office or on**  
39 **a public question. A voter whose political party is not recorded on**  
40 **the poll list as required under section 24 of this chapter shall be**  
41 **shown on the voter's registration record as having cast an**  
42 **unknown ballot in that primary.**

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

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

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

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

23           SECTION 22. IC 3-10-6-10 IS REPEALED [EFFECTIVE JULY 1,  
 24 2013]. ~~Sec. 10: The commission shall, if necessary, implement section~~  
 25 ~~9 of this chapter by orders and rules. Local governments may use~~  
 26 ~~IC 36-1-7 for contractual agreements concerning the costs of services,~~  
 27 ~~supplies, and equipment required.~~

28           SECTION 23. IC 3-10-7-22, AS AMENDED BY P.L.230-2005,  
 29 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2013]: Sec. 22. (a) A town election board shall appoint a  
 31 precinct election board for each precinct in the town.

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

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

41           (d) Each precinct election board consists of:

42           (1) one (1) inspector; and

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1 (2) two (2) judges of opposite political parties.  
 2 (e) The members of a precinct election board must ~~be voters who~~  
 3 ~~reside in the town:~~ **comply with IC 3-6-6.**  
 4 SECTION 24. IC 3-10-8-1, AS AMENDED BY P.L.164-2006,  
 5 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2013]: Sec. 1. A special election shall be held in the following  
 7 cases:  
 8 (1) Whenever two (2) or more candidates for a federal, state,  
 9 legislative, circuit, or school board office receive the highest and  
 10 an equal number of votes for the office, except as provided in  
 11 Article 5, Section 5 of the Constitution of the State of Indiana or  
 12 in IC 20.  
 13 (2) Whenever a vacancy occurs in the office of United States  
 14 Senator, as provided in IC 3-13-3-1.  
 15 (3) Whenever a vacancy occurs in the office of United States  
 16 Representative unless the vacancy occurs less than ~~thirty (30)~~  
 17 **seventy-four (74)** days before a general election.  
 18 (4) Whenever a vacancy occurs in any local office the filling of  
 19 which is not otherwise provided by law.  
 20 (5) Whenever required by law for a public question.  
 21 (6) Whenever ordered by a court under IC 3-12-8-17 or the state  
 22 recount commission under IC 3-12-11-18.  
 23 (7) Whenever required under IC 3-13-5 to fill a vacancy in a  
 24 legislative office unless the vacancy occurs less than ~~thirty (30)~~  
 25 **seventy-four (74)** days before a general election.  
 26 SECTION 25. IC 3-10-8-7.5 IS ADDED TO THE INDIANA CODE  
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 28 1, 2013]: Sec. 7.5. (a) **This section applies to a special election to fill**  
 29 **one (1) or more vacancies in the office of United States**  
 30 **Representative under 2 U.S.C. 8(b).**  
 31 **(b) A special election conducted under this section shall be**  
 32 **governed by other provisions of this title as far as applicable.**  
 33 **(c) A political party entitled to fill a candidate vacancy under**  
 34 **IC 3-13-2 shall nominate a candidate for election to the office**  
 35 **under IC 3-13-2-3.**  
 36 **(d) A candidate who does not intend to affiliate with a political**  
 37 **party described by subsection (c) shall:**  
 38 **(1) be nominated as an independent or a candidate of a**  
 39 **political party by petition in accordance with IC 3-8-6; or**  
 40 **(2) file a declaration of intent to be a write-in candidate under**  
 41 **IC 3-8-2-4(b).**  
 42 **(e) A certificate of candidate selection under IC 3-13-2-8, a**

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1 petition of nomination, or a declaration of intent to be a write-in  
2 candidate must be filed with the election division not later than  
3 noon thirty-five (35) days before the special election is to be  
4 conducted.

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

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

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

24 SECTION 26. IC 3-11-2-10, AS AMENDED BY P.L.190-2011,  
25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2013]: Sec. 10. (a) Public questions shall be placed on the  
27 general election ballot in the following order after the statement  
28 described in section 7 of this chapter, and the instructions described in  
29 subsections (d) and (e) and section 8 of this chapter:

30 (1) Ratification of a state constitutional amendment.

31 (2) Local public questions.

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

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

40 (c) The instructions for voting a straight party ticket must conform  
41 as nearly as possible to the following: "To vote a straight (insert  
42 political party name) ticket for all (insert political party name)

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1 candidates on this ballot, make a voting mark on or in this circle and do  
 2 not make any other marks on this ballot. If you wish to vote for a  
 3 candidate seeking a nonpartisan office or on a public question, you  
 4 must make another voting mark on the appropriate place on this  
 5 ballot."

6 (d) If the ballot contains an independent ticket described in section  
 7 6 of this chapter and at least one (1) other independent candidate, the  
 8 ballot must also contain a statement that reads substantially as follows:  
 9 "A vote cast for an independent ticket will only be counted for the  
 10 candidates for President and Vice President or governor and lieutenant  
 11 governor comprising that independent ticket. This vote will NOT be  
 12 counted for any OTHER independent candidate appearing on the  
 13 ballot."

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

19 (f) The list of candidates of the political party shall be placed  
 20 immediately under the instructions for voting a straight party ticket.  
 21 The names of the candidates shall be placed three-fourths (3/4) of an  
 22 inch apart from center to center of the name. The name of each  
 23 candidate must have, immediately on its left, a square three-eighths  
 24 (3/8) of an inch on each side.

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

28 SECTION 27. IC 3-11-3-4 IS REPEALED [EFFECTIVE JULY 1,  
 29 2013]. ~~Sec. 4. The election division shall provide a seat for the ballots.  
 30 The seal may be of a design considered proper by the election division;  
 31 but the same design may not be used for two (2) consecutive elections.~~

32 SECTION 28. IC 3-11-3-29.5 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29.5. **(a) This section  
 34 applies to a primary, general, or special election in which the name  
 35 of a candidate appears on the ballot. This section does not apply to  
 36 an election for presidential electors in which the name of a  
 37 candidate for President of the United States or Vice President of  
 38 the United States appears on the ballot.**

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

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1 (1) the candidate's party does not fill the vacancy under IC 3-13-1  
 2 or IC 3-13-2 not later than noon, five (5) days before the election;  
 3 and  
 4 (2) when a candidate has died, the ~~election division or~~ election  
 5 board:  
 6 (A) receives a certificate of death issued under IC 16-37-3 not  
 7 later than noon the seventh day before the election; or  
 8 (B) ~~by unanimous vote of~~ **votes unanimously by** the entire  
 9 membership that there is good cause to believe that the  
 10 candidate has died.  
 11 ~~(b)~~ **(c)** The ~~election division or~~ election board shall provide the  
 12 number of ~~opaque pasters the election division or election board~~  
 13 ~~determines to be necessary for all ballots necessary~~ to reflect a vacancy  
 14 to the following:  
 15 (1) The absentee voter board.  
 16 (2) The inspector of each precinct in which the candidate is on the  
 17 ballot.  
 18 (3) The circuit court clerk.  
 19 ~~(c)~~ **(d)** The ~~election division or~~ election board ~~determines that the~~  
 20 ~~use of pasters under this section would be impractical or uneconomical;~~  
 21 ~~the election division or board may order the printing of new ballots that~~  
 22 ~~omit the name of a candidate described in subsection (a).~~ **(b). Except**  
 23 **for ballots used in a primary election,** a ballot printed under this  
 24 subsection must contain the statement "NO CANDIDATE" or  
 25 "CANDIDATE DECEASED" or words to that effect at the appropriate  
 26 position on the ballot.  
 27 ~~(d)~~ **(e)** If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled  
 28 after noon five (5) days before the election, the ~~election division or~~  
 29 election board is not required to reprint ballots ~~or have pasters with the~~  
 30 ~~name of the successor candidate placed over to remove~~ the name of an  
 31 individual who is no longer a candidate but may do so upon the vote of  
 32 the ~~commission or~~ election board.  
 33 SECTION 29. IC 3-11-4-3, AS AMENDED BY P.L.225-2011,  
 34 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2013]: Sec. 3. (a) Except as provided in section 6 of this  
 36 chapter, an application for an absentee ballot must be received by the  
 37 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of  
 38 the board of elections and registration) not earlier than the date the  
 39 registration period resumes under IC 3-7-13-10 nor later than the  
 40 following:  
 41 (1) Noon on election day if the voter registers to vote under  
 42 IC 3-7-36-14.

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- 1 (2) Noon on the day before election day if the voter:
- 2 (A) completes the application in the office of the circuit court
- 3 clerk **and votes an absentee ballot under IC 3-11-10-26;** or
- 4 (B) is an absent uniformed services voter or overseas voter
- 5 who requests that the ballot be transmitted by electronic mail
- 6 or fax under section 6(h) of this chapter.
- 7 (3) Noon on the day before election day if:
- 8 (A) the application is a mailed, transmitted by fax, or hand
- 9 delivered application from a confined voter or voter caring for
- 10 a confined person; and
- 11 (B) the applicant requests that the absentee ballots be
- 12 delivered to the applicant by an absentee voter board **under**
- 13 **IC 3-11-10-25.**
- 14 (4) 11:59 p.m. on the eighth day before election day if the
- 15 application:
- 16 (A) is a mailed application; **or**
- 17 (B) was transmitted by fax; **or**
- 18 **(C) was hand delivered;**
- 19 from other voters **who request to vote by mail under**
- 20 **IC 3-11-10-24.**
- 21 (b) An application for an absentee ballot received by the election
- 22 division by the time and date specified by subsection (a)(2)(B), (a)(3),
- 23 or (a)(4) is considered to have been timely received for purposes of
- 24 processing by the county. The election division shall immediately
- 25 transmit the application to the circuit court clerk, or the director of the
- 26 board of elections and registration, of the county where the applicant
- 27 resides. The election division is not required to complete or file the
- 28 affidavit required under section 2(h) of this chapter whenever the
- 29 election division transmits an application under this subsection.
- 30 SECTION 30. IC 3-11-4-4, AS AMENDED BY P.L.66-2010,
- 31 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2013]: Sec. 4. (a) Applications may be made on application
- 33 forms approved by the commission by any of the following means:
- 34 (1) In person.
- 35 (2) By fax transmission.
- 36 (3) By mail (including United States mail or bonded courier).
- 37 (4) By electronic mail with a **scanned digital** image of the
- 38 application and signature of the applicant, if transmitted by an
- 39 absent uniformed services voter or an overseas voter acting under
- 40 section 6 of this chapter.
- 41 (b) Application forms shall:
- 42 (1) be furnished to a central committee of the county at the

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1 request of the central committee;  
 2 (2) be:  
 3 (A) mailed;  
 4 (B) transmitted by fax; or  
 5 (C) transmitted by electronic mail with a **scanned digital**  
 6 image of the application;  
 7 upon request, to a voter applying by mail, by telephone, by  
 8 electronic mail, or by fax; and  
 9 (3) be delivered to a voter in person who applies at the circuit  
 10 court clerk's office.

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

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

20 SECTION 31. IC 3-11-4-5.1, AS AMENDED BY P.L.121-2012,  
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2013]: Sec. 5.1. (a) The commission shall prescribe the form  
 23 of an application for an absentee ballot.

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

- 29 (1) Require the applicant to swear to or affirm under the penalties
- 30 of perjury that all of the information set forth on the application
- 31 is true to the best of the applicant's knowledge and belief.
- 32 (2) Require a person who assisted with the completion of the
- 33 application to swear to or affirm under the penalties of perjury the
- 34 statements set forth in section 2(f) of this chapter.
- 35 (3) Set forth the penalties for perjury.

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

- 38 (1) requests an absentee ballot; and
- 39 (2) is eligible to vote in the precinct under IC 3-10-11 or
- 40 IC 3-10-12;

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

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

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

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

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

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

12 (1) comply with subsection (d); or

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

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

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

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

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

26 SECTION 32. IC 3-11-4-6, AS AMENDED BY P.L.225-2011,  
 27 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2013]: Sec. 6. (a) This section applies, notwithstanding any  
 29 other provision of this title, to absentee ballot applications for the  
 30 following:

31 (1) An absent uniformed services voter.

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

34 (3) An overseas voter.

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

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

42 (1) A combined absentee registration form and absentee ballot

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1 request approved under 42 U.S.C. 1973ff(b)(2).  
 2 (2) A form prescribed under IC 3-5-4-8 that identifies the  
 3 applicant as an absent uniformed services voter or an overseas  
 4 voter. A form prescribed under this subdivision must permit the  
 5 applicant to designate whether the applicant wishes to receive the  
 6 absentee ballot by electronic mail, fax, or United States mail.

7 (d) If the county election board receives an absentee ballot  
 8 application from a person described by subsection (c), the circuit court  
 9 clerk shall mail to the person, free of postage as provided by 39 U.S.C.  
 10 3406, all ballots for the election immediately upon receipt of the ballots  
 11 under section 15 of this chapter, unless the person has indicated under  
 12 subsection (c) that the person wishes to receive the absentee ballot by  
 13 electronic mail or fax.

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

39 (f) Whenever a voter described in subsection (a)(2) files an  
 40 application for a primary election absentee ballot and indicates on the  
 41 application that the voter is an address confidentiality program  
 42 participant, the application is an adequate application for a general

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1 election absentee ballot under this chapter and an absentee ballot for a  
 2 special election conducted during the period that ends on December 31  
 3 following the date the application is filed. The circuit court clerk and  
 4 county election board shall process this application and send general  
 5 election and special election absentee ballots to the voter in the same  
 6 manner as other general election and special election absentee ballot  
 7 applications and ballots are processed and sent under this chapter.

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

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

17 (2) As directed by a court order.

18 (h) The county election board shall by fax or electronic mail  
 19 transmit an absentee ballot to and receive an absentee ballot from an  
 20 absent uniformed services voter or an overseas voter by electronic mail  
 21 or fax at the request of the voter indicated in the application filed under  
 22 this section. If the voter wants to submit absentee ballots by fax or  
 23 electronic mail, the voter must separately sign and date a statement  
 24 submitted with the electronic mail or the fax transmission that states  
 25 substantively the following: "I understand that by faxing or e-mailing  
 26 my voted ballot I am voluntarily waiving my right to a secret ballot."

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

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

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

37 (3) If:

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

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

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1 ballot;  
 2 the county election board shall send the confirmation by United  
 3 States mail.

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

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

22 SECTION 33. IC 3-11-4-12.5, AS ADDED BY P.L.66-2010,  
 23 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2013]: Sec. 12.5. (a) This section applies to an absent  
 25 uniformed services voter or overseas voter.

26 (b) If a voter makes a timely application for and does not receive an  
 27 absentee ballot from a county election board, the voter may use a  
 28 federal write-in absentee ballot in the form prescribed by the Federal  
 29 Voting Assistance Program of the United States Department of Defense  
 30 and in accordance with the requirements set forth in 42 U.S.C. 1973ff-2  
 31 to cast a vote **by mail, electronic mail, or fax** for any of the following:

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

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

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

40 SECTION 34. IC 3-11-7-4, AS AMENDED BY P.L.221-2005,  
 41 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2013]: Sec. 4. (a) A ballot card voting system must permit a

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- 1 voter to vote: ~~either:~~
- 2 (1) **except at a primary election**, a straight party ticket for all of
- 3 the candidates of ~~a~~ **one (1)** political party by a single mark on
- 4 each ballot card;
- 5 **(2) for one (1) or more candidates of each political party or**
- 6 **independent candidates, or for one (1) or more school board**
- 7 **candidates nominated by petition;**
- 8 ~~(2)~~ **(3)** a split ticket for the candidates of different political parties
- 9 and for independent candidates; or
- 10 ~~(3)~~ **(4)** a straight party ticket and then split that ticket by casting
- 11 individual votes for candidates of another political party or
- 12 independent candidate.
- 13 **(b) A ballot card voting system must permit a voter to vote:**
- 14 **(1) for all candidates for presidential electors of a political**
- 15 **party or an independent ticket by making a single voting**
- 16 **mark; and**
- 17 **(2) for or against a public question on which the voter may**
- 18 **vote.**
- 19 SECTION 35. IC 3-11-7.5-10 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. **(a)** An electronic
- 21 voting system must permit a voter to vote:
- 22 (1) except at a primary election, **a straight party ticket** for all the
- 23 candidates of one (1) political party ~~for one (1) or more~~
- 24 ~~candidates of each political party; by touching the device of that~~
- 25 **party;**
- 26 **(2) for one (1) or more candidates of each political party or**
- 27 **independent candidates, or for one (1) or more school board**
- 28 **candidates nominated by petition;**
- 29 **(3) a split ticket for the candidates of different political parties**
- 30 **and for independent candidates; or**
- 31 **(4) a straight party ticket and then split that ticket by casting**
- 32 **individual votes for candidates of another political party or**
- 33 **independent candidates.**
- 34 **(b) An electronic voting system must permit a voter to vote:**
- 35 ~~(2)~~ **(1)** for as many candidates for an office as the voter may vote
- 36 for, but no more;
- 37 ~~(3)~~ **(2)** for or against a public question on which the voter may
- 38 vote, but no other; and
- 39 ~~(4)~~ **(3)** for all the candidates for presidential electors of a political
- 40 party or an independent ticket ~~at one (1) time: by making a single~~
- 41 **voting mark.**
- 42 SECTION 36. IC 3-11-8-23, AS AMENDED BY P.L.164-2006,

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

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

- 9 (1) A statement that the voter is a citizen of the United States.  
10 (2) The voter's date of birth to the best of the voter's information  
11 and belief.  
12 (3) A statement that the voter has been a resident of the precinct  
13 for thirty (30) days immediately before this election or is qualified  
14 to vote in the precinct under IC 3-10-10, IC 3-10-11, or  
15 IC 3-10-12.  
16 (4) The voter's name and a statement that the voter is generally  
17 known by that name.  
18 (5) A statement that the voter has not voted and will not vote in  
19 any other precinct in this election.  
20 (6) The voter's occupation.  
21 (7) The voter's current residential address, including the street or  
22 number, and if applicable, the voter's residential address thirty  
23 (30) days before the election, and the date the voter moved.  
24 (8) A statement that the voter understands that making a false  
25 statement on the affidavit is punishable under the penalties of  
26 perjury.  
27 (9) If the individual's name does not appear on the registration  
28 list, a statement that the individual registered to vote and where  
29 the individual believes the individual registered to vote during the  
30 registration period described by  
31 ~~(A) IC 3-7-13-10. or~~  
32 ~~(B) IC 3-7-36-11, if the voter registered under that section.~~

33 SECTION 37. IC 3-11-10-8 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. **(a)** If a county  
35 election board (or the absentee voter board in the office of the circuit  
36 court clerk) unanimously finds that the signature on a ballot envelope  
37 or transmitted affidavit is genuine, the board shall enclose immediately  
38 the accepted and unopened ballot envelope together with the voter's  
39 application for the absentee ballot in a ~~large or~~ carrier envelope. **The**  
40 **board may enclose in the same carrier envelope all absentee ballot**  
41 **envelopes and voter applications to be transmitted to the same**  
42 **precinct.**



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

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

12 SECTION 39. IC 3-11-15-13.3, AS AMENDED BY P.L.120-2009,  
 13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2013]: Sec. 13.3. (a) To be approved by the commission for  
 15 use in Indiana, a voting system must meet:

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

18 (2) the Voluntary Voting System Guidelines adopted by the  
 19 United States Election Assistance Commission on December 13,  
 20 2005.

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

24 (1) was:

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

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

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

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

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

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



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

6 SECTION 40. IC 3-11-15-26 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26. The ballot counting  
 8 software must be designed in a modular fashion and not be  
 9 self-modifying. Modular programs must consist of code written in  
 10 relatively small and easily identifiable sections, with each unit having  
 11 a single entry point and a single exit point. Each module must have a  
 12 specific function that can be tested and verified more or less  
 13 independently of the remainder of the code. ~~Appendix E of the~~  
 14 ~~Performance and Test Standards for Punchcard, Marksense, and Direct~~  
 15 ~~Recording contains numerical guidelines for program modules.~~

16 SECTION 41. IC 3-11-15-32 IS REPEALED [EFFECTIVE JULY  
 17 1, 2013]. ~~Sec. 32. In considering the compliance of a voting system~~  
 18 ~~with this chapter, the commission may determine whether the system~~  
 19 ~~conforms with other preferred coding practices and software~~  
 20 ~~characteristics set forth in the Voting System Standards adopted by the~~  
 21 ~~Federal Election Commission on April 30, 2002.~~

22 SECTION 42. IC 3-11.5-1-4, AS AMENDED BY P.L.225-2011,  
 23 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2013]: Sec. 4. To the extent that they are in conflict with this  
 25 article, the following statutes do not apply to a county that has adopted  
 26 a resolution described by section 1 of this chapter **(before its repeal)**  
 27 **or section 1.1 of this chapter:**

- 28 (1) IC 3-11-4-22.
- 29 (2) IC 3-11-10-1.5.
- 30 (3) IC 3-11-10-3.
- 31 (4) IC 3-11-10-5.
- 32 (5) IC 3-11-10-6.
- 33 (6) IC 3-11-10-7.
- 34 (7) IC 3-11-10-8.
- 35 (8) IC 3-11-10-9.
- 36 (9) IC 3-11-10-11.
- 37 (10) IC 3-11-10-12.
- 38 (11) IC 3-11-10-12.5.
- 39 (12) IC 3-11-10-13.
- 40 (13) IC 3-11-10-14.
- 41 (14) IC 3-11-10-15.
- 42 (15) IC 3-11-10-16.



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

15 SECTION 43. IC 3-11.5-5-14, AS AMENDED BY P.L.66-2010,  
 16 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2013]: Sec. 14. (a) This section applies to the counting of  
 18 federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

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

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

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

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

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

- 38 (1) the ballot was submitted:
- 39 (A) **by an overseas voter who is not an absent uniformed**
- 40 **services voter; and**
- 41 (B) from within the United States;
- 42 (2) the **overseas** voter's application for a regular absentee ballot

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

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

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

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

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

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

24 SECTION 44. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006,  
 25 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) As provided by 42 U.S.C.  
 27 15482, this section applies to the following individuals:

28 (1) An individual:

- 29 (A) whose name does not appear on the registration list; and  
 30 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the  
 31 voter makes an oral or a written affirmation under IC 3-7-48-5  
 32 or IC 3-7-48-7 or after the voter produces a certificate of error  
 33 under IC 3-7-48-1.

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

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

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

41 (1) presented identification required under 42 U.S.C. 15483 to the  
 42 poll clerk before voting in person under IC 3-11-8-25.1; or

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1 (2) filed a copy of the identification required under 42 U.S.C.  
 2 15483 to the county voter registration office before the voter's  
 3 absentee ballot is cast;  
 4 is entitled to vote a provisional ballot under this article.

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

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

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

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

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

15 SECTION 45. IC 3-12-1-5 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. **(a) This subsection**  
 17 **does not apply to a ballot card voting system or an electronic**  
 18 **voting system.** A voting mark made by a voter on or in a voting square  
 19 at the left of a candidate's name **or political party's name** shall be  
 20 counted as a vote for the candidate **or candidates of the political**  
 21 **party.**

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

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

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

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

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

34 SECTION 46. IC 3-12-1-9 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) A voting mark  
 36 that touches a circle, **an oval**, or a square shall be counted as if it were  
 37 on or in the circle, **oval**, or square. **A voting mark that partially**  
 38 **connects a connectable arrow shall be counted as if the voting**  
 39 **mark completed the connection of the arrow.**

40 (b) A voting mark that:

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

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

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1 may not be counted.

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

8 SECTION 47. IC 3-12-1-16 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) This section  
 10 applies when:

11 (1) a ballot

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

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

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

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

22 SECTION 48. IC 3-12-2-7.5, AS AMENDED BY P.L.66-2010,  
 23 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2013]: Sec. 7.5. (a) This section applies to the counting of  
 25 federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

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

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

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

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

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

42 ~~(e)~~ (f) **As required by 42 U.S.C. 1973ff-2(b),** a ballot subject to this

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- 1 section may not be counted if:
- 2 (1) the ballot was submitted:
- 3 (A) by an overseas voter who is not an absent uniformed
- 4 services voter; and
- 5 (B) from within the United States;
- 6 **(2) the overseas voter's application for a regular absentee**
- 7 **ballot was received by the county election board after the**
- 8 **applicable absentee ballot application deadline set forth in**
- 9 **IC 3-11-4-3;**
- 10 ~~(2)~~ **(3) the voter's completed regular state absentee ballot was**
- 11 **received by the county election board by the deadline for**
- 12 **receiving absentee ballots under IC 3-11-10-11; or**
- 13 ~~(3)~~ **(4) the ballot subject to this section was not received by the**
- 14 **county election board by the deadline for receiving absentee**
- 15 **ballots under IC 3-11-10-11.**

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

- 21 **(1) immediately seal the absentee ballot and the envelope in**
- 22 **which the ballot was received in a carrier envelope indicating**
- 23 **that a voted absentee ballot is enclosed; and**
- 24 **(2) document the date the absentee ballot was sealed within**
- 25 **the carrier envelope, attested to by the signature of each**
- 26 **member of the county election board.**

27 SECTION 49. IC 3-13-1-1 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Except as provided  
 29 in section 18 or 20 of this chapter **or IC 3-10-8-7.5**, this chapter  
 30 applies to the filling of a candidate vacancy that arises for any reason  
 31 if the vacancy leaves a major political party without a candidate for the  
 32 office and occurs before the thirtieth day before a general, special, or  
 33 municipal election.

34 SECTION 50. IC 3-13-1-4 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. **Except as provided**  
 36 **in IC 3-10-8-7.5**, a candidate vacancy for United States Representative  
 37 shall be filled by a caucus comprised by the precinct committeemen of  
 38 the political party whose precincts are within the congressional district.

39 SECTION 51. IC 3-13-7-1.5 IS ADDED TO THE INDIANA CODE  
 40 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 41 1, 2013]: **Sec. 1.5. A county auditor may give notice of a meeting**  
 42 **under this chapter, and the meeting may be conducted under this**

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1 **chapter, before a vacancy in an office exists if the person holding**  
2 **the office has:**

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

5 SECTION 52. IC 3-13-8-1.5 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
7 1, 2013]: **Sec. 1.5. A city clerk or city clerk-treasurer may give**  
8 **notice of a meeting under this chapter, and the meeting may be**  
9 **conducted under this chapter, before a vacancy in an office exists**  
10 **if the person holding the office has:**

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

13 SECTION 53. IC 3-13-9-1.5 IS ADDED TO THE INDIANA CODE  
14 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
15 1, 2013]: **Sec. 1.5. A town clerk-treasurer or president of the town**  
16 **council may give notice of a meeting under this chapter, and the**  
17 **meeting may be conducted under this chapter, before a vacancy in**  
18 **an office exists if the person holding the office has:**

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

21 SECTION 54. IC 3-13-10-1.5 IS ADDED TO THE INDIANA  
22 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
23 [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. A county auditor may give**  
24 **notice of a meeting under this chapter, and the meeting may be**  
25 **conducted under this chapter, before a vacancy in an office exists**  
26 **if the person holding the office has:**

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

29 SECTION 55. IC 6-1.1-20-3.6, AS AMENDED BY P.L.198-2011,  
30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2013]: **Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8**  
32 **of this chapter, this section applies only to a controlled project**  
33 **described in section 3.5(a) of this chapter.**

34 **(b) If a sufficient petition requesting the application of the local**  
35 **public question process has been filed as set forth in section 3.5 of this**  
36 **chapter, a political subdivision may not impose property taxes to pay**  
37 **debt service on bonds or lease rentals on a lease for a controlled project**  
38 **unless the political subdivision's proposed debt service or lease rental**  
39 **is approved in an election on a local public question held under this**  
40 **section.**

41 **(c) Except as provided in subsection (†); (k), the following question**  
42 **shall be submitted to the eligible voters at the election conducted under**

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1 this section:

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

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

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

37 (e) This subsection applies to ballot language submitted by the  
38 county election board under subsection (c) after April 30, 2011. (d)  
39 The department of local government finance shall review the language  
40 of the public question to evaluate whether the description of the  
41 controlled project is accurate and is not biased against either a vote in  
42 favor of the controlled project or a vote against the controlled project.

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

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

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

26 Subject to the certification requirements and deadlines under this  
 27 subsection and except as provided in subsection ~~(f)~~, (k), the public  
 28 question shall be placed on the ballot at the next primary election,  
 29 general election, or municipal election in which all voters of the  
 30 political subdivision are entitled to vote. However, if a primary  
 31 election, general election, or municipal election will not be held during  
 32 the first year in which the public question is eligible to be placed on the  
 33 ballot under this section and if the political subdivision requests the  
 34 public question to be placed on the ballot at a special election, the  
 35 public question shall be placed on the ballot at a special election to be  
 36 held on the first Tuesday after the first Monday in May or November  
 37 of the year. The certification must occur not later than noon ~~sixty (60)~~  
 38 **seventy-four (74)** days before a special election to be held in May (if  
 39 the special election is to be held in May) or noon on August 1 (if the  
 40 special election is to be held in November). ~~However, in 2009, a~~  
 41 ~~political subdivision may hold a special election under this section on~~  
 42 ~~any date scheduled for the special election if notice of the special~~

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1 election was given before July 1, 2009, to the election division of the  
 2 secretary of state's office as provided in ~~IC 3-10-8-4~~. The fiscal body  
 3 of the political subdivision that requests the special election shall pay  
 4 the costs of holding the special election. The county election board  
 5 shall give notice under IC 5-3-1 of a special election conducted under  
 6 this subsection. A special election conducted under this subsection is  
 7 under the direction of the county election board. The county election  
 8 board shall take all steps necessary to carry out the special election.

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

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

13 (2) The department of local government finance.

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

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

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

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

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

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

31 ~~(l)~~ **(k)** This subsection applies to a political subdivision for which  
 32 a petition requesting a public question has been submitted under  
 33 section 3.5 of this chapter. The legislative body (as defined in  
 34 IC 36-1-2-9) of the political subdivision may adopt a resolution to  
 35 withdraw a controlled project from consideration in a public question.  
 36 If the legislative body provides a certified copy of the resolution to the  
 37 county auditor and the county election board not later than ~~forty-nine~~  
 38 ~~(49)~~ **sixty-three (63)** days before the election at which the public  
 39 question would be on the ballot, the public question on the controlled  
 40 project shall not be placed on the ballot and the public question on the  
 41 controlled project shall not be held, regardless of whether the county  
 42 auditor has certified the public question to the county election board.

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1 If the withdrawal of a public question under this subsection requires the  
 2 county election board to reprint ballots, the political subdivision  
 3 withdrawing the public question shall pay the costs of reprinting the  
 4 ballots. If a political subdivision withdraws a public question under this  
 5 subsection that would have been held at a special election and the  
 6 county election board has printed the ballots before the legislative body  
 7 of the political subdivision provides a certified copy of the withdrawal  
 8 resolution to the county auditor and the county election board, the  
 9 political subdivision withdrawing the public question shall pay the  
 10 costs incurred by the county in printing the ballots. If a public question  
 11 on a controlled project is withdrawn under this subsection, a public  
 12 question under this section on the same controlled project or a  
 13 substantially similar controlled project may not be submitted to the  
 14 voters earlier than one (1) year after the date the resolution  
 15 withdrawing the public question is adopted.

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

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

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

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

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

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

31 (6) The purpose of the bonds or lease.

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

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

36 (B) enrollment patterns within the school corporation; and

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

38 SECTION 56. IC 10-16-7-16 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A muster or an  
 40 assembly for instruction, review, or parade may not be held or called  
 41 in any county on any day during which a general election, **primary**  
 42 **election, municipal election,** or special election is held in the county,

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1 except in case of or imminent danger of riot, invasion, insurrection, or  
2 public disaster.

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

5 SECTION 57. IC 12-14-1.5-8 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) The ~~co-directors~~  
7 ~~of the~~ election division shall provide the division with a list of the  
8 current ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the  
9 ~~offices of the circuit court clerk or board of county voter~~ registration  
10 **office** in each county. The division shall promptly forward the list and  
11 each revision of the list to each county office.

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

15 SECTION 58. IC 12-15-1.5-8, AS AMENDED BY P.L.44-2009,  
16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2013]: Sec. 8. (a) The ~~codirectors of the~~ election division shall  
18 provide the division of family resources with a list of the current  
19 ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the ~~offices of the~~  
20 ~~circuit court clerk or board of county voter~~ registration **office** in each  
21 county. The division of family resources shall promptly forward the list  
22 and each revision of the list to each county office.

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

26 SECTION 59. IC 16-35-1.6-9 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) The ~~co-directors~~  
28 ~~of the~~ election division shall provide the commissioner with a list of the  
29 current ~~addresses~~ **address** and telephone ~~numbers~~ **number** of the  
30 ~~offices of the circuit court clerk or board of county voter~~ registration  
31 **office** in each county. The commissioner shall promptly forward the list  
32 and each revision of the list to each WIC office.

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

36 SECTION 60. IC 20-23-8-8, AS AMENDED BY P.L.2-2006,  
37 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2013]: Sec. 8. (a) A plan is subject to the following  
39 limitations:

40 (1) A member of the governing body may not serve for a term of  
41 more than four (4) years, but a member may succeed himself or  
42 herself in office. This limitation does not apply to members who

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1 hold over during an interim period to effect a new plan awaiting  
2 the selection and qualification of a member under the new plan.

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

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

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

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

13 (4) If the plan provides for electoral districts, where a member of  
14 the governing body is elected solely by the voters of a single  
15 district, the districts must be as near as practicable equal in  
16 population. The districts shall be reapportioned and their  
17 boundaries changed, if necessary, by resolution of the governing  
18 body ~~before the election not later than December 31 of the year~~  
19 ~~next following the effective date of the subsequent year in which~~  
20 ~~a decennial census is taken to preserve the equality by resolution~~  
21 of the governing body.

22 (5) The plan shall comply with the:

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

24 (B) Constitution of the United States;

25 including the equal protection clauses of both constitutions.

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

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

40 SECTION 61. IC 20-23-17-3, AS ADDED BY P.L.179-2011,  
41 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2013]: Sec. 3. (a) The governing body of the school

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- 1 corporation consists of five (5) members chosen as follows:
- 2 (1) Three (3) members shall be elected by the voters of the school
- 3 corporation at a general election to be held in the county and
- 4 every four (4) years thereafter.
- 5 (2) One (1) member shall be appointed by the city executive.
- 6 (3) One (1) member shall be appointed by the city legislative
- 7 body.
- 8 (b) The members elected under subsection (a)(1) shall be elected as
- 9 follows:
- 10 (1) On a nonpartisan basis.
- 11 (2) In a general election held in the county.
- 12 (3) By the registered voters of the entire school corporation.
- 13 (c) The following apply to an election of members of the governing
- 14 body of the school corporation under subsection (a)(1):
- 15 (1) Each candidate must file a petition of nomination with the
- 16 circuit court clerk **not earlier than one hundred four (104) days**
- 17 **and** not later than seventy-four (74) days before the election at
- 18 which members are to be elected. The petition of nomination must
- 19 include the following information:
- 20 (A) The name of the candidate.
- 21 (B) A certification that the candidate meets the qualifications
- 22 for candidacy imposed by this chapter.
- 23 (2) Only eligible voters residing in the school corporation may
- 24 vote for a candidate seeking election.
- 25 SECTION 62. IC 20-23-17.2-5, AS ADDED BY P.L.179-2011,
- 26 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2013]: Sec. 5. (a) The following apply to an election of
- 28 members of the governing body of the school corporation under section
- 29 3(a)(1) of this chapter:
- 30 (1) Each candidate must file a petition of nomination with the
- 31 circuit court clerk **not earlier than one hundred four (104) days**
- 32 **and** not later than seventy-four (74) days before the general
- 33 election at which members are to be elected. The petition of
- 34 nomination must include the following information:
- 35 (A) The name of the candidate.
- 36 (B) The candidate's residence address and the district in which
- 37 the candidate resides.
- 38 (C) The signatures of at least twenty (20) registered voters
- 39 residing within the school corporation district the candidate
- 40 seeks to represent.
- 41 (D) A certification that the candidate meets the qualifications
- 42 for candidacy imposed by this chapter.

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1 (2) Only eligible voters residing in the school corporation district  
 2 may vote for a candidate to represent that district.  
 3 (3) One (1) candidate shall be elected for each district. The  
 4 candidate elected for a district must reside within the boundaries  
 5 of the district. The candidate elected as the member for a  
 6 particular district is the candidate who, among all the candidates  
 7 who reside within that district, receives the greatest number of  
 8 votes from voters residing in that district.  
 9 (b) The following apply to an election of the members of the  
 10 governing body of the school corporation under section 3(a)(2) of this  
 11 chapter:  
 12 (1) Each candidate must file a petition of nomination with the  
 13 circuit court clerk **not earlier than one hundred four (104) days**  
 14 **and** not later than seventy-four (74) days before the general  
 15 election at which members are to be elected. The petition of  
 16 nomination must include the following information:  
 17 (A) The name of the candidate.  
 18 (B) The candidate's residence address.  
 19 (C) The signatures of at least one hundred (100) registered  
 20 voters residing within the school corporation.  
 21 (D) A certification that the candidate meets the qualifications  
 22 for candidacy imposed by this chapter.  
 23 (2) Only eligible voters residing in the school corporation may  
 24 vote for a candidate.  
 25 (3) Three (3) candidates shall be elected at large. The three (3)  
 26 candidates who receive the greatest number of votes among all  
 27 candidates running for an at-large seat are elected as members of  
 28 the governing body.  
 29 SECTION 63. IC 20-26-4-4, AS AMENDED BY P.L.96-2012,  
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2013]: Sec. 4. (a) This section does not apply to a school city  
 32 of the first class or to a school corporation succeeding to all or the  
 33 major part in area of a school city of the first class:  
 34 (b) (a) The commencement and termination of terms of members of  
 35 a governing body are as follows:  
 36 (1) Except as provided in subdivision (2), the governing body of  
 37 each school corporation shall determine whether the term of  
 38 office for the governing body's members extends from January 1  
 39 to December 31 or from July 1 to June 30. A governing body that  
 40 makes a change in the commencement date of the governing  
 41 body's members' terms shall report the change to the state board  
 42 before August 1 preceding the year in which the change takes

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1 place. An ex officio member of a governing body shall take office  
 2 at the time the ex officio member takes the oath of the office by  
 3 virtue of which the ex officio member is entitled to become an ex  
 4 officio member.

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

13 **established under the following:**

- 14 (1) IC 3-5-4-11.  
 15 (2) IC 20-23-4-30.  
 16 (3) IC 20-23-7-8.1.  
 17 (4) IC 20-23-12-8.  
 18 (5) IC 20-23-13-3.  
 19 (6) IC 20-23-14-8.  
 20 (7) IC 20-23-15-11.  
 21 (8) IC 20-23-17-4.  
 22 (9) IC 20-23-17.2-8.  
 23 (10) IC 20-25-3-4.

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

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

40 SECTION 64. IC 36-5-1-10.1, AS AMENDED BY P.L.113-2010,  
 41 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2013]: Sec. 10.1. (a) Except as provided in

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1 subsection (g), if the county executive makes the findings required by  
 2 section 8 of this chapter, it may adopt an ordinance incorporating the  
 3 town. The ordinance must:

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

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

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

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

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

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

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

29 (1) is contiguous to that territory; and

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

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

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

37 (2) is contiguous to that territory; and

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

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

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

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

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

9 (g) Proceedings to incorporate a town across county boundaries  
10 must have the approval of the county executive of each county that  
11 contains a part of the proposed town. Each county that contains a part  
12 of the proposed town must adopt identical ordinances providing for the  
13 incorporation of the town.

14 (h) Notwithstanding subsection (f) as that subsection existed on  
15 December 31, 2009, an ordinance that took effect January 2, 2010,  
16 because of the application of subsection (f), as that subsection existed  
17 on December 31, 2009, is instead considered to take effect January 1,  
18 2010, without the adoption of an ordinance or an amended ordinance  
19 or any other additional action being required.

20 SECTION 65. IC 36-5-1-12 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Proceedings to  
22 dissolve a town may be instituted under either this section or  
23 IC 36-5-1.1.

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

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

35 SECTION 66. IC 36-5-1-13 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. A petition ~~and~~  
37 ~~census~~ filed under section 12 of this chapter must be accompanied by  
38 a bond for costs and expenses, payable to and approved by the town  
39 legislative body. The petitioners shall pay all costs and expenses  
40 incurred under this chapter, including the expenses of an election, if  
41 their petition is not successful.

42 SECTION 67. IC 36-5-1-14 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. When a petition  
 2 ~~and census are~~ is filed under section 12 of this chapter, the town clerk  
 3 shall give notice of the filing and of the day of a hearing on the petition,  
 4 ~~and census~~; in the manner prescribed by IC 5-3-1.

5 SECTION 68. IC 36-5-1-15 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) On the date  
 7 named in the notice given under section 14 of this chapter, the town  
 8 legislative body shall hear and consider:

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

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

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

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

19 SECTION 69. IC 36-5-1-18, AS AMENDED BY P.L.113-2010,  
 20 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) If at least two-thirds (2/3) of  
 22 the votes cast in an election under section 16 of this chapter are  
 23 affirmative, ~~and at least four-fifths (4/5) of all the voters listed in the~~  
 24 ~~census voted in the election~~; the dissolution or change of name takes  
 25 effect in the manner prescribed by this section.

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

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

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

41 (e) Notwithstanding subsection (d) as that subsection existed on  
 42 December 31, 2009, a dissolution that took effect January 2, 2010,

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1 because of the application of subsection (d), as that subsection existed  
2 on December 31, 2009, is instead considered to take effect January 1,  
3 2010, without any additional action being required.

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