February 5, 2013

SENATE BILL No. 518

DIGEST OF SB 518 (Updated February 4, 2013 11:59 am - DI 102)

Citations Affected: IC 3-5; IC 3-6; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-12; IC 3-13; IC 3-14; IC 30-5; IC 33-33; IC 36-1.5; IC 36-4; IC 36-5.

Synopsis: Various election law matters. Repeals obsolete references to "pasters" (formerly used as stickers to correct ballots), and changes the language of certain ballot instructions. Expands the definition of "voting mark" to refer to marks used in all types of voting systems. Specifies procedures for the approval of certain election forms and the voter's bill of rights and the nomination of poll workers. Corrects an obsolete reference to the Indiana election division co-directors. Specifies procedures for candidate filings, the processing of candidate petitions, certification of school board candidates, and processing requests for transfers or cancellation of registration by voters. Sets forth procedures concerning the death of candidates appearing on the primary election ballot. Makes changes concerning standards for the selection of polling places, and the procedures for providing proof of identification and the processing of absentee ballot applications. Provides that in office absentee voting, voting begins 28 days (rather than 29 days) before the election and that a county resolution to establish satellite offices expires on the January 1 following its adoption. Makes changes concerning recounts and contests. Specifies the schedule for conducting special elections when a vacancy occurs in the office of U.S. Senator or circuit court judge and the procedures for filling other office vacancies and placing certain public questions on the ballot. Establishes penalties for certain election law violations, and amends the definition of "electioneering" within the polling place and chute.

Effective: July 1, 2013.

Landske

January 14, 2013, read first time and referred to Committee on Elections.
February 4, 2013, amended, reported favorably — Do Pass.

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February 5, 2013

First Regular Session 118th General Assembly (2013)

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

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

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

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SENATE BILL No. 518

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

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

SECTION 1. IC 3-5-2-35 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 35. "Paster" means a sticker that is used to correct the name of a candidate on ballots whenever:~~

~~(1) a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2; or~~

~~(2) a change must be made to correct any error;~~

~~after the ballots are printed and before the election.~~

SECTION 2. IC 3-5-2-51 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 51. "Voting mark" means **any of the following:**

(1) A cross mark or check mark (X or ✓) **on a hand-counted paper ballot.**

(2) A shaded-in circle, oval, or square, or a connected arrow on an optical scan ballot card.

(3) An illuminated area on a direct record electronic voting system.

SECTION 3. IC 3-5-4-8 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Except as provided in subsection (e), but notwithstanding any other statute, whenever the commission acts under IC 3-6-4.1-14 to approve a uniform election or registration form for use throughout Indiana or to approve a revision to an existing form, a person must use the most recent version of the form approved by the commission to comply with this title after the effective date of the commission's order approving the form.

(b) Except as provided in subsection (d) or (f), before an order approving a form takes effect under this section, the election division shall transmit a copy of each form or revised form approved by the order to the following:

(1) Each circuit court clerk, if the commission determines that the form is primarily used by a candidate, a county election board member, a county or town political party, or for absentee or provisional ballot purposes.

(2) Each county voter registration office, if the commission determines that the form is primarily used in voter registration.

(3) The state chairman of each major political party.

(4) The state chairman of any other political party who has filed a written request with the election division during the preceding twelve (12) months to be furnished with copies of forms.

(c) The election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title shall reject a filing that does not comply with this section.

(d) The commission shall specify the effective date of the form or revised form and may **do any of the following:**

(1) Delay the effective date of the approval of a form or revised form. ~~and~~

(2) Permit an earlier approved version of the form or an alternative form to be used before the effective date of the form. ~~if the commission determines that an emergency requires the use of the form before copies can be transmitted to all persons entitled to receive copies of the form under subsection (b).~~

(3) Provide for a retroactive effective date for the approval of the form.

(e) This subsection applies to a form permitting an individual to apply for voter registration or to amend the individual's existing voter registration record. The commission may allow an earlier approved version of the form to be used if the:

(1) earlier version of the form complies with all other requirements imposed under NVRA or this title; and

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(2) commission determines that the existing stock of the form should be exhausted to prevent waste and unnecessary expense.

(f) This subsection applies to a form that the commission determines is used primarily by the election division. The commission may provide that an order concerning a form described by this subsection is effective immediately upon adoption, without any requirement to distribute the form to other persons.

SECTION 4. IC 3-5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The ~~commission~~ **election division** shall prescribe a statement of the rights of a voter in Indiana that shall be known as "the voter's bill of rights".

SECTION 5. IC 3-6-6-13, AS AMENDED BY P.L.2-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) A county election board shall fill a vacancy in a precinct election office before the hour set for the opening of the polls, upon the nomination of the appropriate county chairman.

(b) This subsection applies to a precinct election office when, at noon, ~~fourteen (14)~~ **twenty-one (21)** days before election day, the appropriate county chairman has made no nomination for the office. The county election board, by majority vote of the board, may fill the office by appointing an individual who would be eligible to serve in the office if nominated by the county chairman.

(c) If a vacancy is filled by the county election board under subsection (b), the board may, by unanimous vote of the entire membership of the board, fill the office by appointing a student:

(1) enrolled at a postsecondary educational institution (including a community college); and

(2) who is a registered voter of the county;

to serve as a nonpartisan precinct election officer.

SECTION 6. IC 3-6-6-39, AS AMENDED BY P.L.225-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not eighteen (18) years of age or older.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

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(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter **but is not required to be a registered voter of the county.**

(b) An individual appointed to a precinct election office or assistant under this section:

(1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and

(2) while serving as a precinct election officer or assistant:

(A) is not required to obtain an employment certificate under IC 20-33-3; and

(B) is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 7. IC 3-8-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) This section does not apply to a candidate for any of the following offices:

(1) Judge of a city court.

(2) Judge of a town court.

(b) A person is not qualified to run for:

(1) a state office;

(2) a legislative office;

(3) a local office; or

(4) a school board office;

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.

~~(c) If a candidate filing error is made by the election division or a circuit court clerk, the error does not invalidate the filing.~~

SECTION 8. IC 3-8-1-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.1. Subject to IC 3-5-4-1.2, if a candidate filing error is made by the election division or a circuit court clerk, the error does not invalidate the filing.**

SECTION 9. IC 3-8-1-2 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The commission, a county election board, or a town election board shall act if a candidate (or a person acting on behalf of a candidate in accordance with state law) has filed any of the following:

(1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.

(2) A request for ballot placement in a presidential primary under IC 3-8-3.

(3) A petition of nomination or candidate's consent to nomination under **IC 3-8-2.5 or** IC 3-8-6.

(4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.

(5) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.

(6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.

(7) A contest to the denial of certification under **IC 3-8-2.5 or** IC 3-8-6-12.

(b) The commission has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the election division. Except for a filing under the jurisdiction of a town election board, a county election board has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the county election board, county voter registration office, or the circuit court clerk. A town election board has jurisdiction to act under this section with regard to any filing that was made with the county election board, the county voter registration office, or the circuit court clerk for nomination or election to a town office.

(c) Except as provided in subsection (e), before the commission or election board acts under this section, a registered voter of the election district that a candidate seeks to represent must file a sworn statement with the election division or election board:

(1) questioning the eligibility of a candidate to seek the office; and

(2) setting forth the facts known to the voter concerning this question.

(d) The eligibility of a write-in candidate or a candidate nominated by a convention, petition, or primary may not be challenged under this section if the commission or board determines that all of the following occurred:

(1) The eligibility of the candidate was challenged under this section before the candidate was nominated.

(2) The commission or board conducted a hearing on the affidavit

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before the nomination.

(3) This challenge would be based on substantially the same grounds as the previous challenge to the candidate.

(e) Before the commission or election board can consider a contest to the denial of a certification under **IC 3-8-2.5 or** IC 3-8-6-12, a candidate (or a person acting on behalf of a candidate in accordance with state law) must file a sworn statement with the election division or election board:

(1) stating specifically the basis for the contest; and

(2) setting forth the facts known to the candidate supporting the basis for the contest.

(f) Upon the filing of a sworn statement under subsection (c) or (e), the commission or election board shall determine the validity of the questioned:

(1) declaration of candidacy;

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

(3) request for ballot placement under IC 3-8-3;

(4) petition of nomination;

(5) certificate of nomination;

(6) certificate of candidate selection issued under IC 3-13-1-15 or IC 3-13-2-8; or

(7) denial of a certification under **IC 3-8-2.5 or** IC 3-8-6-12.

(g) The commission or election board shall deny a filing if the commission or election board determines that the candidate has not complied with the applicable requirements for the candidate set forth in the Constitution of the United States, the Constitution of the State of Indiana, or this title.

SECTION 10. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

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(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

(A) The most recent primary election in **Indiana in** which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

~~(B) The candidate has never voted in a primary election and claims a party affiliation.~~

~~(C)~~ **(B)** The county chairman of:

(i) the political party with which the candidate claims affiliation; and

(ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party. The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A) **or** (B) ~~or (C)~~ applies to the candidate. If a candidate claims party affiliation under clause ~~(C),~~ **(B),** the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause ~~(C).~~ **(B).**

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) **This subdivision does not apply to a candidate for federal office.** A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state, **legislative,** or local office in a previous primary, **municipal, special,** or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

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(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 11 of this chapter.

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate signature required by subsection (a)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 11. IC 3-8-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) A declaration of candidacy for the office of United States Senator or for the office of governor must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence ~~mailing~~ address of each petitioner **as set forth on the petitioner's voter registration record.**

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of

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assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

~~(c)~~ **(d)** This subsection applies to a petition filed during the period:

(1) beginning on the date that a congressional district plan has been adopted under IC 3-3; and

(2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

SECTION 12. IC 3-8-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) A petition required by section 8 of this chapter must request that the name of the candidate be placed on the ballot at the primary election.

(b) The county voter registration office in the county where a petitioner is registered must certify whether each petitioner is a voter ~~of the county.~~ **at the residence address listed in the petition at the time the petition is being processed, and whether that address is located within the election district for the office.** The certification must accompany and be part of the petition.

(c) If a county is part of more than one (1) congressional district, the certificate must indicate the number of petitioners from that county who reside in each congressional district.

SECTION 13. IC 3-8-2.5-2, AS ADDED BY P.L.179-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. **(a)** A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

(b) A candidate may be nominated for a school board office by petition of voters who are:

(1) registered to vote at the residence address set forth on the petition on the date the county voter registration office certifies the petition under section 5 of this chapter; and

(2) qualified to vote for the candidate.

(c) The petition of nomination must be signed by the number of

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voters required for the school board office under IC 20-23 or IC 20-25.

(d) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

SECTION 14. IC 3-8-2.5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.5. (a) A petition of nomination for a school board office must state all of the following:**

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The address of each candidate, including the mailing address, if different from the residence address of the candidate.

(3) The school board office that each candidate seeks.

(4) That each petitioner is a qualified registered voter and desires to be able to vote for the candidates listed on the petition.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9 referred to in clause (A).

The candidate must separately sign the statement required by this subdivision.

(3) A statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of

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organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars ($500) in contributions.

(B) The candidate makes more than five hundred dollars ($500) in expenditures.

(4) A statement indicating whether or not each candidate:

(A) has been a candidate for state, legislative, local, or school board office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(5) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(6) Any statement of economic interests required under IC 3-8-9.

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

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

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

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

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candidate for the office.

SECTION 16. IC 3-8-2.5-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 5. (a) If a school corporation is located entirely within one (1) county, a petition of nomination for the candidate to a school board office must be filed with the county voter registration office of the county. The county voter registration office of the county shall examine the voter registration records of the election district to determine if each petitioner is eligible to vote for the candidates being nominated by the petition.**

(b) If a school corporation is located within more than one (1) county, a petition of nomination for the candidate to a school board office must be filed with the county voter registration office of the county having the greatest percentage of population of the school corporation. The county voter registration office shall examine the voter registration records of each county in the election district to determine if each petitioner is eligible to vote for the candidates being nominated by the petition.

(c) When the county voter registration office has completed its determination under subsection (a) or (b), the office shall forward the petitions of nomination to the circuit court clerk.

(d) This subsection applies if a school corporation is located within more than one (1) county. The circuit court clerk of the county having the greatest percentage of population of the school corporation shall promptly certify the names of each of the candidates on the petition to the county election board of each other county in which the school corporation is located.

SECTION 17. IC 3-8-2.5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) The circuit court clerk with whom the petition of nomination has been filed by a county voter registration office under section 5 of this chapter shall:**

(1) determine whether a sufficient number of signatures as required by section 2 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

(B) If the petition has an insufficient number of signatures, deny the certification.

(b) If the circuit court clerk with whom the petition was filed denies certification under subsection (a), the clerk shall notify the candidate immediately by certified mail.

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(c) A candidate may contest the denial of certification based on:

(1) the county voter registration office's failure to certify individual signers as qualified petitioners; or

(2) the determination by the clerk that the petition has an insufficient number of signatures;

using the procedure in IC 3-8-1-2 and section 7 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 18. IC 3-8-2.5-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) A person may not be selected as a candidate by petition of nomination without giving written consent and having it filed with the public official with whom certificates and petitions of nomination are required to be filed.**

(b) Each candidate nominated by petition of nomination for a school board office must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of statements of economic interest.

(c) A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 6 of this chapter must be filed with the county election board in accordance with IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of the general election. A question regarding the validity of a petition of nomination or the denial of certification shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election.

SECTION 19. IC 3-8-2.5-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8. (a) This section applies if a person:**

(1) files a petition of nomination under this chapter;

(2) moves from the election district that the person sought to represent following the filing of the petition of nomination;

(3) does not file a notice of withdrawal of candidacy under this chapter; and

(4) is no longer an active candidate.

(b) A candidate for the school board office sought by the person described in subsection (a) may, upon determining that this section applies, file an action in the circuit court in the county where the person described in subsection (a) resided. The complaint in this action must:

(1) name the person described in subsection (a) and the public

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official responsible for placing that person's name on the ballot as defendants;

(2) state that this section applies to the person; and

(3) be filed not later than a notice of withdrawal could have been filed under this chapter.

(c) When a complaint is filed under subsection (b), the circuit court shall conduct a hearing and rule on the petition not later than ten (10) days after the petition is filed.

(d) If the court finds in favor of the plaintiff, a candidate vacancy occurs on the general election ballot.

(e) The candidate vacancy resulting from the removal of the name of a candidate nominated by petition for a school board office may not be filled.

SECTION 20. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A request filed under section 1 of this chapter must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence ~~mailing~~ address of each petitioner **as set forth on the petitioner's voter registration record.**

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

~~(c)~~ **(d)** This subsection applies to a petition filed during the period:

(1) beginning on the date that a congressional district plan has been adopted under IC 3-3; and

(2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters

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from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

SECTION 21. IC 3-8-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) A petition required by section 2 of this chapter must request that the candidate's name be placed on the ballot at the primary election.

(b) The county voter registration office in the county where the petitioner is registered must certify whether each petitioner is a voter ~~of the county.~~ **at the residence address listed in the petition at the time the petition is being processed.** The certification must accompany and be part of the petition.

(c) If a county is part of more than one (1) congressional district, the certificate must indicate the number of petitioners from that county who **are registered voters who** reside in each congressional district.

SECTION 22. IC 3-8-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a)** This chapter applies to a candidate for nomination to an elected office who:

(1) is an independent candidate; or

(2) represents a political party not qualified to nominate candidates in a primary or by convention.

(b) This chapter does not apply to a candidate for a school board office.

SECTION 23. IC 3-8-6-2, AS AMENDED BY P.L.225-2011, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A candidate may be nominated for an elected office by petition of voters who are:

(1) registered to vote **at the residence address set forth on the petition** on the date the county voter registration office certifies the petition under section 8 of this chapter; and

(2) qualified to vote for the candidate.

SECTION 24. IC 3-8-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. **(a)** The signatures to a petition of nomination need not be appended to one (1) paper, but a petitioner may not be counted unless at the time of signing the petitioner is registered and qualified to vote. Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence ~~mailing~~ address of each petitioner **as set forth on the petitioner's voter registration record.**

(b) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in

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writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

SECTION 25. IC 3-8-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. Each petitioner on a petition of nomination must, **in conformity with section 6 of this chapter:**

(1) sign the petitioner's name; ~~or~~

(2) have the petitioner's mark attested; **or**

(3) authorize an individual to sign on behalf of the petitioner with a disability.

SECTION 26. IC 3-8-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. For a petition of nomination to be considered valid by the officer required to receive the petition, the ~~circuit court clerk or board of~~ **county voter** registration **office** in the county where the petitioner is registered must certify that each petitioner is a voter ~~in the county.~~ **at the residence address listed in the petition at the time the petition is being processed.** The certification must accompany and be part of each petition. The certification must indicate that each petitioner is eligible to vote for the candidates being nominated by the petition.

SECTION 27. IC 3-8-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) Whenever a town is wholly or partly located in a county having a consolidated city, a petition of nomination must be filed with the circuit court clerk of the county having the consolidated city.

(b) Whenever a town not described in subsection (a) has entered into an agreement with a county under IC 3-10-7-4, the petition must be filed with the ~~circuit court clerk or board of~~ **county voter** registration **office** of that county.

~~(c) Whenever a school corporation is located in more than one (1) county, a petition for the nomination of a candidate to a school board office must be filed with the circuit court clerk or board of registration of the county having the greatest percentage of population of the election district.~~

~~(d)~~ **(c)** When a petition is filed under subsection (a) **or** (b) ~~or (c)~~ for nomination to an office whose election district is in more than one (1)

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county, the circuit court clerk or board of registration shall examine the voter registration records of each county in the election district to determine if each petitioner is eligible to vote for the candidates being nominated by the petition.

SECTION 28. IC 3-8-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) A person may not be selected as a candidate by petition of nomination without giving written consent and having it filed with the public official with whom certificates and petitions of nomination are required to be filed.

(b) Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of statements of economic interest.

(c) All questions concerning the validity of a petition of nomination filed with the secretary of state or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the commission. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the election division under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(d) All questions concerning the validity of a petition of nomination filed with a circuit court clerk or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the county election board. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the county election board under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(e) ~~This subsection does not apply to a petition of nomination for election to a school board office subject to IC 3-8-2-14.~~ The commission or a county election board shall rule on the validity of the petition of nomination or the denial of certification under section 12(d) of this chapter not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

~~(f) This subsection applies to a petition of nomination for election to a school board office elected in a general election. All questions concerning the validity of the petition of nomination shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election. A statement~~

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~~questioning the validity of a petition of nomination must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the general election.~~

SECTION 29. IC 3-8-7-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 28. (a) Except as provided in subsections (b) and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or IC 3-10-1 desires to withdraw as the nominee, the nominee must file a notice of withdrawal in writing with the public official with whom the certificate of nomination was filed by noon:

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

(2) August 1 before a municipal election in a town subject to IC 3-8-5-10;

(3) on the date specified for town convention nominees under IC 3-8-5-14.5;

(4) on the date specified for declared write-in candidates under IC 3-8-2-2.7; ~~or~~

(5) on the date specified for a school board candidate under IC 3-8-2.5-4; or

~~(5)~~ **(6)** forty-five (45) days before a special election.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

SECTION 30. IC 3-10-1-14.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14.1. (a) All the candidates for each office who have qualified in the manner prescribed by IC 3-8 for placement on the primary election ballot shall be grouped together under the name of the office and printed in type with uniform capital letters, with uniform space between each name. At the head of each group ~~where only one (1) candidate for each group is to be voted for, the words "vote for one (1) only" shall be printed. If more than one (1) candidate in a group is to be voted for, the number to be voted for shall be specified at the head of the group.~~ **a statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be**

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nominated) candidates for this office.".

(b) This subsection does not apply to a candidate for a political party office. A candidate's given name and surname as set forth in the candidate's voter registration record shall be printed in full.

(c) In addition to the candidate's given name and surname, the candidate may use:

(1) initials; or

(2) a nickname by which the candidate is commonly known;

if the candidate's choice of initials or nickname does not exceed twenty (20) characters. Any nickname used must appear in parentheses between the candidate's given name and the candidate's surname.

(d) A candidate may not use a designation such as a title or degree or a nickname that implies a title or degree.

(e) A candidate's name must be printed on the ballot exactly as the name appears on the candidate's certificate of nomination, petition of nomination, or declaration of candidacy.

SECTION 31. IC 3-10-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. A candidate for the office of United States Senator in a special election held to fill a vacancy in accordance with IC 3-13-3-1 shall be nominated:

(1) at a primary election held under IC 3-10-1, if the vacancy occurs no later than noon ~~seventy (70) days~~ **on the first date that a petition of nomination can be filed with a county voter registration office under IC 3-8-2-10** before the primary election;

(2) as provided in IC 3-13-1-3, if the vacancy occurs after noon on the ~~seventieth day~~ **first date that a petition of nomination can be filed with a county voter registration office under IC 3-8-2-10** before a primary election held under IC 3-10-1; or

(3) under IC 3-8-6, if a candidate is an independent candidate or represents a political party not qualified to nominate candidates at a primary election.

SECTION 32. IC 3-10-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. The presidential voting procedures in this chapter apply to a person who satisfies all of the following conditions:

(1) The person resided in a precinct in Indiana.

(2) The person lost residency in Indiana ~~within the~~ **less than** thirty (30) days ~~immediately~~ before the general election.

(3) The person was a qualified and registered voter while a resident of that precinct.

(4) The person is otherwise legally qualified to vote.

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(5) The person does not meet the residency requirements of the state, precinct, or political subdivision in which the person resides.

SECTION 33. IC 3-10-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. This chapter applies to a person who satisfies all of the following conditions:

(1) The person resided in a precinct in Indiana.

(2) The person currently resides in Indiana.

(3) The person lost residency in the precinct of the person's former residence ~~not more~~ **less** than thirty (30) days ~~immediately~~ before the election.

(4) The person was a qualified and registered voter of the precinct of the person's former residence.

(5) The person is otherwise legally qualified to vote.

(6) The person is not registered in the precinct of the person's present residence.

(7) The person requests a transfer of the person's registration.

SECTION 34. IC 3-10-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Notwithstanding other provisions of this title concerning residency requirements for voting, but subject to subsection (b), a person described in section 2 of this chapter may vote in the precinct of the person's former residence by executing an affidavit described in this chapter.

(b) A person who changes residence from a location:

(1) outside a municipality to a location within a municipality; ~~within~~ **or**

(2) within a municipality to a location outside a municipality; **less than** thirty (30) days before a municipal primary election, municipal election, or special election held only within the municipality may not vote in the **municipal primary election, municipal election, or special** election **held only within the municipality** in the precinct of the person's former residence.

SECTION 35. IC 3-10-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. If the person executes the affidavit under this chapter before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall **do both of the following:**

(1) Provide the person with a voter registration application, and request that the person complete and sign the application.

(2) Return the original affidavit **and any completed voter registration application** to the ~~circuit court clerk or board of~~ **county voter** registration **office** after the closing of the polls.

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SECTION 36. IC 3-10-12-3.4, AS ADDED BY P.L.230-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3.4. (a) This section applies to a voter who:

(1) changes residence from a precinct in a county to another precinct:

(A) in the same county; and

(B) in the same congressional district;

as the former precinct; and

(2) does not notify the county voter registration office of the change of address before election day.

(b) A voter described by subsection (a) may:

(1) correct the voter registration record; and

(2) vote in the precinct where the voter formerly resided;

if the voter makes an oral affirmation as described in subsection (e) or a written affirmation as described in section 4 of this chapter of the voter's current residence address.

(c) A voter who moved outside of a municipality may not return to the precinct where the voter formerly resided to vote in a municipal election.

(d) A voter who moved from a location outside a municipality to a location within a municipality ~~within thirty (30) days~~ before a:

(1) municipal primary election;

(2) municipal election; or

(3) special election held only within the municipality;

may not vote in the **municipal primary election, municipal election, or special** election **held only within the municipality** in the precinct of the person's former residence.

(e) A voter entitled to make a written affirmation under subsection (b) may make an oral affirmation. The voter must make the oral affirmation before the poll clerks of the precinct. After the voter makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

SECTION 37. IC 3-10-12-4, AS AMENDED BY P.L.230-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The written affirmation described in section 3.4 of this chapter may be executed as follows:

(1) At the county voter registration office for the county of the precinct of the person's former residence, not later than 4 p.m. on the day before the election.

(2) Before the inspector of the precinct of the person's former

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residence, if the application and statement are executed on the day of the election.

(3) When the application for an absentee ballot is filed with the county election board of the county of the precinct of the person's former residence.

(b) If the person executes the affidavit under this section at the county voter registration office before the day of the election, the office shall furnish a copy of the affirmation to the person. The person shall present the copy to the inspector of the precinct of the person's former residence when the person offers to vote in that precinct under IC 3-11-8.

(c) If the person executes the affirmation under this section when filing an application for an absentee ballot, the county election board shall attach the original or a copy of the affirmation to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

(d) If the person executes the affirmation under this section before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall **do both of the following:**

(1) Provide the person with a voter registration application, if the person's current address is located within the same county as the precinct of the person's former residence, and request that the person complete and sign the application.

(2) Return the original affirmation to the county election board.

The county election board shall forward the affidavit **and any completed voter registration application** to the county voter registration office after the closing of the polls.

SECTION 38. IC 3-11-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. Each type of ballot ~~or paster~~ must be:

(1) of uniform size;

(2) of the same quality and color of paper; and

(3) sufficiently thick that the printing cannot be distinguished from the back.

SECTION 39. IC 3-11-2-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. The chairman or committee responsible for supplying pasters under IC 3-11-3-29 shall supply pasters of the same color as the ballot on which the paster will be placed.~~

SECTION 40. IC 3-11-2-12.9, AS AMENDED BY P.L.190-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12.9. (a) School board offices to be elected at the

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general election shall be placed on the general election ballot after the offices described in section 12 of this chapter ~~under a~~ **with each candidate for the office designated as** "nonpartisan". ~~title.~~

(b) If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name.".

SECTION 41. IC 3-11-2-16, AS AMENDED BY P.L.225-2011, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) If ~~the commission or~~ an election board determines that a ballot printed under the authority of the ~~commission or~~ election board does not comply with a requirement imposed by this title or contains any other error or omission that might result in confusion or mistakes by voters, the ~~election division or~~ board shall:

(1) reprint or correct the ballot; or

(2) conduct a public hearing concerning the defective ballots.

(b) The ~~commission or~~ board may conduct the hearing after informing each political party, ticket, or candidate that the ~~commission or~~ board determines may have an interest in the matter.

(c) At the hearing, the ~~commission or~~ board shall hear any testimony offered by a person concerning the defective ballots and shall make findings of fact concerning the following:

(1) The number of ballots, if any, containing the error or omission that have already been cast.

(2) The cost of correcting the error through the use of ~~pasters,~~ reprinted ballots or any other suitable method.

(3) Whether the error or omission would be likely to cause confusion or mistakes by voters.

(4) Whether any voter objects to the use of the ballots, notwithstanding the error or omission.

(d) If:

(1) a voter does not file a written objection to the use of the ballots with the ~~commission or~~ board before the ~~commission or~~ board concludes the hearing; and

(2) the ~~commission or~~ board determines that the use of the ballots would not be likely to cause confusion or mistakes by voters;

the ~~commission or~~ board shall authorize the use of the defective ballots, notwithstanding the error or omission.

(e) If:

(1) a voter files a written objection to the use of the ballots with the ~~election division or~~ board before the ~~commission or~~ board concludes the hearing; or

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(2) the ~~commission or~~ board determines that the use of the ballots would be likely to cause confusion or mistakes by voters;

the ~~commission or~~ board shall order the ballots to be reprinted or altered to conform with the requirements of this title.

(f) If the ~~commission or~~ board acts under subsection (a) or (e), a voter who has already voted a defective ballot by absentee ballot is entitled to recast the voter's ballot in accordance with IC 3-11-10-1.5 or IC 3-11.5-4-2. Notwithstanding the issuance of an order under subsection (e), a defective ballot shall be counted if the intent of the voter can be determined and the ballot would otherwise be counted under IC 3-12-1.

SECTION 42. IC 3-11-3-16, AS AMENDED BY P.L.164-2006, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 **(or an electronic poll list in a county described by IC 3-11-18.1)** and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8. The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 **(or in the use of the electronic poll lists).**

SECTION 43. IC 3-11-3-29, AS AMENDED BY P.L.225-2011, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, the election board may print ballots containing the name of the new candidate.

~~(b) If the election board determines that printing ballots under subsection (a) would be uneconomical or impractical, the chairman or committee that made the appointment or selection shall provide to the election board the number of pasters the board determines to be necessary for all ballots to reflect the appointment or selection. Pasters may not be given to or received by any person except the election board and the board's chairman.~~

~~(c)~~ **(b)** If a candidate entitled to be placed on the ballot changes the candidate's legal name after the printing of ballots and before the election, the ~~candidate who has changed the candidate's legal name shall provide to the election board the number of pasters the board determines to be necessary for all ballots to reflect the change of name. If a candidate declines to do so under this subsection, the~~ board is not

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required to reprint ballots to reflect the change of legal name.

SECTION 44. IC 3-11-3-29.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 29.3. (a) This section applies to a candidate who has filed with the secretary of state or election division as a candidate for nomination in a primary election.**

(b) If the election division determines that a candidate for nomination in a primary has died, the division shall:

(1) not include the name of the candidate in the certification transmitted to the county under IC 3-8-2-17; or

(2) if the certification to the county has already been transmitted, notify the county election board of each county to which the candidate's name has been previously certified.

(c) The county election board shall not print the name of a deceased candidate described in subsection (b) on a primary ballot. If the primary election is to be conducted more than five (5) days after the election division issues the notification under subsection (b), the county election board shall print new ballots to remove the name of a candidate who has died.

(d) A voter who has cast a ballot containing the name of a deceased candidate is entitled to request a replacement absentee ballot under IC 3-11-10-1.5.

(e) Any vote cast for a deceased candidate in the primary election is void.

SECTION 45. IC 3-11-3-29.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 29.4. (a) This section applies to a candidate who has filed with a circuit court clerk or board of elections and registration as a candidate for nomination in a primary election or municipal primary election.**

(b) If the county election board determines by unanimous vote of the entire membership that there is good cause to believe that a candidate has died, the board shall not print the name of the candidate on the primary ballot.

(c) If the primary election is to be conducted more than five (5) days after the election division issues the notification under section 29.3 of this chapter, the county election board shall print new ballots to remove the name of a candidate who has died.

(d) A voter who has cast a ballot containing the name of a deceased candidate is entitled to request a replacement absentee ballot under IC 3-11-10-1.5.

(e) Any vote cast for a deceased candidate in the primary

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election is void.

SECTION 46. IC 3-11-3-30 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 30. The circuit court clerk, if time permits before the ballots are delivered to the precincts, the poll clerks, or members of the absentee voter board, shall put one (1) of the pasters required by sections 29 and 29.5 of this chapter in the proper place on each ballot label bearing the name of the former candidate and on each paper ballot, provisional ballot, or ballot card to be voted in the precinct before they sign their initials on the ballot. The circuit court clerk shall put one (1) of the pasters on each ballot to be voted by an absentee voter before the clerk signs the ballot.~~

SECTION 47. IC 3-11-4-2, AS AMENDED BY P.L.121-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The name of the individual.

(2) The voter registration address of the individual.

(3) The mailing address of the individual.

(4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

(4) The reason why the individual is entitled to vote an absentee ballot:

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(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall **indicate on the application the date the person received the application, and** file the application with the appropriate county election board not later than:

(1) noon ~~seven (7)~~ **ten (10)** days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. **The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.**

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(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, **or to the election division, a county election board, or a board of elections and registration.** A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(4) A statement that the person is executing the affidavit under the penalties of perjury.

(5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 48. IC 3-11-4-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.1. If a person receives a completed absentee ballot application that the person has reason to believe is materially false, fictitious, or fraudulent, the person shall deliver the application to the appropriate county election board not later than the deadline set forth in section 2 of this chapter, with a statement sworn or affirmed to under the penalties for perjury, setting forth the reasons why the person believes that the application may be materially false, fictitious, or fraudulent. The county election board shall act under IC 3-6-5-31 to determine if a violation of election law has occurred.**

SECTION 49. IC 3-11-4-5.1, AS AMENDED BY P.L.121-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.1. (a) The commission shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or

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overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

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

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

(3) Serve as a verified statement for a voter to indicate a change of name under IC 3-7-41.

~~(3)~~ **(4)** Set forth the penalties for perjury.

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

(1) requests an absentee ballot; and

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

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

(d) Not later than June 30, ~~2012,~~ **2013,** the commission shall approve absentee ballot application forms that comply with this subsection **and section 2(g) of this chapter and permit the applicant to indicate a change of name under subsection (b).** The form prescribed by the commission must request that a voter who requests an absentee ballot:

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

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

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

(e) An application form submitted by a voter after June 30, ~~2012,~~ **2013,** must:

(1) comply with subsection (d); or

(2) be an earlier approved version of an application form authorized for use on June 30, ~~2012.~~ **2013.**

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

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

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

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

SECTION 50. IC 3-11-4-17.5, AS AMENDED BY P.L.121-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

(1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;

(2) the information set forth on the application appears to be true; ~~and~~

(3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual acting under section 2(b) of this chapter; and

~~(3)~~ **(4)** the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through ~~(3),~~ **(4),** the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) A voter's failure to provide the information requested under section 5.1(d) of this chapter does not affect a voter's ability to receive an absentee ballot. A county election board may not deny an application because the voter has not provided the information requested under section 5.1(d) of this chapter as a part of the voter's

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application for an absentee ballot.

(d) This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d), if the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

(e) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(f) If the applicant:

(1) is a voter of the precinct according to the registration record;

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and

(3) provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 51. IC 3-11-4-18, AS AMENDED BY P.L.66-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot

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by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in **this subsection,** section 18.5 of this chapter, **or IC 3-11-10-26.5,** the ballot shall be mailed:

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

(2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. **If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under IC 3-7-33-5(f) that the applicant is a registered voter.**

(d) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(e) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 52. IC 3-11-8-6.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6.3. The polls may not be located in a structure on or in which is located any display visible to a voter of political**

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preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

SECTION 53. IC 3-11-8-15, AS AMENDED BY P.L.230-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

(1) Members of a precinct election board.

(2) Poll clerks and assistant poll clerks.

(3) Election sheriffs.

(4) Deputy election commissioners.

(5) Pollbook holders and challengers.

(6) Watchers.

(7) Voters for the purposes of voting.

(8) Minor children accompanying voters as provided under IC 3-11-11-8.

(9) An assistant to a precinct election officer appointed under IC 3-6-6-39.

(10) An individual authorized to assist a voter in accordance with IC 3-11-9.

(11) A member of a county election board, acting on behalf of the board.

(12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).

(13) Either of the following who have been issued credentials signed by the members of the county election board:

(A) The county chairman of a political party.

(B) The county vice chairman of a political party.

However, a county chairman or a county vice chairman who is a candidate for nomination or election to office at the election may not enter the polls under this subdivision.

(14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that

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the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 54. IC 3-11-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. **(a)** Voters shall approach and enter the chute in the order in which they appear for the purpose of voting. A voter shall immediately announce the voter's full and true name to the challengers.

(b) If requested to do so by a challenger, a voter shall provide proof of identification for the purpose of executing a challenge under section 20 of this chapter.

(c) If the voter declines or is unable to produce proof of identification to the challenger, the challenger shall execute the prescribed affidavit under section 21 of this chapter and provide the affidavit to the voter to permit the voter to execute the affidavit of a challenged voter under section 23 of this chapter.

SECTION 55. IC 3-11-8-25.1, AS AMENDED BY P.L.53-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

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

(c) If:

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

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

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

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

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not

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required to provide proof of identification before voting in an election.

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

(1) The voter's name.

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

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

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

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

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

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

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

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

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

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

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing

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the voter's current residence address on the poll list.

(l) If the voter indicates that the voter resides at an address that is within the same precinct, or makes an affirmation of this change of address under IC 3-7-39-7, the county election board shall direct the county voter registration office to transfer the voter's voter registration to the address within the precinct indicated by the voter.

(m) If the voter indicates that the voter's current residence is located within another county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. The precinct election board shall provide the voter with a voter registration application for the voter to complete and file with the county voter registration office of the county where the voter's current residence address is located.

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

SECTION 56. IC 3-11-10-17, AS AMENDED BY P.L.225-2011, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) If the inspector finds under section 15 of this chapter that any of the following applies, a ballot may not be accepted or counted:

(1) The affidavit is insufficient or the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the circuit court clerk under IC 3-11-4-19 or section 27 of this chapter;

(B) the two (2) members of the absentee voter board visiting the voter under section 25(b) of ~~the~~ **this** chapter; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) A copy of the voter's signature has been furnished to the precinct election board and that the signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has not registered.

(5) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual

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designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(6) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(7) In the case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(8) The ballot has been challenged and ~~not supported.~~ **there is no absentee ballot application from the voter to support the absentee ballot.**

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot secrecy envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by:

(1) the absentee voter board under section 25(b) of this chapter;

(2) a member of the voter's household; or

(3) an individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for an inspector to determine that a signature or mark complies with subsection (a)(2).

SECTION 57. IC 3-11-10-26, AS AMENDED BY P.L.225-2011, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.

(2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) The office of the board of elections and registration.

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(2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(d) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(e) The voter may vote before the board not more than ~~twenty-nine (29)~~ **twenty-eight (28)** days nor later than noon on the day before election day. **If the close of a voter registration period is transferred from twenty-nine (29) days to a later date under this title, the voter may vote before the board on the first day following the day on which the voter registration period closes.**

(f) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. **If the close of a voter registration period is transferred from twenty-nine (29) days to a later date under this title, the voter may vote before the board on the first day following the day on which the voter registration period closes.** If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(g) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(h) Notwithstanding subsection (g), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

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(i) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(j) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(k) If:

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

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

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(l) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

SECTION 58. IC 3-11-10-26.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26.2. (a) A:

(1) county election board; or

(2) board of elections and registration;

of a county subject to IC 3-11.5 may adopt a resolution to authorize the circuit court clerk to use an electronic voting system for voting by absentee ballot in the office of the circuit court clerk or board of elections and registration. **A resolution adopted under this subsection may also authorize the circuit court clerk to use an electronic voting system for voting by voters eligible to cast an absentee ballot before an absentee board under section 25 of this chapter.**

(b) A resolution adopted under this section must be adopted by the unanimous vote of the board's entire membership.

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(c) A resolution adopted under this section must provide procedures to do the following:

(1) Secure absentee votes cast on an electronic voting system that provide protection comparable to the protection provided to absentee votes cast by paper ballot.

(2) Compare the signature on an absentee ballot application with the applicant's signature on the applicant's voter registration application.

(3) Ensure that an invalid ballot (as determined under IC 3-11.5) is not counted.

(4) Specify how a spoiled absentee ballot is to be canceled in the direct record electronic voting system if a voter casts and returns a replacement absentee ballot.

(d) A resolution adopted under this section may contain other provisions **to implement this section that** the board considers useful **and that are not contrary to Indiana or federal law.**

(e) If a resolution is adopted under this section, the circuit court clerk may use as many electronic voting machines for recording absentee votes as the clerk considers necessary, subject to the resolution adopted by the board.

(f) Notwithstanding any other law, an absentee ballot voted on an electronic voting system under this section is not required to bear the seal, signature, and initials prescribed by section 27 of this chapter.

(g) If a resolution is adopted under this section, the procedure for casting an absentee ballot on an electronic voting system must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk under section 26 of this chapter.

SECTION 59. IC 3-11-10-26.3, AS AMENDED BY P.L.225-2011, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26.3. (a) A county election board may adopt a resolution to authorize the circuit court clerk to establish satellite offices in the county where voters may cast absentee ballots before an absentee voter board.

(b) To be adopted under this section, a resolution must be adopted by the unanimous vote of the board's entire membership.

(c) A resolution adopted under this section must do the following:

(1) State the locations of the satellite offices.

(2) State the hours at which absentee voting may occur at the satellite offices.

(d) The resolution may contain other provisions the board considers useful.

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(e) If a resolution is adopted under this section for a primary election, the locations of the satellite offices and the hours at which absentee voting may occur at the satellite offices established for the primary election must be used for the subsequent general or municipal election.

(f) If a resolution is adopted under this section, the procedure for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk.

(g) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

(h) A satellite office established by a circuit court clerk under this section must comply with the polling place accessibility requirements of IC 3-11-8.

(i) A resolution adopted under this section expires January 1 of the year immediately after the year in which the resolution is adopted.

SECTION 60. IC 3-11-10-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26.5. (a) This section applies to:

(1) a municipal election;

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

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

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

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

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

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

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

(d) This subdivision does not apply to an absentee ballot challenged under IC 3-11-4-18.5 until the challenge has been

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decided by the election board. If the election board adopts a resolution under subsection (b), an absentee ballot requested to be mailed to a voter shall be mailed:

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

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

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

whichever is the latest.

SECTION 61. IC 3-11-10-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29. **(a)** The envelope required by section 28 of this chapter must bear upon its face a printed affidavit containing the voter's affirmation under penalties of perjury that the following information is true:

The voter must indicate the voter's precinct and township (or ward and city or town) and indicate whether the voter is entitled to vote as a resident of the precinct or is entitled to vote under IC 3-10-11 or IC 3-10-12.

(b) The voter must sign and date the affidavit, and the absentee voter board must sign the affidavit.

(c) The absentee voter board must indicate on the affidavit if:

(1) the board visited the voter in the manner authorized under section 25(b) of this chapter; and

(2) the voter was a voter with disabilities who was unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope under section 24(b) of this chapter.

SECTION 62. IC 3-11-10-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 31. **(a)** If a voter has not returned an absentee ballot, then the voter may vote in person.

(b) However, **if the voter has received an absentee ballot,** before the voter may vote, the voter must return the ballot to the inspector. The absentee ballot shall be marked "cancelled" and preserved with other defective ballots.

SECTION 63. IC 3-11-10-35, AS AMENDED BY P.L.221-2005, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 35. (a) This section does not apply to an absentee ballot required to be treated as a provisional ballot under IC 3-11.7.

(b) If an envelope containing an absentee ballot has not been opened before the close of the polls, then the envelope may not be opened without an order of a court **or the state recount commission.**

SECTION 64. IC 3-11-13-11, AS AMENDED BY P.L.190-2011,

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SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

(1) print all offices and questions on a single ballot card; and

(2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", **if more than one (1) candidate is to be elected to the office.**

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last

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election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office.".

(j) Candidates for election to at-large seats on the governing body

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of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(k) The following information must be placed at the top of the ballot before the first public question is listed:

(1) The cautionary statement described in IC 3-11-2-7.

(2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

(1) the name of the political party or independent ticket (described in IC 3-11-2-6); and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily read the instructions.

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

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(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

(1) the names of political parties or candidates; or

(2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

SECTION 65. IC 3-11-14-3.5, AS AMENDED BY P.L.225-2011, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed

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immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", **if more than one (1) candidate is to be elected to the office.**

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

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(A) President and Vice President of the United States; or
(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;
(2) in the party order established by subsection (g); and
(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office.".

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and
(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

(1) placed on the ballot label; or
(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and
(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for

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listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 66. IC 3-11-14-5 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 5. The election division shall provide each county election board with the number of sample ballots the county election board considers adequate for each precinct. The sample ballots must be:~~

~~(1) exact copies of the official ballots furnished by the election division; and~~

~~(2) printed on different color paper from the official ballots.~~

SECTION 67. IC 3-11-14-6 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 6. The election division shall enclose the sample ballots in a separate wrapper or envelope from that of other papers delivered by the election division to the circuit court clerk and deliver them to the clerk or the messenger authorized by the clerk to receive the ballots.~~

SECTION 68. IC 3-11-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. Each county election board shall provide the number of sample ballots the county election board considers adequate for each precinct of the county. The county election board shall arrange the sample ballots in the form of a diagram showing the entire front of an electronic voting system as it will appear on the official ballots printed under the jurisdiction of the ~~election division and the~~ county election board. However, if presidential electors are to be voted for at an election, then the ballot label of each political party or independent ticket must be in the form prescribed by

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IC 3-10-4-1.

SECTION 69. IC 3-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Each county election board may make available at convenient places throughout the county electronic voting systems for the instruction of the voters. The board shall locate the systems at places where people usually assemble, such as shopping centers. The board shall have the systems attended at convenient hours designated by the board by persons able to instruct others in their use. The county chairmen of the major political parties of the state must approve the persons attending the systems under this section.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). At least ten (10) days before an election, each county election board shall duplicate, distribute, and cause to be posted copies of official sample ballots

~~(1) received from the election division; and~~

~~(2)~~ prepared by the county election board

to schools, fire stations, county courthouses, and other public buildings in the county.

SECTION 70. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be rejected:

(1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;

(B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) The signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual

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designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and ~~not supported.~~ **there is no absentee ballot application from the voter to support the absentee ballot.**

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by any of the following:

(1) The absentee voter board under section 22 of this chapter.

(2) A member of the voter's household.

(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 71. IC 3-11.5-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18. If a voter has not returned an absentee ballot, the voter may vote in person. However, **if the voter has received an absentee ballot,** before the voter may vote, the voter must return the ballot to the county election board. The

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absentee ballot shall be marked "canceled" and preserved with the rejected ballots.

SECTION 72. IC 3-12-3-5, AS AMENDED BY P.L.198-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) If a ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating machines, then a remake team composed of one (1) person from each of the major political parties of the county shall have the card prepared for processing so as to record accurately the intention of the voter insofar as it can be ascertained.

(b) If the ballot card voting system is designed to allow the counting and tabulation of votes by the precinct election board, the members of the remake team must be members of the precinct election board in which the ballot was cast. **If a county provides for the counting and tabulation of ballot card voting systems in a central location, the members of the remake team shall be appointed by the county election board.**

(c) If necessary, a true, duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged card. Similarly, a duplicate ballot card shall be made of a defective card, not including the uncounted votes.

(d) This subsection applies to an absent uniformed services voter or overseas voter permitted to transmit an absentee ballot by fax or electronic mail under IC 3-11-4-6. To facilitate the transmittal and return of the voter's absentee ballot by fax or electronic mail, the county election board may provide the voter with a paper ballot rather than a ballot card. The paper ballot must conform with the requirements for paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns the ballot by fax or electronic mail, a remake team appointed **by the county election board** under this section shall prepare a ballot card for processing that accurately records the intention of the voter as indicated on the paper ballot. The ballot card created under this subsection must be marked and counted as a duplicate ballot under sections 6 through 7 of this chapter.

(e) If an automatic tabulating machine fails during the counting and tabulation of votes following the close of the polls, the county election board shall immediately arrange for the repair and proper functioning of the system. The county election board may, by unanimous vote of its entire membership, authorize the counting and tabulation of votes for this election on an automatic tabulating machine approved for use in Indiana by the commission:

(1) until the repair and retesting of the malfunctioning machine;

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and

(2) whether or not the machine was tested under IC 3-11-13-22.

SECTION 73. IC 3-12-4-18, AS AMENDED BY P.L.221-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18. If electronic voting systems are used in a precinct, the county election board may, ~~request authorization from the state recount commission to~~ **upon the adoption of an order by unanimous vote of the entire membership of the board,** inspect the registering counter or other recording device on any electronic voting system showing the number of votes cast for any candidate or public question. ~~If authorized by the state recount commission,~~ The board may conduct an inspection, **after filing notice of the order authorizing the inspection with the secretary of state,** either before ~~it~~ **the board** proceeds to count and tabulate the vote or within one (1) day after the count and tabulation are finished.

SECTION 74. IC 3-12-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) Each petitioner shall furnish a cash deposit or file a bond with corporate surety to the approval of the court for the payment of all costs of the recount. The minimum amount of the cash deposit or bond is one hundred dollars ($100). **The maximum amount of the cash deposit or bond may not exceed the amount specified in subsection (b) or (c).**

(b) This subsection applies if, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is not more than one percent (1%) of the total votes cast for all candidates for the nomination or office. If the number of precincts to be recounted exceeds ten (10), the amount of the deposit or bond shall be increased by ten dollars ($10) for each precinct in excess of ten (10).

(c) This subsection applies if, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is more than one percent (1%) of the total votes cast for all candidates for the nomination or office. If the number of precincts to be recounted exceeds ten (10), the amount of the deposit or bond shall be increased by one hundred dollars ($100) for each precinct in excess of ten (10).

(d) If a petition is joint, a joint bond may be furnished.

(e) The costs of a recount may include the following:

(1) Compensation of recount commissioners.

(2) Compensation of additional employees required to conduct the recount, including overtime payments to regular employees who are eligible to receive such payments.

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(3) Postage and telephone charges directly related to the recount.

(f) The costs of a recount may not include the following:

(1) General administrative costs.

(2) Security.

(3) Allowances for meals or lodging.

(g) If the recount results in a reduction of at least fifty percent (50%) but less than one hundred percent (100%) of the margin of the total certified votes, the petitioner shall receive a refund of that percentage of the unexpended balance. If after a recount, it is determined that a petitioner has been nominated or elected, the deposit or the bond furnished by that petitioner shall be returned to that petitioner in full.

(h) Any unexpended balance remaining in a deposit after payment of all costs of the recount and the refund, if a refund is made, shall be deposited in the county general fund.

SECTION 75. IC 3-12-6-16, AS AMENDED BY P.L.221-2005, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A recount commission consists of three (3) persons.

(b) Two (2) members of the commission must be voters who:

(1) are members of different major political parties of the state; and

(2) were qualified to vote at the election in a county in which the election district for the office is located.

(c) This subsection applies to a recount commission conducting a recount of an election in which only paper ballots were used. The third member of the commission must be a person who:

(1) is a member of a major political party of the state; and

(2) was qualified to vote at the election ~~in a county~~ in ~~which~~ the election district ~~for~~ **of** the office. ~~is located.~~

(d) This subsection applies to a recount of an election in which a voting method other than only paper ballots was used. The third member of the commission must be a competent mechanic who is familiar with the ballot card voting systems or electronic voting systems used in that election. The mechanic is not required to be qualified to vote at the election in a county in which the election district for the office is located.

SECTION 76. IC 3-12-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. The state police department shall:

(1) serve any notices, **subpoenas, impoundment orders, discovery orders, protective orders,** or other papers;

(2) secure or transport any election records or equipment; and

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(3) perform any other law enforcement duties;

ordered by the state recount commission.

SECTION 77. IC 3-12-10-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 12.5. (a) This section does not apply to the filing of a recount petition, contest petition, or cross-petition under IC 3-12-11.**

(b) Notwithstanding IC 3-5-4-1.7, the state recount commission may receive filings by electronic mail from attorneys representing an individual or party in a recount or contest proceeding following the filing of the original recount petition, contest petition, or cross-petition.

SECTION 78. IC 3-12-10-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18. **(a)** Any party to a final determination of the state recount commission concerning a nomination subject to IC 3-12-11 or election to a state office other than governor or lieutenant governor may ~~file a petition with the Marion County circuit court for judicial review of the determination no later than noon thirty (30) days after notice of the determination is served on the party.~~ **appeal the final determination to the court of appeals for errors of law under the same terms, conditions, and standards that govern appeals in ordinary civil actions. An assignment of errors that the commission's final determination is contrary to law is sufficient to present both the sufficiency of the facts found to sustain the commission's determination and the sufficiency of the evidence to sustain the findings of facts upon which the commission's determination was rendered.**

(b) If the court **of appeals** finds that a party has been substantially prejudiced by commission action that is:

(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(2) contrary to constitutional right, power, privilege, or immunity;

(3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; or

(4) without observance of procedure required by law;

the court may set aside the final determination of the commission. The court may remand the case to the commission for further proceedings and compel commission action that has been unreasonably delayed or unlawfully withheld.

SECTION 79. IC 3-12-11-9, AS AMENDED BY P.L.221-2005, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) Upon the filing of a petition

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for a recount or contest with the election division, the ~~secretary of~~ state **recount commission** shall issue a notice of the filing and pendency of the petition to each opposing candidate and deliver the notice to the state police department.

(b) This subsection applies if an attorney has filed an appearance with the election division as the representative of a candidate. The state police shall serve the notice on the attorney for the candidate.

(c) If subsection (b) does not apply, the state police department shall ~~immediately~~ serve the notice upon each opposing candidate in person or by leaving a copy at the last and usual place of residence.

(d) The state police department shall make immediate return of the service under this section.

SECTION 80. IC 3-12-11-12, AS AMENDED BY P.L.221-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Except as provided in subsection (d) or (e), the state recount commission shall grant the petitions and cross-petitions that have been filed and order the recount of the votes in the precincts upon:

(1) the filing of a petition and cash deposit or bond under this chapter;

(2) the expiration of the period under section 4 of this chapter for filing a cross-petition; and

(3) proof of service of all notices.

(b) Except as provided in subsection (d), whenever a petition filed under section 2 of this chapter requests a recount in all precincts in the election district, the state recount commission may order a recount in the precincts upon:

(1) the filing of a cash deposit or bond under this chapter; and

(2) proof of service of all notices.

(c) Except as provided in subsection (d), the state recount commission shall ~~grant~~ **accept** a petition for a contest that has been filed and order a contest proceeding upon:

(1) the filing of a petition under this chapter; and

(2) proof of service of all notices.

(d) Whenever a motion to dismiss a petition or cross-petition for a recount or a petition for a contest is filed with the state recount commission or is made by a member of the commission, the commission shall rule on the motion to dismiss before ordering or continuing with a recount or a contest. The motion to dismiss must:

(1) state that the petitioner or cross-petitioner has failed to comply with this chapter; and

(2) specifically identify the requirement that the petitioner or

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cross-petitioner has failed to comply with.

(e) Whenever the petitioner and each cross-petitioner or respondent file a joint motion to dismiss a recount or contest, the commission shall rule on the motion to dismiss before ordering or continuing with a recount or contest.

(f) If the state recount commission orders a recount proceeding or contest proceeding, the commission shall send notice of the order to each candidate or party chair named in the petition. However, if an attorney has filed an appearance with the commission on behalf of a candidate or party chair, the notice shall be sent to the attorney. A notice under this subsection shall be sent by:

(1) electronic mail if the candidate, party chair, or attorney has provided an electronic mail address to the commission; or

(2) certified mail, in all other cases.

SECTION 81. IC 3-12-11-13, AS AMENDED BY P.L.221-2005, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. If there is a consolidation of petitions and cross-petitions **for a recount,** the state recount commission shall by consolidated order grant the consolidated petitions and cross-petitions and order a consolidated recount of all votes in each precinct in the election district for the office requested in the petitions and cross-petitions.

SECTION 82. IC 3-12-11-15 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 15. On the day when the order of a recount or contest proceeding is made and entered by the state recount commission, the election division shall send a certified copy of the order by certified mail to each opposing candidate named in the petition at the address stated in the petition, if a petition was filed, at the candidate's last known address. The commission shall charge the cost of mailing the order to the petitioner.~~

SECTION 83. IC 3-12-11-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) After a recount is ordered under section 12 of this chapter, the state recount commission or its designee shall convene at a place fixed by order of the state recount commission and expeditiously complete the recount of all votes ordered recounted. Each candidate affected by the recount may have a watcher present at the recount and may also be present in person. The candidate has the same rights as a watcher appointed under IC 3-6-8-4. Representatives of the media may also attend the recount and have the same rights as media watchers appointed under IC 3-6-10.

(b) ~~At least two (2) days~~ After a contest proceeding is ordered under

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section 12 of this chapter, the state recount commission or its designee shall convene at a place fixed by order of the state recount commission and conduct a hearing on the contest petition. Each candidate affected by the contest may be present in person. The candidate has the same rights as a watcher appointed under IC 3-6-8-4. Representatives of the media may also attend the hearing and have the same rights as media watchers appointed under IC 3-6-10.

(c) The proceedings of the state recount commission under this section shall be performed in public under IC 5-14-1.5. However, the commission may restrict access to parts of a room where the recount or contest proceeding is being conducted to safeguard the election material or other evidence and to permit the material to be handled or transported by the commission.

SECTION 84. IC 3-13-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A vacancy that occurs, other than by resignation, in the United States Senate shall be certified to the governor by the secretary of state.

(b) The governor shall immediately fill a vacancy in the United States Senate by appointing a person possessing the qualifications required under Article 1, Section 3, Clause 3 of the Constitution of the United States. The person appointed holds office until the next general election, when the vacancy shall be filled by the election of a Senator in a special election to hold office for the unexpired term.

(c) If a vacancy in the United States Senate occurs after ~~the last day on which notice of the special election can be published under IC 3-10-8-4,~~ **noon on the date the election division is required to certify general election candidates to each county election board under IC 3-8-7-16,** the person appointed under subsection (b) holds office until the vacancy is filled in a special election held at the time of the next general election ~~for which notice can be published under IC 3-10-8-4.~~ **following the general election for which the candidate certification had been issued under IC 3-8-7-16.**

SECTION 85. IC 3-13-6-1, AS AMENDED BY P.L.201-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) As used in this section, "judge" refers to a judge of a circuit, superior, or probate court.

(b) If a judge wants to resign from office, the judge must resign as provided in IC 5-8-3.5.

(c) A vacancy that occurs because of the death of a judge may be certified to the governor under IC 5-8-6.

(d) A vacancy that occurs, other than by resignation or death of a judge, shall be certified to the governor by the circuit court clerk of the

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county in which the judge resided.

(e) A vacancy in the office of judge of a circuit court shall be filled by the governor as provided by Article 5, Section 18 of the Constitution of the State of Indiana. However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6.

(f) The person who is appointed holds the office until:

(1) the end of the unexpired term; or

(2) a successor is elected at the next general election **for the office,** and qualified;

whichever occurs first.

(g) Except as provided in this subsection, the office of judge of the circuit court shall be elected at the next general election following the date any vacancy occurred. If a vacancy occurs in the office of judge of the circuit court after noon seventy-four (74) days before a general election, the office shall be elected at the second general election following the date any vacancy occurred.

(h) The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.

~~(f)~~ **(i)** A vacancy in the office of judge of a superior or probate court shall be filled by the governor subject to the following:

(1) IC 33-33-2-39.

(2) IC 33-33-2-43.

(3) IC 33-33-45-38.

(4) IC 33-33-71-40.

However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds office for the remainder of the unexpired term.

SECTION 86. IC 3-13-10-4, AS AMENDED BY P.L.119-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A vacancy on the township board of a township:

(1) not covered by section 1 of this chapter; or

(2) covered by section 1 of this chapter, but that exists after the thirtieth day after:

(A) the vacancy occurs, if IC 5-8-6 does not apply; or

(B) the ~~county auditor~~ **county chairman** receives the notice required under IC 5-8-6;

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shall be filled by the board of commissioners of the county at a regular or special meeting.

(b) The county auditor shall give notice of the meeting.

(c) Except as provided in subsections (e) and (f), the meeting shall be held:

(1) not later than thirty (30) days after the vacancy occurs, if the vacancy is not covered by section 1 of this chapter; or

(2) not later than sixty (60) days after the vacancy occurs, if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.

(d) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each commissioner at least ten (10) days before the meeting.

(e) If a vacancy:

(1) is not covered by section 1 of this chapter; and

(2) exists because of the death of a township board member;

the meeting required by subsection (c) shall be held not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required under subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

(f) If a vacancy:

(1) is covered by section 1 of this chapter;

(2) exists because of the death of a township board member; and

(3) exists for more than thirty (30) days;

the meeting required by subsection (c) shall be held not later than sixty (60) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

SECTION 87. IC 3-13-11-3, AS AMENDED BY P.L.119-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) Except as provided in subsections (b) and (e) and section 3.5 of this chapter, not later than ten (10) days after a vacancy occurs in an office subject to this chapter, the county chairman:

(1) of the county in which the greatest percentage of the population of the election district of the office is located; and

(2) of the same political party that elected or selected the official

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who vacated the office;

shall give notice of a caucus to all eligible precinct committeemen.

(b) A county chairman may give notice of a caucus before the time specified under subsection (a) if a vacancy will exist because the official has:

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

(2) been elected to another office.

(c) Notwithstanding IC 5-8-4, a person may not withdraw the person's resignation after the resignation has been accepted by the person authorized to accept the resignation less than seventy-two (72) hours before the announced starting time of a caucus under this section.

(d) Except as provided in subsection (e) and section 3.5 of this chapter, a caucus under this section shall be held after giving notice to caucus members under section 4 of this chapter and not later than thirty (30) days after the vacancy occurs.

(e) If a vacancy exists in an office because ~~a circumstance has occurred under IC 36-5-2-6.5(2),~~ **of the death of the officeholder,** the caucus shall meet and select an individual to fill the vacancy not later than thirty (30) days after the county chairman receives notice of the death under IC 5-8-6. The county chairman shall give notice to caucus members under section 4 of this chapter. The county chairman may not give the notice required by section 4 of this chapter until the county chairman receives notice of the death under IC 5-8-6.

SECTION 88. IC 3-14-2-3, AS AMENDED BY P.L.103-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. A person who:

(1) subscribes the name of another person to an affidavit of registration, **a petition of nomination, a declaration of candidacy,** or application for an absentee ballot knowing that the **affidavit, petition, declaration, or** application contains a false statement; or

(2) subscribes the name of another person to an affidavit of registration, **a petition of nomination, a declaration of candidacy,** or application for an absentee ballot without writing on it the person's own name and address as an attesting witness;

commits a Class D felony.

SECTION 89. IC 3-14-2-5, AS AMENDED BY P.L.103-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A person who recklessly destroys or fails to deliver an absentee ballot application to the proper officer **in accordance with IC 3-11-4** after the application has been executed by another individual in accordance with IC 3-11-4 commits a Class A

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misdemeanor.

(b) A person who recklessly destroys or fails to file or deliver to the proper officer a registration affidavit or form of registration **in accordance with IC 3-7** after the affidavit or form has been executed commits a Class A misdemeanor.

SECTION 90. IC 3-14-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. ~~Except as provided by IC 3-10-10, IC 3-10-11, or IC 3-10-12,~~ **(a)** A person who knowingly votes or offers to vote in a precinct except the one in which the person is registered and resides commits a Class D felony, **except when permitted under IC 3-10-10, IC 3-10-11, or IC 3-10-12.**

(b) A person who knowingly makes a false statement concerning the name, address, or voter identification number of the person by:

(1) signing a person's signature on a poll list to affirm false information concerning a voter printed on the poll list; or

(2) making a written or oral affirmation under IC 3-7-39-7, IC 3-10-1-24, or IC 3-11-8-25.1 to provide false information concerning a voter in addition to the information concerning the voter printed on the poll list;

commits a Class D felony.

SECTION 91. IC 3-14-2-29, AS AMENDED BY P.L.103-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29. A person who knowingly inspects a voting system under IC 3-12-4-18 without: ~~obtaining authorization from the state recount commission~~

(1) the adoption of an order under IC 3-12-4-18 to conduct the inspection; **or**

(2) the filing of an order adopted under IC 3-12-4-18 with the secretary of state;

commits a Class D felony.

SECTION 92. IC 3-14-3-16, AS AMENDED BY P.L.164-2006, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. **The term includes wearing or displaying an article of clothing, sign, button, or placard that states the name of any political party or includes the name, picture, photograph, or other likeness of any currently elected federal, state, county, or local official.** The term does not include expressing support or opposition to a candidate or a political

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party or expressing approval or disapproval of a public question in:

(1) material mailed to a voter; or

(2) a telephone or an electronic communication with a voter.

(b) A person who knowingly does any electioneering:

(1) on election day within:

(A) the polls; or

(B) the chute;

(2) within an area in the office of the circuit court clerk or a satellite office of the circuit court clerk established under IC 3-11-10-26.3 used by an absentee voter board to permit an individual to cast an absentee ballot; or

(3) except for a voter who is:

(A) the person's spouse;

(B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as defined in IC 29-3-1-6); or

(C) a member of the person's household;

in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law;

commits a Class A misdemeanor.

SECTION 93. IC 30-5-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) Language conferring general authority with respect to records, reports, and statements means the principal authorizes the attorney in fact to do the following:

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

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

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attorney in fact to represent the principal respecting all taxes the principal has paid and all tax returns the principal has filed, either personally or through an agent, with the Internal Revenue Service, another agency of the United States, a state department of revenue, a political subdivision of a state, or a foreign country, or a political subdivision of a foreign country.

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

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

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

(6) Execute any document under IC 3 except:

(1) a voter registration application;

(2) the authorization to cancel a voter registration;

(3) a declaration of candidacy;

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

(5) a ballot; or

(6) an absentee ballot.

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

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

SECTION 94. IC 33-33-36-3.5, AS ADDED BY P.L.220-2011, SECTION 534, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3.5. (a) The Jackson superior court is not expanded to two (2) judges until January 1, 2008.

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(b) The governor shall appoint a person under ~~IC 3-13-6-1(f)~~ **IC 3-13-6-1(i)** to serve as the initial judge added to the Jackson superior court by section 3 of this chapter before January 1, 2008.

(c) The term of the initial judge appointed under subsection (b) begins January 1, 2008, and ends December 31, 2010.

(d) The initial election of the judge of the Jackson superior court added by section 3 of this chapter is the general election on November 2, 2010. The term of the initially elected judge begins January 1, 2011.

(e) This section expires January 1, 2017.

SECTION 95. IC 36-1.5-4-11, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) The voters of a political subdivision may initiate a proposed reorganization by filing a written petition, substantially in the form prescribed by the department, with the clerk of the political subdivision that:

(1) proposes a reorganization; and

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

(b) **The clerk shall transmit the petition to the county voter registration office of the county in which a majority of the population of the political subdivision is located.** If **the county voter registration office determines that** the written petition is signed by at least five percent (5%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election, the clerk of the political subdivision shall certify the petition to the legislative body of the political subdivision.

SECTION 96. IC 36-1.5-4-27, AS AMENDED BY P.L.113-2010, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 27. After the county recorder of each county in which reorganizing political subdivisions are located ~~has notified~~ **certifies to** the county election board that a public question on a plan of reorganization is eligible to be placed on the ballot, the county election board shall, **not later than noon of the August 1 preceding the next regularly scheduled general election or municipal election that will occur in all the precincts of the reorganizing political subdivisions, adopt an order to** place the public question on the ballot in accordance with IC 3-10-9 on the ~~first~~ **next** regularly scheduled general election or municipal election (excluding any primary elections). ~~that will occur in all of the precincts of the reorganizing political subdivisions at least sixty (60) days after the required notices are received.~~

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SECTION 97. IC 36-4-1.5-2, AS ADDED BY P.L.111-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A town may be changed into a city through the following:

(1) The town legislative body must adopt a resolution submitting to the town's voters the question of whether the town should be changed into a city. The town legislative body shall adopt a resolution described in this subdivision if at least the number of registered voters of the town equal to ten percent (10%) of the total votes cast in the town at the last election for secretary of state sign a petition requesting the town legislative body to adopt such a resolution. In determining the number of signatures required under this subdivision, any fraction that exceeds a whole number shall be disregarded.

(2) A resolution adopted under subdivision (1) must fix the date for an election on the question of whether the town should be changed into a city. If the election is to be a special election, the date must be:

(A) not less than ~~thirty (30);~~ **seventy-four (74);** and

(B) not more than ~~sixty (60);~~ **one hundred four (104);**

days after the notice of the election. If the election is to be on the same date as a general election, the resolution must state that fact and be certified in accordance with IC 3-10-9-3.

(3) The town legislative body shall file a copy of the resolution adopted under subdivision (1) with the circuit court clerk of each county in which the town is located. The circuit court clerk shall immediately certify the resolution to the county election board.

(4) The county election board shall give notice of the election in the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the election.

(5) The question described in subdivision (1) shall be placed on the ballot in the form prescribed by IC 3-10-9-4. The text of the question shall be: "Shall the town of _____ change into a city?".

(6) If a majority of the voters voting on the question described in subdivision (1) vote "yes", the town is changed into a city as provided in this chapter. If a majority of the voters voting on the question vote "no", the town remains a town.

SECTION 98. IC 36-5-1-10.1, AS AMENDED BY P.L.113-2010, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10.1. (a) Except as provided in subsection (g), if the county executive makes the findings required by

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section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

(1) provide that:

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

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

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

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

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

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

(1) is contiguous to that territory; and

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

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

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

(2) is contiguous to that territory; and

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

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

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

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

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

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

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

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 518, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 15, delete "touch sensitive".

Page 4, line 39, delete "state office or county" and insert "**candidate filing error is made by the election division or a circuit court clerk, the error does not invalidate the filing.**".

Page 4, delete lines 40 through 42.

Page 8, line 40, after "If a petitioner" insert "**with a disability**".

Page 10, line 5, after "If a petitioner" insert "**with a disability**".

Page 13, delete lines 18 through 33, begin a new paragraph and insert:

"**(c) A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 6 of this chapter must be filed with the county election board in accordance with IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of the general election. A question regarding the validity of a petition of nomination or the denial of certification shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election.**".

Page 14, line 28, strike "mailing".

Page 14, line 28, after "petitioner" delete "." and insert "**as set forth on the petitioner's voter registration record.**".

Page 14, line 31, after "If a petitioner" insert "**with a disability**".

Page 16, line 5, after "If a petitioner" insert "**with a disability**".

Page 16, line 14, delete "(a)".

Page 16, line 15, after "must" insert ", **in conformity with section 6 of this chapter:**

(1)".

Page 16, line 15, after "name" insert ";".

Page 16, line 15, strike "or", begin a new line block indented and insert:

"**(2)**".

Page 16, line 16, after "attested" delete "." and insert "; **or**

(3) authorize an individual to sign on behalf of the petitioner with a disability.".

Page 16, delete lines 17 through 26.

Page 18, between lines 13 and 14, begin a new paragraph and insert:

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"SECTION 29. IC 3-8-7-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 28. (a) Except as provided in subsections (b) and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or IC 3-10-1 desires to withdraw as the nominee, the nominee must file a notice of withdrawal in writing with the public official with whom the certificate of nomination was filed by noon:

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

(2) August 1 before a municipal election in a town subject to IC 3-8-5-10;

(3) on the date specified for town convention nominees under IC 3-8-5-14.5;

(4) on the date specified for declared write-in candidates under IC 3-8-2-2.7; ~~or~~

(5) on the date specified for a school board candidate under IC 3-8-2.5-4; or

~~(5)~~ **(6)** forty-five (45) days before a special election.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.".

Page 20, line 12, delete "not more" and insert "**less**".

Page 20, line 14, after "vote in the" insert "**municipal primary election, municipal election, or special**".

Page 20, line 14, before "in the precinct" insert "**held only within the municipality**".

Page 21, line 8, after "vote in the" insert "**municipal primary election, municipal election, or special**".

Page 21, line 8, before "in the precinct" insert "**held only within the municipality**".

Page 28, line 34, delete "an affidavit" and insert "**a verified statement**".

Page 28, line 35, delete "IC 3-7-39." and insert "**IC 3-7-41.**".

Page 32, line 8, delete "in accordance with the applicable deadline set forth in" and insert "**on the date the county voter registration office indicates under IC 3-7-33-5(f) that the applicant is a registered voter.**".

C o p y

Page 32, delete line 9.

Page 32, line 24, after "display" insert "**visible to a voter**".

Page 35, line 25, delete "states on the poll list sheet" and insert "**indicates**".

Page 35, line 31, delete "on the poll list sheet".

Page 35, line 40, delete "on the poll list sheet".

Page 37, line 41, after "day." insert "**If the close of a voter registration period is transferred from twenty-nine (29) days to a later date under this title, the voter may vote before the board on the first day following the day on which the voter registration period closes.**".

Page 38, line 4, after "day." insert "**If the close of a voter registration period is transferred from twenty-nine (29) days to a later date under this title, the voter may vote before the board on the first day following the day on which the voter registration period closes.**".

Page 41, delete line 25.

Page 41, line 27, after "IC 3-11-4-15;" insert "**or**

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

Page 41, line 28, delete "later." and insert "**the latest.**".

Page 59, line 17, delete "circuit court clerk" and insert "**county chairman**".

Page 60, line 37, delete "or the town".

Page 60, line 38, delete "clerk-treasurer".

Page 60, line 38, delete "If the".

Page 60, line 39, delete "vacancy is to be filled by the political party, the" and insert "The".

Page 61, line 1, delete "If a town vacancy is to be filled by the remaining".

Page 61, delete lines 2 through 4.

Page 65, line 13, strike "has notified" and insert "**certifies to**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 518 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 5, Nays 3.

C o p y