



# 2013 Indiana Election Legislation Summary

*Prepared by the Indiana Election Division*

This document summarizes the election-related legislation that passed the Indiana General Assembly and became law in 2013. Bills may be obtained by contacting the Legislative Information Center at 200 West Washington Street, Room 230, Indianapolis, Indiana 46204-2731; (317) 232-9856, or by downloading documents from the General Assembly's website at [www.in.gov/legislative](http://www.in.gov/legislative).

This document is intended to serve as an overview of information concerning Indiana election laws. Although the Election Division takes every effort to ensure the accuracy of the information in this document, **where your legal rights are involved, do not rely on this document. Instead, review the law yourself or consult with your attorney.**

**The 2013 Regular Session of the Indiana General Assembly enacted the following election-related bills:**

- Public Law 14-2013 (Senate Enrolled Act 116): Voter Identification Numbers
- Public Law 147-2013 (House Enrolled Act 1186): Incorporation of Towns
- Public Law 153-2013 (House Enrolled Act 1391): Election Division Voter List Maintenance Duties; Budget, Expenditures, and Contracts
- Public Law 159-2013 (House Enrolled Act 1482): Expungement of Criminal Record- Impact on Candidates and Officeholders
- Public Law 186-2013 (Senate Enrolled Act 250): Petition Carriers
- Public Law 194-2013 (Senate Enrolled Act 518): Miscellaneous Election Matters
- Public Law 202-2013 (Senate Enrolled Act 343): Government Reorganization
- Public Law 205-2013 (House Enrolled Act 1001): Precinct Committeemen Lists
- Public Law 217-2013 (House Enrolled Act 1112): Write-in Candidates
- Public Law 219-2013 (House Enrolled Act 1157): Miscellaneous Election Matters
- Public Law 234-2013 (House Enrolled Act 1585): Township Territory Transfer Referenda
- Public Law 240-2013 (Senate Enrolled Act 226): Study Committee- Suspension of Officeholders
- Public Law 252-2013 (Senate Enrolled Act 388): In Person Absentee Voting
- Public Law 258-2013 (Senate Enrolled Act 519): Miscellaneous Election Matters
- Public Law 266-2013 (Senate Enrolled Act 621): Marion County Election Changes
- Public Law 271-2013 (House Enrolled Act 1311): Electronic Poll Lists and Local Redistricting
- Public Law 279-2013 (House Enrolled Act 1333): County Officeholder Training

**The following bills made technical or non-election related amendments to election statutes:**

Public Law 13-2013 (Senate Enrolled Act 85): Technical Corrections  
Public Law 82-2013 (Senate Enrolled Act 475): Interim Study Committee- County Government  
Public Law 83-2013 (Senate Enrolled Act 486): Courts  
Public Law 103-2013 (House Enrolled Act 1102): Open Door Law  
Public Law 158-2013 (House Enrolled Act 1006): Reclassifying Crimes, Including Election Crimes  
Public Law 205-2013 (House Enrolled Act 1001): State Budget  
Public Law 212-2013 (House Enrolled Act 1011): Study Committee-Transportation Referenda  
Public Law 255-2013 (Senate Enrolled Act 459): Township Merger Procedures

## **VOTER REGISTRATION**

### **Voter Identification Numbers on Acknowledgment Cards**

The acknowledgment notice required to be sent to a voter registration applicant regarding the disposition of the voter's registration application may not include a voter identification number.

(SEA 116 § 1; Effective date: July 1, 2013; Citation affected: IC 3-7-33-5)

### **Power of Attorney May Not Sign Voter Registration Documents**

A person who holds a power of attorney for another individual is not authorized to execute a voter registration application or voter registration cancellation for that individual. .

(SEA 518 § 99; Effective date: July 1, 2013; Citation affected: IC 30-5-5-14)  
(HEA 1157 § 92; Effective date: July 1, 2013; Citation affected: IC 30-5-5-14)

### **County Voter Registration Applications**

A county may make minor modifications to the voter registration form after filing a copy of the modified form with the election division.

(SEA 519 §§ 49 and 50; Effective date: July 1, 2013; Citation affected: IC 3-7-31-2; 3-7-31-3)

### **Assistance with Completion and Delivery of Voter Registration Forms**

A person may assist another person who is unable to execute an original voter registration application. The person providing assistance must write both their name and residence address on the form.

If a person is unable to sign a voter registration application, the person assisting may write in the person's name in the space for the voter's signature, however, the applicant must also make their "mark" in the signature space unless physically unable to do so.

A person who receives a completed voter registration application from another person must file the application with the county voter registration office or the election division not later than noon 10 days after receiving the application, or the deadline for close of registration, whichever occurs first. However, if a voter registration application is delivered to a county after the 10 day deadline, the application may not be rejected

solely for that reason, but requires the county voter registration office to notify the county election board, not later than 3 days after receipt of the of the application, for “appropriate action” by the board under current law.

This requirement to file the completed voter registration application of another within a certain amount of time does not apply to the following: (1) a state or local office receiving an application by the online voter registration system; (2) a “full service” voter registration agency (which is already subject to a 5 day deadline to transmit applications); (3) the U.S. Postal Service; (4) a bonded courier; (5) the Indiana election division; (6) a member of the applicant’s household; or (6) an applicant’s attorney in fact.

The voter registration forms must state the date on which another person took custody of a completed form from an applicant and to include a receipt to be provided to the applicant.

After December 31, 2013, a voter registration form approved by the Indiana election commission must include: (1) a receipt to be given to the applicant when another person takes custody of the voter registration application; and (2) a certified statement regarding the name and address of the person taking custody of the application and the date on which the person received the application from the applicant. The Indiana election commission must approve a form which complies with these requirements not later than August 1, 2013 and any version of a registration form approved by the Indiana election commission before August 1, 2013 may not be used or accepted by a county voter registration office after December 31, 2013.

A person who receives the completed voter registration application of another and believes the voter registration application to be false or fraudulent shall deliver the application to the appropriate county election board by the deadline to do so with a sworn statement indicating why the person believes the application is false. If this occurs, the county election board is required to consider whether an election law violation has occurred and take “appropriate action”, such as referral to a prosecuting attorney.

(SEA 519 §§ 51, 52, 53 and 55; Effective date: July 1, 2013; Citations affected: IC 3-7-31-5; IC 3-7-32-7; IC 3-7-32-8[New]; IC 3-7-33-5.5[New])

### **Failure to Deliver or Destruction of Voter Registration Applications**

It is a Class A misdemeanor to recklessly destroy or fail to file or deliver a completed registration form of another as required by law.

(SEA 518 § 95; Effective date: July 1, 2013; Citation affected: IC 3-14-2-5)

### **Late Voter Registration Applications Received by the Indiana Election Division**

The Indiana election division shall not transmit a late registration application to a county voter registration office until at least 7 days after the registration deadline. When the late registration applications are forwarded the Indiana election division shall clearly identify these voter registrations as “late registrations”.

(SEA 519 § 54; Effective date: July 1, 2013; Citations affected: IC 3-7-33-3.7)

### **“Incomplete” Voter Registration Applications**

What constitutes an “incomplete” voter registration application is defined for purposes of the manner in which county voter registration offices process incomplete applications. An “incomplete” voter registration application includes failing to provide the voter identification number of the applicant or to state that the applicant has no voter identification number. A county voter registration office is required to make efforts to

contact a voter who has submitted an incomplete voter registration application not only when necessary to determine the eligibility of the applicant, but also to administer voter registration and other parts of the election process (pursuant to NVRA).

After August 1, 2013 new versions of the Indiana Registration by Mail Application (VRG-7) and the Indiana County Voter Registration Application (VRG-11) will be approved for use that will require a person, other than the applicant, who takes custody of a voter registration application to be identified on the application, including the person's name, residence address the date on which the person received the application and the signature of the person. Between August 1, 2013 and December 31, 2013 earlier versions of these voter registration applications in use before August 1, 2013 will be grandfathered.

After August 1, 2013, if a voter registration application is submitted on a new version of the registration application, and was in the custody of a person other than the applicant, the application is treated as "incomplete" if the application does not include the other person's name and residence address, the date on which the person received the application, and the signature of the person certifying the accuracy of this information. After August 1, 2013 and before January 1, 2014, a voter registration application submitted on a grandfathered registration form will not be deemed incomplete if the application does not identify that a person other than the voter was in custody of the voter registration application. After December 31, 2013 the older grandfathered registration forms will no longer be acceptable.

However, even when a registration application is deemed incomplete because it does not include the information and signature of a person other than the voter who had custody of the application, if the application contains all the information required to be supplied by the voter, the county voter registration office shall promptly make 1 effort to contact the individual who received the completed application from the voter, if possible, and 1 effort to contact the voter to obtain the missing information or the signature in the case of the individual who received the completed application from the voter.

The county voter registration office shall process the application if the county voter registration office obtains the information or signature of the other person who had custody of the application.

The county voter registration office shall also process the application if the county voter registration office cannot obtain the information or signature of the other person who had custody of the application and the application is otherwise complete. In determining the eligibility of the applicant, the county voter registration office may not reject the application solely on the ground that the individual who received the completed application from the voter failed to complete the application with the required information or signature. However, the county voter registration office shall, not later than 3 days after receipt of the application, provide notice of the failure to properly complete the application to the county election board for appropriate action under IC 3-6-5-31.

(SEA 519 §§ 51, 56 and 57; Effective date: July 1, 2013; Citation affected: IC 3-7-31-5; IC 3-7-34-1.5[New]; IC 3-7-34-2)

(HEA 1157 § 11; Effective date: July 1, 2013; Citation affected: IC 3-7-34-4.5 [New])

### **"Expedited Basis" Defined for Last Minute Registrations**

The normal 48 hour "expedited basis" period for a county voter registration office to process a voter registration application after the application is received is extended to 7 days when the application is received during the final week before the close of voter registration.

(SEA 519 § 2; Effective date: July 1, 2013; Citation affected: IC 3-5-2-23.2)

### **Processing Authorizations to Cancel Registration**

A county voter registration office that receives an authorization from a voter to cancel a voter registration in another county is not required to forward a paper copy of the authorization to another county voter registration office if the authorization of cancellation has been transmitted to the other county voter registration office via the SVRS. The county voter registration office shall retain the paper copy of the authorization 2 years.

(HEA 1157 § 14; Effective date: July 1, 2013; Citation affected: IC 3-7-43-6)

### **Canceling Voter Registrations from Obituaries and Notices of Estate Administration**

A county voter registration office shall cancel a voter registration of a deceased voter after receiving a copy of an obituary, notice of estate administration, or other notice of death published in a newspaper that meets the qualifications to publish legal notices under state law. The county voter registration office is not required to cancel the registration record if the office determines that the information in the obituary or notice is insufficient to identify the person whose registration is to be cancelled.

(SEA 519 § 65; Effective date: July 1, 2013; Citation affected: IC 3-7-45-4)

(HEA 1157 § 15; Effective date: July 1, 2013; Citation affected: IC 3-7-45-4)

### **County Voter List Maintenance Mailings**

A county voter registration office is authorized to use information from returns of a mailing sent to all *active* voters in the county (rather than to “all voters”) as part of a voter list maintenance program.

An address confirmation notice mailed by a county to an individual whom the county has determined has an incorrect residence address on the voter’s registration record must state a date that will be at least 30 days after the confirmation notice is mailed before the county voter registration will make this voter registration record “inactive”, and subject to potential cancellation.

If an address confirmation card is returned by the voter after the beginning of the 90 day period before the next election, the county voter registration office may use the information provided by the voter or Postal Service to update voter registration records when voter registration reopens after the election. If an address confirmation card is returned by the U.S. Postal Service due to unknown or insufficient address after the beginning of the 90 day period before the next election, the county voter registration office when voter registration reopens after the election.

(SEA 519 § 59; Effective date: July 1, 2013; Citation affected: IC 3-7-38.2-2)

## **Recording Vote History in Voter Registration Record**

If after a primary election the poll list indicates that a voter voted in the primary election but the poll list does not indicate which party's ballot the voter requested then the county voter registration shall enter vote history into the voter's voter registration records in one of the following ways:

- 1) After a primary that has more than one party ballot in an election district or a non-partisan ballot, the county voter registration office shall record the voter cast an "unknown" ballot.
- 2) After a primary that has only one party ballot the county voter registration office shall record that the voter cast a ballot in that party's primary.

(HEA 1157 § 23; Effective date: July 1, 2013; Citation affected: IC 3-10-1-31.3 [NEW])

## **County NVRA Implementation Plans**

The current law requiring a county election board to adopt and amend a plan to implement the National Voter Registration Act is repealed. An order designating an office as a "full service" voter registration agency under a county NVRA implementation plan before July 1, 2013 remains in effect until otherwise ordered by the county election board. In addition, a county election board, by unanimous vote of its membership, may enter into an agreement to designate additional offices within the county as "full service" voter registration agencies.

(SEA 519 § 18 and 30-35, Effective date: July 1, 2013; Citations affected: IC 3-6-5-14; IC 3-7-21-2[repealed]; IC 3-7-21-3[repealed]; IC 3-7-21-4[repealed]; IC 3-7-21-5[repealed]; IC 3-7-21-5.5[New]; IC 3-7-21-6)

## **Designation of Full Service Registration Service Agencies**

The co-directors of the Indiana election division shall designate the agencies funded by the state that are primarily engaged in serving persons with disabilities as "full service" voter registration services agencies required to provide voter registration services to its clients (in the same manner as FSSA provides such services to persons applying for assistance). Provisions for the Indiana election commission to designate these agencies, with the designation expiring at the end of 10 years, are repealed.

(SEA 519 §§ 23-29, Effective date: July 1, 2013; Citations affected: IC 3-7-16-2.5[New]; IC 3-7-16-3[repealed]; IC 3-7-16-4[repealed]; IC 3-7-16-5[repealed]; IC 3-7-16-6[repealed]; IC 3-7-16-7[repealed]; IC 3-7-16-8[repealed])

## **Delivery of Voter Registration Forms by "Full service" Voter Registration Agencies**

A "full service" voter registration office (an FSSA or WIC office, for example) is permitted to transmit voter registration forms to a county voter registration office by first class mail (rather than certified mail). References to full service agencies forwarding "a copy" of a voter registration application to a county voter registration office are repealed (currently, the agency forwards the original application, not a copy).

(SEA 519 §§ 86-92, Effective date: July 1, 2013; Citations affected: IC 12-14-1.5-4; IC 12-14-1.5-6; IC 12-14-25-3; IC 12-15-1.5-4; IC 12-15-1.5-6; IC 16-35-1.6-5; IC 16-35-1.6-7)

### **County Voter List Maintenance Affidavits**

Either the circuit court clerk, or the board of voter registration members in those counties with a separate board of registration, are required to file an affidavit with the election division not later than 77 days before each general, primary, or municipal election stating that the county voter registration office has conducted required voter list maintenance programs and canceled registrations as required by the voter list maintenance program.

(SEA 519 § 22, Effective date: July 1, 2013; Citation affected: IC 3-7-12-27)

### **County Fees for Voter Registration Information in Electronic Format**

A county election board is required to adopt a uniform, nondiscriminatory policy regarding whether or not the county will provide voter registration information in electronic format and, if provision of this information in electronic format is permitted, the board may adopt a nondiscriminatory uniform fee for the production of this information. The amount of this fee is not subject to any restriction on the calculation of the fee under the public records law

(SEA 519 § 39, Effective date: July 1, 2013; Citation affected: IC 3-7-27-6)

### **State Required Voter List Maintenance Activities**

The co-directors of the election division are required to conduct general voter list maintenance programs that make a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters.

Each year, the election division shall request voter registration data from each state bordering Indiana, the State of Florida, and any other state the election division co-directors determine that there is a reasonable possibility that a significant number of individuals who have registered to vote in Indiana may also be registered in that state unless that state has executed a memorandum with the Kansas Secretary of State to check its voter registration database against the voter registration database of other states.

No later than August 1, 2013, the election division co-directors shall execute a memorandum with the Kansas Secretary of State to provide information from the Indiana statewide voter registration system ("SVRS") so that the voter registration information provided by the 22 other states currently participating in the Kansas memorandum of understanding may be checked against Indiana's voter information to identify voters currently registered in Indiana and other states. The election division will provide reports to county voter registration offices within 30 days after receipt of the reports from Kansas to determine whether: 1) the individual registered in another state is the same individual registered in Indiana; 2) whether the voter registered in the other state after the date the person registered in Indiana; and 3) whether the voter has authorized the cancellation of the Indiana registration when registering in the other state. The county voter registration office shall cancel the Indiana registration if all three determinations are made. If the Indiana registered voter who is registered in another state according to the information provided under this memorandum of understanding has not authorized cancellation, the county shall send an address confirmation notice to the Indiana voter registration address to determine if the voter's registration record should be reclassified as inactive. A comparison of Indiana voter registration information with other states shall also be done for the purpose of identifying any cases in which a voter cast a ballot in more than one state during the same election.

The election division is required (rather than permitted) to submit the names of all registered voters in Indiana to the USPS National Change of Address Service and to notify county voter registration offices at least once each month regarding any address changes reported by the NCOA program.

The election division is required (rather than permitted) to conduct a state-funded residency address confirmation mailing to each active voter (each voter not already designated “inactive” under a voter list maintenance program) in Indiana during each even-numbered year (the first being in 2014).

The election division shall, by January 31 of each year, request information from the federal district courts in Indiana concerning jury selection mailings returned as undeliverable due to an unknown or insufficient address. A county voter registration office shall send an address confirmation notice to any voter identified as having a jury selection mailing returned from the voter’s registration address due to an unknown or insufficient address.

In order to identify deaths of Indiana residents which occur outside of Indiana, the State Department of Health shall obtain information directly from other states or from the State and Territorial Exchange of Vital Events (STEVE) System and Electronic Verification of Vital Events (EVVE) System, administered by the National Association for Public Health Statistics and Information Systems. The Department of Health shall provide this information to county voter registration offices through its connection to the SVRS.

At least once a month, the election division shall obtain information from the Social Security Administration regarding deceased Indiana residents, and forward that information to the appropriate county voter registration offices.

If the election division co-directors do not perform a voter list maintenance duty as required by state law then the secretary of state shall perform the duty.

(SEA 519 §§ 58 and 60-68, Effective date: July 1, 2013; Citations affected: IC 3-7-38.2-1 ; IC 3-7-38.2-5 ; IC 3-7-38.2-6 ; IC 3-7-38.2-7.5 [NEW] ; IC 3-7-38.2-8 ; IC 3-7-38.2-16; IC 3-7-45-4; IC 3-7-45-5; IC 3-7-45-6.1(amending HEA 1391 §4); IC 3-7-45-8(amending HEA 1391 §5)

(HEA 1391 §§ 3, 4 and 5; Effective date; May 2, 2013; Citations affected: IC 3-7-38.2-18[New]; IC 3-7-45-6.1; IC 3-7-45-8)

### **Residence Definition and Standards**

The definitions and standards applicable to determining a person’s residence for registration, voting, candidate and elected office holding purposes are clarified. The terms “domicile” and the term “inhabitant” mean the same thing as “resident”.

A person’s “immediate family” for purposes of determining residence includes the spouse, children, stepchildren, parents, or grandparents of the individual. In general, a person is presumed to live with his or her immediate family. However, a person who lives at a place other than the person’s immediate family establishes a rebuttable presumption that the person resides where the person lives if the person “engages in conduct to carry out that intent. A married person may establish a residence at a location different from the residence of their spouse if the person intends to do so and engages in conduct to carry out the intent. The residence of an unmarried person who does not have an immediate family is where the person usually sleeps “if that is the intent of the person, and the person engages in conduct to carry out that intent.”

A person may not have more than one residence in Indiana and may not reside both in Indiana and another state. For the purposes of Indiana election law, a person has one residence. However, a person is not considered to have lost residence in Indiana when the person is absent on state business or the business of the United States.

A “rebuttable presumption” is created that an individual resides where indicated in the individual’s sworn statement as of the date of making the sworn statement. A rebuttable presumption is also created that a person has not established residence by moving to the precinct to prepare to purchase or occupy a residence.

A rebuttable presumption is created that a person has lost residence in Indiana by being “physically present” within another state with the intention of making the other state the person’s residence or by being “physically present within” another state for an indefinite time, even if the person intends to return to Indiana at some time. Likewise a rebuttable presumption is created that a person has lost residence in a precinct in Indiana by being “physically present within” another precinct in Indiana with the intention of making that precinct the person’s residence.

The above-described additions and amendments to the election code do not affect any penalties, violations, or proceedings begun before July 1, 2013.

(SEA 519 §§ 1, 3, 5-16; Effective date: July 1, 2013; Citations affected: IC 3-5-2-16.4[New]; IC 3-5-2-26.4[New]; IC 3-5-5-0.2[New]; IC 3-5-5-0.5[New]; IC 3-5-5-3; IC 3-5-5-5; IC 3-5-5-6; IC 3-5-5-7; IC 3-5-5-8; IC 3-5-5-9; IC 3-5-5-10; IC 3-5-5-13; IC 3-5-5-14; IC 3-5-5-15)

## VOTING QUALIFICATIONS AND VOTING PROCEDURES

### Revisions of “Fail Safe” Voting Procedures

The fail safe procedures that permit a voter to return to the precinct where the voter formerly resided to cast a ballot and request transfer or cancelation of voter registration were revised as follows:

- 1) To qualify to vote a president/vice-president only ballot (State Form VRG-15) a voter must have lost residency in Indiana **less than** 30 days before the election (former law provided the person would qualify if they lost residency in Indiana “within the 30 days before the general election”, a difference of 1 day). 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. To qualify to return to a precinct where a voter lost residency in the county or congressional district of their former precinct but moved to another precinct in Indiana (State Form VRG 4/12 Box 1) the voter must have lost residency in Indiana **less than** 30 days before the election (former law provided the person would qualify if they lost residency in Indiana “within the 30 days before the general election”, a difference of 1 day). In addition, under this fail safe provision, a voter who moves from within a municipality to a location outside a municipality may not return to the voter’s former precinct to vote in a municipal primary election, municipal election, or special election held only within the municipality (they could return to vote in their former precinct for all candidates other than for town office where, for example, a town election was scheduled to occur in a general election). Finally, if the voter completes a VRG 4/12 under this fail safe provision the inspector shall provide the voter with a voter registration application (VRG 7 or 11, for example) and request that the voter complete and sign the application. If the voter completes the voter registration application the inspector shall return application to the county voter registration office. 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.

- 2) Under current law a voter may return to a precinct where a voter lost residency to cast a ballot if the voter still resides in the same county and congressional district as their former precinct (State Form VRG 4/12 Box 2). However, if a voter exercising the fail safe procedure has moved from within a municipality to a location outside a municipality (but within the same county and congressional district) the voter may not return to the voter's former precinct to vote in a municipal primary election, municipal election, or special election held only within the municipality (they could return to vote in their former precinct for all candidates other than for town office where, for example, a town election was scheduled to occur in a general election). If the voter completes a VRG 4/12 under this fail safe provision (or makes an oral affirmation documented by the poll clerks as provided in current law) the inspector shall provide the voter with a voter registration application (VRG 7 or 11, for example) and request that the voter complete and sign the application. If the voter completes the voter registration application the inspector shall return the application to the county voter registration office.
- 3) Under current law if a voter has moved within the same precinct the voter may vote in the precinct after making an oral or a written affirmation of the change of address before a member of the precinct election board. If the voter does so, 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.

(SEA 518 §§ 35, 36, 37, 38, 39, 40, and 58; Effective date: July 1, 2013; Citations affected: IC 3-10-10-3; IC 3-10-11-2; 3-10-11-4; 3-10-11-10; 3-10-12-3.4; IC 3-10-12-4; IC3-11-8-25.1)

(SEA 519 § 77; Effective date: July 1, 2013; Citation affected: IC 3-11-8-25.1[repealed by HEA 1157 § 44])  
(HEA 1157 §§ 44 and 45; Effective date: July 1, 2013; Citations affected: IC 3-11-8-25.1; Noncode[repeals SEA 519 § 77])

### **Certificate of Error Procedure**

A county voter registration office can permit a person to vote if a mistake has been made in the county voter registration record once the county voter registration office has "issued" a certificate of error to correct the mistake (rather than waiting on the certificate of error being delivered to the inspector of the precinct). The issued certificate of error must be immediately available for inspection in the county voter registration office.

In a county using an electronic poll list the county voter registration office may transmit confirmation regarding the issuance of a certificate of error to a precinct election officer via the electronic poll list. If this does not occur, or the county is not using an electronic poll list, one copy of the certificate of error shall be delivered to the inspector which shall be returned by the inspector with other election material.

(HEA 1311 §§ 7, 8 and 9; Effective date: July 1, 2013; Citations affected: IC 3-7-48-1; IC 3-7-48-2; IC 3-7-48-3)

## **Photo ID Check**

One precinct election officer (inspector, judge, clerk, or sheriff) **of each** major political party is entitled to ask a voter to provide photo ID.

(SEA 518 § 58; Effective date: July 1, 2013; Citation affected: IC 3-11-8-25.1)

(SEA 519 § 77; Effective date: July 1, 2013; Citation affected: IC 3-11-8-25.1)

(HEA 1311 § 18; Effective date: July 1, 2013; Citation affected: IC 3-11-8-25.1)

(HEA1157 § 42, 43, 44 and 45; Effective date: July 1, 2013; Citations affected: Noncode [repealing SEA 518 § 58]; Noncode [repealing SEA 519 § 77]; Noncode [repealing HEA 1311 § 18]; IC 3-11-8-25.1)

## **Voter Check-in Procedures at the Polls, Including Use of Electronic Poll Lists- General, Special or Municipal Election**

In a precinct which is not using an electronic poll list, the paper poll list must include, but is not limited to, the following voter information: 1) name, address, date of birth; 2) voter identification number; 3) an indication of whether the voter is a “first time voter” required to provide additional documentation; 4) a scanned copy (rather than a “certified copy” signature of the voter; 5) bar codes relating to the voter’s record that permits automatic scanning after the election; 6) an indication whether the voter is less than 18 years of age for a poll book used in a primary; and 7) other information.

A paper poll list must also include a statement at the top of each page of the list warning voters that making a false statement by signing the poll list or concerning the individual’s name or residence address is punishable as a Class D felony (reclassified effective July 1, 2014 as a “Level 6” felony). In a county using electronic poll books, the county election board shall provide and the inspector shall post a notice that warns that making a false statement by signing the poll list or concerning the individual’s name or residence address is punishable as a Level 6 felony. The notice must be posted in a location clearly visible to an individual providing information for the precinct election officer using the electronic poll book.

Otherwise, information required to be entered on paper poll list on election day in the polls shall be entered on electronic poll lists if the county is using electronic poll lists instead of paper poll lists.

In counties that have adopted the use of electronic poll lists, the poll clerks must require the voter to provide information, including the voter’s name and residence address, for entry into the electronic poll list by a precinct election officer. The electronic poll list must permit the precinct election officer to check an “addressed unchanged” box on the electronic poll list or permit the reentry of the address on the electronic poll list after the voter has made an oral affirmation stating that the voter’s residence address is unchanged.

If the voter makes an oral or written affirmation that the voter’s address has changed to another address within the same precinct, the county election board shall direct the county voter registration office to update the voter’s registration record address to the address within the precinct indicated by the voter.

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.

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.

If a voter provides information to the poll worker for entry into an electronic poll list and then leaves the polls, the voter is not allowed to return unless the voter is a military voter or public safety officer responding to an emergency who signs a State Form PRE-19.

(SEA 518 §§ 58 and 96; Effective date: July 1, 2013; Citations affected: IC 3-11-8-25.1; IC 3-14-2-11)

(SEA 519 §§ 46, 48 and 77; Effective date: July 1, 2013; Citations affected: IC 3-7-29-1; IC 3-7-29-6[New]; IC 3-11-8-25.1)

(HEA 1311 §§ 2, 5, 15, 18, 19, 20 and 21; Effective date: July 1, 2013; Citations affected: IC 3-7-29-1; IC 3-7-29-4; IC 3-11-3-11; IC 3-11-8-25.1; IC 3-11-8-25.5; IC 3-11-8-25.7; IC 3-11-8-26.1)

(HEA1157 §§ 42, 43, 44, 45 and 46; Effective date: July 1, 2013; Citations affected: Noncode [repealing SEA 518 § 58]; Noncode [repealing SEA 519 § 77]; Noncode [repealing HEA 1311 § 18]; IC 3-11-8-25.1; IC 3-11-8-25.3[New])

(HEA 1006 § 10; Effective date: July 1, 2014; Citation affected: IC 3-14-2-11)

### **Voter Check-in Procedures at the Polls, including use of Electronic Poll Lists- Primaries**

In a county using electronic poll lists in a primary election, the county voter registration office is not required to provide precinct election workers with the following:

- 1) a paper poll list if an electronic poll list is used; or
- 2) a certified copy of the voter's registration record signature for comparison (a digital copy is provided via the electronic poll list).

In a county using electronic poll lists in a primary election, the poll clerks must require the voter to provide information to the poll clerks for entry into the electronic poll list (as opposed to requiring the voter to enter the information directly into the electronic poll list), including the voter's name, residence address, and political party. The electronic poll list must permit the poll clerk be able to enter the information into the electronic poll book indicating that the voter has made an oral affirmation stating that the voter's residence address is unchanged.

If the voter makes a written or oral affirmation as permitted under current law that the voter's address has changed to another address within the same precinct, the county election board shall direct the county voter registration office to update the voter's registration record address.

(HEA 1311 §§ 10, 11, and 12; Effective date: July 1, 2013; Citations affected (IC 3-10-1-7.1; IC 3-10-1-8; IC 3-10-1-24)

### **Election District Definition**

The current definition of “election district” used throughout the election code is amended to state that it includes voters in precincts who are qualified to vote for a candidate or public question (not just voters whose votes the candidate *proposes to influence* in some way, which could be other voters in other election districts).

(HEA 1157 § 1; Effective date: July 1, 2013; Citation affected: IC 3-5-2-19)

### **False Statements by Voter on Poll List**

It is a Class D felony (reclassified July 1, 2014 as a “Level 6” felony) to knowingly for a person to do any of the following: 1) make a false statement regarding the person’s name, address, or identification number in writing on the poll list; 2) make a false written or oral affirmation to the poll clerks with respect to changing residence within the same precinct under a fail-safe provision; 3) make a false written or oral statement with respect to information required by law in addition to the information printed on the poll list (voter identification number, for example).

(SEA 518 § 96; Effective date: July 1, 2013; Citation affected: 3-14-2-11)

(HEA 1006 § 10; Effective date: July 1, 2014; Citation affected: 3-14-2-11)

## **ABSENTEE VOTING**

### **Absentee Ballot Application Delivery**

A person who has custody of another person’s completed absentee application must indicate on the absentee ballot application the date that the person received the application. A person must deliver the application of another person to the county election board no later than 10 (rather than 7) days after receipt. *(NOTE: Some federal documents are BOTH a registration application and an absentee ballot application. Under current law a person must deliver the voter registration application of another within 10 days as well so the deadline for both forms is consistent.)*

The election division, a county election board, or a board of elections and registration are exempt from the requirement to complete and file an affidavit when delivering the absentee ballot application of another (State Form ABS-17).

(SEA 518 § 51; Effective date: July 1, 2013; Citation affected: IC 3-11-4-2)

### **Duty on Receipt of False or Fraudulent Absentee Ballot Applications**

A person who receives an absentee ballot application which the person believes to be false or fraudulent is required to file that application with the county election board with a sworn statement setting forth the reasons why the person believes the application is false or fraudulent.

(SEA 518 § 52; Effective date: July 1, 2013; Citation affected: IC 3-11-4-2.1[New])

### **Absentee Ballot Application as Name Change Documentation**

A voter is permitted to execute a change of name affidavit as part of an absentee ballot application. The absentee ballot application form must be changed to permit an applicant to indicate a former name but absentee applications authorized for use on June 30, 2013 are grandfathered and may be used for future elections.

SEA 518 § 53; Effective date: July 1, 2013; Citation affected: IC 3-11-4-5.1)

### **Absentee Ballot Application Signature Comparison**

The county election board (or absentee board) shall compare the signature on an absentee ballot application with the signature on the voter's registration record to determine if the signatures "substantially" conform, or if a difference can be accounted for due to age of disability of the voter.

(SEA 518 § 54; Effective date: July 1, 2013; Citation affected: IC 3-11-4-17.5)

### **Absentee Ballot Application Deadlines Clarified**

The deadlines applicable to filing absentee ballot application depending upon the type of absentee voting conducted (in-person in the clerk's office or by traveling board, for example) were clarified to be consistent with current practice.

(HEA 1157 § 33; Effective date: July 1, 2013; Citation affected: IC 3-11-4-3)

### **Permissible Format for Ballot Voted by Email from Military or Overseas Voters**

Military and overseas voters are permitted to transmit their absentee ballot application to the county election board via email with a digital image of their application, including a photograph.

Military and overseas voters are permitted to attach a photograph of their voted ballot to their email when returning a voted absentee ballot (former law limited the format to scanned ballots).

Military and overseas voters who are returning their ballot by electronic mail must include a digital image of the voter's signature on the Cover Sheet and Affidavit for Absent Uniformed Serve and Overseas Voter waiving their right to a secret ballot (ABS-9).

(HEA 1157 § 34 and 36; Effective date: July 1, 2013; Citations affected: IC 3-11-4-4; IC 3-11-4-6)

### **Absentee Ballot Application Changes for Address Confidentiality Program Participants**

The absentee ballot application must permit a person to indicate that they are a participant in the Attorney General's address confidentiality program and that their legal residence is the address set forth on the applicant's voter registration application. The applicant may request that the ballot be mailed to the address provided to program participants at the Attorney General's office.

A participant's voter registration application is confidential, and the name and residence address of the participant is not available through any electronic poll book. The program participant's absentee ballot application is also confidential.

(HEA 1157 § 35; Effective date: July 1, 2013; Citation affected: IC 3-11-4-5.1)

(HEA 1311 § 35; Effective date: July 1, 2013; Citation affected: IC 5-26.5-2-5)

### **Military and Overseas Voter Absentee Ballot Applications**

An “ongoing absentee ballot application” from a military or overseas voter remains in effect when the military or overseas voter files a change of registration address within the same county unless the acknowledgment notice sent to the voter at the new address is returned by the United States Postal Service due to an unknown or insufficient address so that the registration at the new address never becomes active. However, a military or overseas voter is required to submit a new absentee application if the voter files a change of registration address to another county.

Upon approval of an absentee ballot application filed by a military or overseas voter that requests to vote by email, a county election board is required to email the ballot to the voter (prior law indicated that the board “may” email an absentee ballot). A conforming change is made to clarify that the deadline to begin transmitting absentee ballots by email is the same as currently exists for mailing absentee ballots.

(HEA 1157 §§ 36 and 49; Effective date: July 1, 2013; Citations affected: IC 3-11-4-6; IC 3-11-10-26.5)

### **Schedule for Mailing Absentee Ballots**

If an absentee ballot application is from a voter registration applicant whose voter registration application is currently “pending” the absentee ballot shall be mailed, if the application is otherwise approved, on the date, consistent with current law, that the county voter registration office indicates in the statewide voter registration system that the applicant is a registered voter.

(SEA 518 § 55; Effective date: July 1, 2013; Citation affected: IC 3-11-4-18)

### **First Day of In-Person Absentee Voting**

In-person absentee voting in the clerk’s office begins 28 days (instead of 29 days under current law) before the election. However, if the voter registration application deadline is transferred from the 29<sup>th</sup> day to the 28<sup>th</sup> day before the election as a result of the Columbus Day holiday then in person absentee voting begins 27 days before the election.

(SEA 518 § 60; Effective date: July 1, 2013; Citation affected: IC 3-11-10-26)

(SEA 519 § 78; Effective date: July 1, 2013; Citation affected: IC 3-11-10-26)

### **Deadline for Casting Absentee Ballot In-Person**

A voter in the act of casting a vote, or waiting in line to cast an absentee ballot, in person either at an office of the circuit court clerk designated by the circuit court clerk for absentee voting, the office of a combined board of elections and registration, or at a satellite absentee office at the time of the closing of the office for the day, the voter may complete and cast a ballot, if otherwise qualified to do so, if a person designated by the clerk indicates that the person was present at the time of the closing of the office by one of the following methods:

- 1) Writing down the name of each voter who is present at the time of the closing of the office for the day;
- 2) Stamping each voter's hand who is present at the time of the closing of the office for the day; or

- 3) Standing, or designating another individual to stand, immediately behind the last voter in line at the time of the closing of the office for the day.

(SEA 388 § 1; Effective date: July 1, 2013; Citation affected: IC 3-11-8-11.3[New])

### **SVRS to be Updated from Electronic Poll List after Each Day of Absentee Voting**

Each day after absentee voting concludes at the circuit court clerk's office, a satellite office, or a vote center, the county election board shall direct that vote history be uploaded from each electronic poll list into the SVRS.

(HEA 1157 § 50; Effective date: July 1, 2013; Citation affected: IC 3-11-10-29.5[New])  
(SEA 519 § 83; Effective date: July 1, 2013; Citation affected: IC 3-11-18-14.5[New but repealed by HEA 1157 § 58])

### **Absentee Ballot Counting in Central Count Counties Using Electronic Poll Lists**

In a county using electronic poll books, the names of voters from whom absentee ballots have received are downloaded into the electronic poll list when the county voter registration office downloads the required information to the electronic poll list before the county election board delivers of the electronic poll list to the polling place (rather than providing the inspector a paper certification with delivery of the poll list and supplemental lists on election day). The electronic poll list is to be "immediately updated" by the county to indicate that an absentee ballot has been received from a voter through noon on election day.

As a result, in counties that count absentee ballots at a central location and also use electronic poll books, a county election board shall not appoint absentee ballot couriers and the precinct election board is not required to process lists and supplemental lists that will be continued to be used in central count counties that do not use electronic poll lists. In addition, the absentee ballot counters shall begin counting absentee ballots on election day as soon as the electronic poll lists have been updated to indicate that the county has received any absentee ballots by noon on election day.

Finally, in counties that count absentee ballots at a central location and also use electronic poll books, the absentee counters shall notify the county election board before the processing of the absentee ballots. An absentee ballot may be challenged for the reason that the absentee voter is not a legal voter of the precinct by a member of the county election board or a representative designated by a county election board member (rather than at the polling place).

(SEA 519 § 84; Effective date: July 1, 2013; Citation affected: IC 3-11.5-4-11)  
(HEA 1311 §§ 26-34; Effective date: July 1, 2013; Citations affected IC 3-11.5-4-1; IC 3-11.5-4-8 ; IC 3-11.5-4-9; IC 3-11.5-4-15; IC 3-11.5-4-16; IC 3-11.5-4-22; IC 3-11.5-4-24; IC 3-11.5-5-3; IC 3-11.5-6-3)

### **Absentee Voting Before Traveling Board on Electronic Voting Systems; Cancellation of Spoiled Absentee Ballots Cast on Electronic Voting Systems.**

The county election board may adopt a resolution to authorize the circuit court clerk to use an electronic voting system to vote voters eligible to vote before a traveling absentee board at the voter's location. If the county election board adopts a resolution the board must specify in the resolution how a spoiled absentee ballot is to be canceled in the voting system if a voter casts and returns a replacement ballot. The board may include other provisions in its resolution that the board considers useful that are not otherwise contrary to state or federal law.

(SEA 518 § 61; Effective date: July 1, 2013; Citation affected: IC 3-11-10-26.2)

### **Traveling Absentee Board**

A traveling absentee board which is visiting a disabled voter, or a person caring for a disabled voter, at their place of confinement or residence must document on the absentee ballot envelope that they visited the voter and, if applicable, that the voter was unable to make a voting mark on the absentee ballot or sign the absentee ballot secrecy envelope.

(SEA 518 § 64; Effective date: July 1, 2013; Citation affected: IC 3-11-10-29)

### **Expiration of Resolution to Establish County Satellite Absentee Voting Offices**

A resolution adopted by a county election board resolution to establish satellite absentee voting offices expires on January 1 following its adoption.

(SEA 518 § 62; Effective date: July 1, 2013; Citation affected: IC 3-11-10-26.3)

### **“Electioneering” Definition Expanded for In-Person Absentee Voting**

Current law making it a Class A misdemeanor to engage in electioneering in a satellite absentee voting location or the part of a clerk’s office used to absentee voting is expanded to include “wearing or displaying an article of clothing, sign, button, or placard which state the name of a political party or includes the name or likeness of any currently elected official.”

(SEA 518 § 98; Effective date: July 1, 2013; Citation affected: IC 3-14-3-16)

### **Absentee Voting in Municipal and Special Elections**

Under current law the county election board may adopt a unanimous resolution to reduce the days and hours for in-person absentee voting in the clerk’s office for a municipal primary, municipal election or special election. If the board adopts a resolution, then absentee ballots sent by mail, except for military and overseas absentee voters, may be processed and mailed by the election board the first business day in-person absentee voting begins in the clerk’s office (current law requires mailing the ballot not more than 5 days after the delivery of absentee ballots, or on the day the absentee ballot application was received, whichever is later). Absentee ballot for military or overseas voters must continue to be transmitted not more than 5 days after the delivery of absentee ballots, or on the day the application was received, whichever is later.

(SEA 518 §§ 55 and 63; Effective date: July 1, 2013; Citations affected: IC 3-11-4-18; IC 3-11-10-26.5)  
(HEA 1157 § 49; Effective date: July 1, 2013; Citation affected: IC 3-11-10-26.5)

### **Returning Absentee Ballot to Vote at the Polls**

If a voter has received an absentee ballot by mail and has not returned it to the county before election day, and the voter desires to vote in-person at the polls on election day, the voter must return the absentee ballot to the inspector (in a county that counts absentee ballots at the precincts) or to the county election board (in a county that counts absentee ballots at a central location) before being permitted to vote at the polls.

(SEA 518 §§ 65 and 74; Effective date: July 1, 2013; Citations affected: IC 3-11-10-31; IC 3-11.5-4-18)

### **Absentee Ballots Not Counted if No Corresponding Absentee Ballot Application**

A voter's absentee ballot may not be counted if the absentee ballot has been challenged and there is no corresponding absentee ballot application from the voter. This clarifies former law which merely stated that a challenged absentee ballot may not be counted if it is "not supported."

(SEA 518 §§ 59 and 73; Effective date: July 1, 2013; Citations affected: IC 3-11-10-17; IC 3-11.5-4-13)

### **Absentee Ballots Precinct Envelopes**

A county election board may enclose all accepted returned absentee ballot envelopes and absentee applications for the same precinct in the same carrier envelope.

(HEA 1157 § 47; Effective date: July 1, 2013; Citation affected: IC 3-11-10-8)

### **Military Overseas Federal Write-in Absentee Ballots**

A military or overseas voter may cast a federal write-in absentee ballot "by mail, electronic mail, or fax" in accordance with the procedures in current law which permit these voters to cast regular absentee county-printed ballots by one of these methods. However, the voluntary waiver of confidentiality (State Form ABS-9) is not required for federal write-in absentee ballots returned by email or fax. A federal write-in absentee ballot shall be processed otherwise as other county-provided absentee ballots returned by email or fax.

State counting rule making a write-in vote cast for President or Vice President void where the write-in candidates have not included a list of electors on their declaration of intent is made applicable to the a federal write-in absentee ballot cast by a military or overseas voter. An overseas voter's federal write-in absentee ballot may not be counted if the overseas voter is not a military voter and submits the ballot from within the United States. A federal write-in absentee ballot may not be counted unless a timely absentee ballot application was submitted by the applicable deadline established by state law (8 days for federal write-in absentee ballots received by mail, for example).

A federal write-in absentee ballot which is received by the county election board in an envelope which does not indicate that a ballot is inside, and is inadvertently opened, may be counted if otherwise valid. The county election board is required to immediately seal the absentee ballot in an envelope indicating that a voted absentee ballot is enclosed and document the date the absentee ballot was sealed within the envelope, attested to by the signature of each member of the county election board.

Unless otherwise specified in federal law, a federal write-in absentee ballot shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

(HEA 1157 §§ 33, 60 and 65; Effective date: July 1, 2013; Citations affected: IC 3-11-4-12.5; IC 3-11.5-5-14; IC 3-12-2-7.5)

## **BALLOTS, VOTING SYSTEMS AND ELECTRONIC POLL LISTS**

### **“Voting Mark” Definition Clarified**

The definition of “voting mark” is clarified to set forth definitions for votes cast on a traditional hand-counted paper ballot, optical scan ballot card, and electronic voting system.

(SEA 518 § 2; Effective date: July 1, 2013; Citation affected: IC 3-5-2-51)

### **Ballot Instructions for At-Large Contests in a Primary**

Ballot instructions for contests for at-large seats where multiple candidates may be nominated in primary elections was made consistent with the instructions required in general elections, namely, 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 nominated) candidates for this office."

(SEA 518 § 33; Effective date: July 1, 2013; Citation affected: IC 3-10-1-14.1)

### **Ballot Instructions for School Board**

Each candidate for the office of school board shall be designated as “nonpartisan” (prior law required school board offices to be placed under a “nonpartisan title”).

(SEA 518 § 44; Effective date: July 1, 2013; Citation affected: IC 3-11-2-12.9)

### **Ballot Counting Rules and Voting System Certification Standards**

Standards for when a voting mark is to be counted on a paper ballot, an optical scan ballot, or an electronic voting system are clarified. On optical scan ballot card voting systems, a voting mark that is made on or in a circle, oval, or square or that partially connects a connectable arrow shall be counted.

For electronic voting systems, a voting mark made by a voter touching a touch sensitive point or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

A optical scan ballot card voting system complies with voting system certification standards if the system can detect a voting mark within a circle, oval, or square, even if manual inspection is required to detect a voting mark which touches only the outside edge of the circle, oval, or square.

(HEA 1157 §§ 62 and 63; Effective date: July 1, 2013; Citations affected: IC 3-12-1-5; IC 3-12-1-9)

### **Optical Scan and Electronic Voting System Standards**

Incorporates certain vote counting rules into voting system standards used to certify optical scan ballot card and electronic voting systems.

(HEA 1157 §§ 38 and 39; Effective date: July 1, 2013; Citations affected: IC 3-11-7-4; IC 3-11-7.5-10)

### **Grandfathered Voting Systems**

A county may continue to use a previously certified voting system whose certification has expired if the voting system was purchased by the county prior to October 1, 2013 (instead of 2009) and the voting system continues to comply with Indiana election laws and federal standards.

(HEA 1157 § 51; Effective date: July 1, 2013; Citation affected: IC 3-11-15-13.3)

### **Ballot Instructions for Ballot Card and Electronic Voting Systems Clarified**

The ballot instruction for ballot card or electronic voting systems where only one candidate is to be elected should be "Vote for one (1) only."

(SEA 518 §§ 67 and 68; Effective date: July 1, 2013; Citation affected: IC 3-11-13-11; IC 3-11-14-3.5)

### **Ballot Remake Team for Optical Scan Ballots**

If an optical scan paper ballot must be remade because the ballot is damaged or defective, appointees of the county election board (rather than the precinct election board under prior law) shall have the ballot remade if absentee ballot is to be counted at a central location in the county. A remake team appointed by the county election may also remake any optical scan ballot card returned by fax or email by a military or overseas voter.

(SEA 518 § 75; Effective date: July 1, 2013; Citation affected: IC 3-12-3-5)

### **Inspection of Electronic Voting System after the Election**

After an election the county election board may, after adopting an order by unanimous vote and after filing a notice with the Secretary of State, inspect any vote total for a candidate on an electronic voting system. The current law requiring an order from the State Recount Commission before doing so is repealed. .

(SEA 518 §§ 76 and 97; Effective date: July 1, 2013; Citations affected: IC 3-12-4-18; 3-14-2-29)

### **Permissible Display of Uncertified Voting Systems**

A vendor may display or demonstrate a voting system that has not been approved by the commission for use in Indiana, if the vendor complies with all the following requirements:

- (1) The display or demonstration occurs at a conference of election officials sponsored by a state agency, an association of circuit court clerks, or an association of voter registration officers.
- (2) The vendor files a notice with the election division at least 7 days before the scheduled starting date of a Conference sponsored by an association of clerks or voter registration officers that identifies the vendor and voting system and supplies other information regarding the vendor, voting system, and the intended display or demonstration of the voting system.

A vendor's display must contain a notice that is in at least 16 point type size, posted on the face of the voting system, and state that the voting system is "Not Approved for Use in Indiana". The vendor must ensure that each communication concerning the voting system that is available or made at a conference described above includes a statement that the voting system is "Not Approved for Use in Indiana". A printed

communication must include the statement in a type size that is at least as large as the largest type size used in the communication.

(HEA 1157 § 54; Effective date: May 9, 2013; Citation affected: IC 3-11-15-49 [NEW])

### **Counties Permitted to Use Certified Electronic Poll Lists**

Any county election board (whether or not the county uses vote centers) may adopt an order to provide for the use an electronic poll list for satellite absentee voting or for use at a precinct on election day in the place of traditional paper poll lists.

An order approving the use of electronic poll lists must require the use of an electronic signature by a voter to sign the poll list.

The county voter registration office shall download the information required to be available on an electronic poll list before the electronic poll list is delivered and installed.

(HEA 1311 § 6; Effective date: July 1, 2013; Citation affected: IC 3-7-29-6[New])

### **Electronic Poll List Standards-Certification**

An electronic poll list must meet certain standards, including:

- 1) encryption of information and security of connectivity between the location of the electronic poll list and a dedicated private server;
- 2) the storage of a local version of the voter database information on the electronic poll list;
- 3) the connection of the polling place or satellite absentee office with the county election board that permits immediate update of all other electronic poll lists indicating that a voter has voted;
- 4) the capability of displaying specific voter information regarding eligibility and including an electronic image (no longer limited to a “scanned” signature) of the voter’s voter registration signature;
- 5) the inclusion of a signature capturing device that functions even when there is a temporary interruption in connectivity to the Internet;
- 6) the generation of reports by the county election board for party watchers and political parties;
- 7) the production of audit records;
- 8) the provision of a bar code reader that has the capability of reading a BMV issued driver’s license or identification card bar code and locating the corresponding voter record; and
- 9) the capacity to accept the uploading of voter history into the statewide voter registration system.

The Voting System Oversight Program (VSTOP), currently administered by Ball State, is to develop and propose procedures and standards for the certification, acquisition, functioning, training, and security of electronic poll lists used to conduct elections in Indiana.

Before an electronic poll list may be used in an election in Indiana the electronic poll list must be certified by the Secretary of State. An electronic poll list vendor must file an application for certification with the Indiana election division on a form approved by the Secretary of State. Upon the filing of an application, the Indiana election division shall refer the application to VSTOP for review and issuance of a report concerning the electronic poll list, including any recommendation to the Secretary of State. VSTOP may recommend that restrictions be placed on the Secretary of State's certification. An electronic poll book certification issued by the Secretary of State expires December 31 of the second year after approval, unless revoked by the Secretary for good cause.

(SEA 519 §§ 69 and 75; Effective date: July 1, 2013; Citations affected: IC 3-10-1-7.1; IC 3-11-8-10.3)

(HEA 1157 § 40; Effective date: July 1, 2013; Citation affected: IC 3-11-8-10.3)

(HEA 1311 §§ 5, 17, 22, and 25; Effective date: July 1, 2013; Citations affected: IC 3-7-29-4; IC 3-11-8-10.3; IC 3-11-16-4; IC 3-11-18.1-12)

### **SVRS Must Have Capability to Transmit Voter Signatures to Electronic Poll List and Capture Vote History from Electronic Poll List**

The SVRS must have the capacity to transmit electronic images of signatures from voter registration applications to be downloaded with a voter's record on any certified electronic poll list. The SVRS must also have the capacity to receive vote history from any electronic poll list certified by the Secretary of State, and that the information must be able to be uploaded after each day of absentee voting and after election day.

(SEA 519 § 37; Effective date: July 1, 2013; Citation affected: IC 3-7-26.3-33[New])

### **Sanctions- Illegal Marketing, Sale or Installation of Uncertified Electronic Poll List**

An electronic poll list vendor may market, sell, lease or provide an electronic poll list in Indiana so long as the vendor has filed an application for certification of the electronic poll list with the Indiana election division. A vendor who knowingly, recklessly, or negligently markets, sells, leases, or provides an electronic poll list in Indiana without having filed an application for certification of the electronic poll list with the Indiana election division is subject to a civil penalty imposed by the Indiana secretary of state.

(HEA 1157 §§ 55, 56 and 57; Effective date: July 1, 2013 unless otherwise indicated; Citations affected: Noncode [repeals HEA1311 § 24], Noncode, IC 3-11-17-2[May 9, 2013])

(HEA 1311 §§ 23 and 24; Effective date: July 1, 2013; Citations affected: IC 3-11-17-1; IC 3-11-17-2 [repealed and superseded by HEA 1157 §§ 55 and 56])

(SEA 519 §§ 79 and 80; Effective date: July 1, 2013; Citations affected: IC 3-11-17-1; IC 3-11-17-2 [repealed and superseded by HEA 1157 §§ 55 and 56])

### **Preparation and Delivery of the Electronic Poll Lists**

In vote center counties, and counties authorizing the use of electronic poll lists, the county voter registration office is not required to prepare the electronic poll list at least 10 days before the election since the electronic poll list may be continually updated through election day. Nor is the county election board required to provide two copies of the electronic poll list to a county chairman in response to a request from the county chairman.

The county voter registration office shall download the information required to be available on an electronic poll list and the county election board is to deliver and install the electronic poll lists at the vote center or precinct (rather than delivering this equipment to the inspector with other supplies).

(SEA 518 § 46; Effective date: July 1, 2013; Citation affected: IC 3-11-3-16)

(SEA 519 §§ 47 and 70; Effective date: July 1, 2013; Citations affected: IC 3-7-29-3; IC 3-11-3-16[amending HEA 1311 § 16])

(HEA 1311 §§ 2, 3, 4, 6, 15 and 16; Effective date: July 1, 2013; Citations affected: IC 3-7-29-1; IC 3-7-29-2; IC 3-7-29-3; IC 3-7-29-6[New]; IC 3-11-3-11; IC 3-11-3-16[amended by SEA 519 § 70])

### **Definition of “Signing the Electronic Poll List”**

The phrase “signing the poll list” is defined when used with respect to both paper poll lists and electronic poll lists. Signing the electronic poll list means writing the voter’s name on a signature pad, tablet, or other signature capturing device at a polling place, office of the circuit court clerk, or satellite office where the use of an electronic poll list is authorized.

(HEA 1311 § 1; Effective date: July 1, 2013; Citation affected: IC 3-5-2-47.5)

(SEA 519 § 4; Effective date: July 1, 2013; Citation affected: IC 3-5-2-47.5)

## **CANDIDATES AND OFFICEHOLDERS**

### **Party Affiliation Requirements for Primary Candidates**

A primary candidate is considered to be affiliated with the political party if the person’s most recent vote in a primary **in Indiana** (prior law did not specify the primary vote had to be cast in Indiana) was cast for that political party’s candidate for nomination. If a voter has no primary history then the county chairman must certify that the primary candidate meets the party affiliation requirement (prior law allowed a person with no primary history to simply declare their party affiliation when filing as a candidate in the primary election).

(SEA 518 § 12; Effective date: July 1, 2013; Citation affected: IC 3-8-2-7)

### **Petition Carrier Requirements**

An individual who circulates a petition that is required to place a candidate or a public question on the ballot is required to provide on each signature page of the petition: (1) a signed affirmation, under penalties of perjury, that the individual has no reason to believe that any signer on the page is ineligible to sign the petition or did not properly complete and sign the page; and 2) immediately below the affirmation printed information that identifies the petition carrier (name, address and date of birth).

A signature page that does not comply with these requirements must be received for filing and retained as other election materials are retained and the county voter registration office shall not make a determination regarding the validity of the signatures on the signature page. If the county voter registration office determines that a signature page submitted by the petition carrier does not contain the information or affirmation of a petition carrier as required, the county voter registration office shall notify the petition carrier and allow the petition carrier to make certain additions and corrections to the information to be provided by the petition carrier on the signature page.

If the final date and hour for filing a petition with the county voter registration office has not passed, a petition carrier may sign the affirmation or add identification information required to be provided by the

petition carrier. However, if the final date and hour for filing a petition with the county voter registration office has passed, a petition carrier may not sign the affirmation or add identification information required to be provided by the petition carrier or add or correct information supplied by or requested from a person who signs the petition as a petitioner.

A petition candidate, or public question petitioners, who have submitted petitions that do not comply with the petition carrier affirmation and information requirements, may be challenged after the final date and hour for filing the petition with the county voter registration office. A challenge may be filed with the county election board or the election division as otherwise provided by law.

(SEA 250 § 1; Effective date: July 1, 2013; Citations affected; IC 3-6-12[New])

### **Minor Party, Independent and School Board Candidate Nominating Petition Completion Requirements**

A petition signer must write the petitioner's residence address as set forth on the county voter registration record (prior law required residence "mailing" address).

A printed name, residence and signature of a petitioner must be placed on a petition by the petitioner unless the petitioner is unable to do so due to a disability. If a petitioner with a disability is unable to include this information on the petition then the disabled petitioner may authorize another person to do so on the petitioner's behalf. If this occurs, the person assisting a petitioner must execute an affidavit of assistance that includes information regarding the person. This affidavit of assistance must be submitted with the petition.

(SEA 518 §§ 13, 15, 21, 25, and 26; Effective date: July 1, 2013; Citations affected: IC 3-8-2-8; IC 3-8-2.5-2; IC 3-8-8-2; IC 3-8-6-6; IC 3-8-6-7)

### **Minor Party and Independent Petition Candidate Special Election Withdrawal Deadline**

The deadline to withdrawal applicable to minor party and independent petition candidates in a special election is 71 days before the election (from 45 days before the election under prior law).

(HEA 1157 § 22; Effective date: July 1, 2013; Citation affected: IC 3-8-6-13.5)

### **School Board Petition Submission and Processing Procedures**

A new chapter is created in the election code to distinguish school board petitions from minor party and independent candidate petitions and to clarify the procedures applicable to school board petitions.

Provisions applicable to filing and processing school board petitions were clarified as follows:

- 1) A school board petition for a school corporation in one county is filed in the county voter registration office. For a school corporation located in more than one county, a school board petition must be filed with the county voter registration office of the county with the greatest percentage of population of the school corporation and that county voter registration office shall certify the signatures of registered voters from each county if the petition contains signatures of registered voters from more than one county.

- 2) In certifying school board petitions, the county voter registration office must certify that each petitioner is a voter at the residence address listed on the petition on the date the county voter registration office certifies the petition and qualified to vote for the candidate and that address is located within the election district for the office.
- 3) Once the county voter registration office has completed the certification the office shall forward the petitions to the circuit court clerk who 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.
- 4) The circuit court clerk of the of the county with the greatest percentage of population of the school corporation shall determine whether a school board petition contains a sufficient number of certified signatures on the petition and certify the petition if the petition contains sufficient signatures or deny certification if the petition does not contain sufficient signatures. If certification of the petition is denied, the clerk shall immediately send the candidate notice of the denial by certified mail. The candidate may file an appeal (State Form CAN-1) of the clerk's determination to the county election board. The procedures and deadlines for filing the appeal (noon 67 days before the election) and for the county election board to make a determination of the appeal (noon 54 days before the election) are the same as those applicable to school board petition candidate and school board write-in candidate challenges.
- 5) If a school board candidate moves out of the election district the candidate sought to represent after filing a petition the school board candidate is required to withdrawal. If the candidate does not withdrawal then another candidate for the office may file an action in circuit court in the county where the candidate resides to have the candidate removed from the ballot.

(SEA 518 §§ 11, 15,16, 17, 18, 19, 20, 23, 28, 29 and 31; Effective date: July 1, 2013; Citations affected: IC 3-8-1-2; IC 3-8-2.5-2; IC 3-8-2.5-2.5[New]; IC 3-8-2.5-5[New]; IC 3-8-2.5-6[New]; IC 3-8-2.5-7[New]; IC 3-8-2.5-8[New], IC 3-8-6-1; IC 3-8-6-11; IC 3-8-6-14; IC 3-8-7-28)

### **School Board Candidate Filing**

School board write-in candidate declaration must be filed not earlier than 90 days and not later than noon 74 days before the general election (prior law permitted school board write-in declarations to be filed until noon 55 days before the general election).

Any school board candidate may file a withdrawal of their candidacy not later than noon 71 days before the general election (prior law did not specify a withdrawal deadline for school board candidates). (HEA 1157 § 21; Effective date: July 1, 2013; Citation affected: IC 3-8-2.5-4)

The first day a candidate for school board may file a petition of nomination for the Mishawaka or East Chicago school board is 104 days before the election (prior law did not specify a first date a petition could be filed for these school boards) and the deadline to file is noon 74 days before the election.

(HEA 1157 §§ 86 and 88; Effective date: July 1, 2013; Citations affected: IC 20-23-17-3; IC 20-23-17.2-5)

Obsolete provisions regarding school board candidates are repealed. Reenacted and revised provisions are relocated in a new chapter of the election code for school board candidates.

(HEA 1157 §§ 17, 18, and 19; Effective date: July 1, 2013; Citations affected: IC 3-8-2-2.6 [repealed]; IC 3-8-2-2.7; IC 3-8-2-4)

## **School Board Member Elections and Terms**

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

Notwithstanding any other statute or a school corporation's organization plan, an elected member of the governing body shall be elected at the general election held immediately before the term of office for that position on the governing body expires.

(HEA 1157 §§ 3, 24, 78, 79, 82, 83, 84, 85, 87, 89, 90 and 91; Effective date (unless otherwise indicated): January 1, 2012 [retroactive]; Citations affected: IC 3-5-4-11; IC 3-10-2-16 [effective July 1, 2013]; IC 20-23-4-30; IC 20-23-7-8.1; IC 20-23-12-8; IC 20-23-14-8; IC 20-23-13-1; IC 20-23-15-11; IC 20-23-17-4; IC 20-23-17.2-8; IC 20-26-4-4)

## **Petition Certification Requirements**

In certifying a petition of a primary candidate for the office of U.S. Senate or governor, the county voter registration office must certify that each petitioner is a voter at the residence address listed on the petition at the time the petition is being processed and that address is located within the election district for the office.

(SEA 518 § 14; Effective date: July 1, 2013; Citation affected: IC 3-8-2-9)

In certifying primary petitions for major party candidates for president, the county voter registration office must certify that each petitioner is a voter at the residence address listed on the petition at the time the petition is being processed and, if the county has more than one congressional district, the number petitioners who are registered voters who reside in each congressional district.

(SEA 518 § 22; Effective date: July 1, 2013; Citation affected: IC 3-8-3-3)

In certifying a petition of a minor party or independent candidate for any office, the county voter registration office must certify that each petitioner is a voter at the residence address listed on the petition at the time the petition is being processed.

(SEA 518 §§ 24, 25, 27; Effective date: July 1, 2013; Citations affected: IC 3-8-6-2; IC 3-8-6-6; IC 3-8-6-8)

## **Campaign Finance Statement on Candidate Declarations**

The statement on the primary declaration of candidacy as to whether the candidate has previously been a candidate and, if so, has filed campaign finance reports related to their candidacy was expanded to include "legislative office" and to include municipal and special elections (prior law did not cover candidates for legislative office and only covered prior primary and general elections). Candidates for federal office are exempt from signing the statement on the declaration of candidacy stating that candidate agrees to comply with Indiana campaign finance law (federal candidates are governed by federal campaign finance law).

(SEA 518 § 12; Effective date: July 1, 2013; Citation affected: IC 3-8-2-7)

### **Voter's Original Signature Required on Candidate Petitions**

A voter's original signature must be used on a candidate's petition of nomination for elected office. Electronic signatures, digital signatures, digitized signatures, or photocopied signatures of a voter are not permitted.

(HEA § 1157; Effective date: July 1, 2013; Citation affected: IC 3-5-4-1.7)

### **Power of Attorney May Not Sign Candidate Declaration**

A person who holds a power of attorney for another individual is not authorized to execute a voter registration application, authorization to cancel voter registration, declaration of candidacy, or a candidate's consent to be placed on the ballot.

(SEA 518 § 99; Effective date: July 1, 2013; Citation affected: IC 30-5-5-14)  
(HEA 1157 § 92; Effective date: July 1, 2013; Citation affected: IC 30-5-5-14)

### **Write-in Candidate may not Indicate Affiliation with the Democratic, Libertarian, or Republican Party on a Write-in Declaration**

A write-in candidate for an elected office may not, on the candidate's declaration to be a write-in candidate, claim affiliation with a political party in the state whose nominee for Secretary of State received at least 2% of the total votes cast in the most recent election for the office of Secretary of State.

(HEA 1112 § 1; Effective date: July 1, 2013; Citation affected: IC 3-8-2-2.5)

### **Statements of Economic Interest filed with the Election Division**

The Election Division may accept photocopies of the receipt provided by the state legislature, state court administration, or the State Ethics Commission in lieu of the original receipt in accepting candidate filings from candidates.

(HEA § 1157 § 20; Effective date: July 1, 2013; Citation affected: IC 3-8-2-11)

### **U.S. Senate Vacancy Election Schedule**

If a vacancy occurs in the office of U.S. Senate that occurs no later than noon of the date in January of a general election year when petitions can first be filed (118 days before the primary), candidates may be nominated at the primary election. If a U.S. Senate vacancy occurs after that date and before the deadline for certifying general election candidates (74 days before the general election), candidates for the general election may be nominated by the political party state committee. (Current law refers to vacancies occurring by Day 70, rather than Day 118, before the primary)

If a vacancy occurs in the office of U.S. Senate after the deadline for certifying general election candidates (74 days before the general election), then the special election to fill the remainder of the term will be conducted at the *second* general election that occurs following the vacancy.

(SEA 518 §§ 34 and 90; Effective date: July 1, 2013; Citations affected: IC 3-10-8-7; IC 3-13-3-1)

### **U.S. Representative, State Senate and State Representative Vacancy Election Schedule**

A vacancy that occurs in the office of U.S. Representative will be filled at the next general election unless the vacancy occurs less than 74 days (rather than 30 days under prior law) before the general election.

(HEA 1157 § 28; Effective date: July 1, 2013; Citation affected: IC 3-10-8-1)

### **Emergency Procedures to fill Congressional Vacancies**

State procedures for expedited special elections for U.S. Representative when more than 100 vacancies exist in Congress at same time are established to implement Federal law.

(HEA 1157 §§ 29, 48, 66 and 67; Effective date: July 1, 2013; Citations affected: IC 3-10-8-7.5 [New]; IC 3-11-10-14; IC 3-13-1-1; IC 3-13-1-4)

### **Circuit Court Judge Vacancy and Special Election Schedule**

If a vacancy occurs in the office of Circuit Court Judge after the deadline for certifying general election candidates (74 days before the election), then the election for a six year term will be conducted at the *second* general election that occurs following the vacancy. This change ensures that candidates can be nominated and ballots printed and sent to military and overseas voters in compliance with federal law (45 days before the general election).

(SEA 518 § 91; Effective date: July 1, 2013; Citation affected: IC 3-13-6-1)

### **Vacancy Procedures on Death of Local Officeholder**

The period for a political party to fill a vacancy caused by the death of a township board member begins when the county chairman (rather than the county auditor) receives official notification of the death. A political party caucus to fill a vacancy of any local officeholder (not just town council members) shall be conducted within 30 days after the county chairman receives official notification of the death.

(SEA 518 §§ 92 and 93; Effective date: July 1, 2013; Citations affected: IC 3-13-10-4; IC 3-13-11-3)

### **Independent and Minor Party Office Vacancy Procedures**

When a local officeholder elected as an independent or minor party (including the Libertarian Party) candidate properly files a written resignation with an effective date in the future, the relevant local governmental body may select a person to fill the local office vacancy upon the filing of the written resignation and before the officeholder's resignation is scheduled to take effect. The major parties are currently authorized to select persons to fill vacancies in advance of the effective date of an officeholder's resignation.

(HEA 1157 §§ 68, 69, 70 and 71; Effective date: July 1, 2013; Citations affected: IC 3-13-7-1.5[New]; IC 3-13-8-1.5[New]; IC 3-13-9-1.5[New]; IC 3-13-10-1.5[New])

## **Statement of Economic Interests**

The statement of economic interest requirement that currently applies to most candidates for local office and most persons filling a vacancy for local office is extended to apply to Libertarian Party and minor party petition replacement candidates. For Libertarian Party candidates, the statement of economic interests must be filed with the certificate of nomination (State Form CAN-22) after a county, city or large town convention. A statement of economic interests must also be filed with the statement consenting to be a replacement candidate (State Form CAN-40) for a candidate who is replacing an existing minor party petition candidate.

(SEA 518 § 32; Effective date: July 1, 2013; Citation affected: IC 3-8-9-5)

## **Falsely Signing Candidacy Documents**

It is a Class D felony (reclassified July 1, 2014 as a “Level 6 Felony”) to sign declaration of candidacy or a petition of nomination knowing that the declaration or petition contains a false statement. It is also a Class D (Level 6) Felony to sign the name of another person to a declaration of candidacy or a petition of nomination without writing on it the person’s own name and address as an attesting witness.

(SEA 518 § 94; Effective date: July 1, 2013; Citation affected: IC 3-14-2-3)  
(HEA 1006 § 8; Effective date: July 1, 2014; Citation affected: IC 3-14-2-3)

## **Candidate Qualifications for Appointment to Vacant Offices**

The phrase “before the election” used to describe the period of residency required by a candidate seeking to fill an **office** vacancy means that period of time either before the date of the party caucus to fill the office vacancy or the date of the county chairman’s appointment if the office vacancy is filled by the county chairman.

(HEA 1157 § 16; Effective date: July 1, 2013; Citations affected: IC 3-8-1-5.7)

## **Residence Definition and Standards**

The definitions and standards applicable to determining a person’s residence for registration, voting, candidate and elected office holding purposes are clarified. The terms “domicile” and the term “inhabitant” mean the same thing as “resident”.

A person’s “immediate family” for purposes of determining residence includes the spouse, children, stepchildren, parents, or grandparents of the individual. In general, a person is presumed to live with his or her immediate family. However, a person who lives at a place other than the person’s immediate family establishes a rebuttable presumption that the person resides where the person lives if the person “engages in conduct to carry out that intent. A married person may establish a residence at a location different from the residence of their spouse if the person intends to do so and engages in conduct to carry out the intent. The residence of an unmarried person who does not have an immediate family is where the person usually sleeps “if that is the intent of the person, and the person engages in conduct to carry out that intent.”

A person may not have more than one residence in Indiana and may not reside both in Indiana and another state. For the purposes of Indiana election law a person has one residence. However, a person is not considered to have lost residence in Indiana when the person is absent on state business or the business of the United States.

A “rebuttable presumption” is created that an individual resides where indicated in the individual’s sworn statement as of the date of making the sworn statement. A rebuttable presumption is also created that a person has not established residence by moving to the precinct to prepare to purchase or occupy a residence.

A rebuttable presumption is created that a person has lost residence in Indiana by being “physically present” within another state with the intention of making the other state the person’s residence or by being “physically present within” another state for an indefinite time, even if the person intends to return to Indiana at some time. Likewise a rebuttable presumption is created that a person has lost residence in a precinct in Indiana by being “physically present within” another precinct in Indiana with the intention of making that precinct the person’s residence.

The above-described additions and amendments to the election code do not affect any penalties, violations, or proceedings begun before July 1, 2013.

(SEA 519 §§ 1, 3, 5-16; Effective date: July 1, 2013; Citations affected: IC 3-5-2-16.4[New]; IC 3-5-2-26.4[New]; IC 3-5-5-0.2[New]; IC 3-5-5-0.5[New]; IC 3-5-5-3; IC 3-5-5-5; IC 3-5-5-6; IC 3-5-5-7; IC 3-5-5-8; IC 3-5-5-9; IC 3-5-5-10; IC 3-5-5-13; IC 3-5-5-14; IC 3-5-5-15)

### **Party Committeeman Lists Provided to Elected Officeholders**

The county chairman of a major political party shall, upon the request of a person who is serving in an elected office (as defined in IC 3-5-2-17), provide to that person the name and address of the precinct committeeman and vice committeeman of that party for each precinct in the county.

(HEA 1001 § 53; Effective date: July 1, 2013; Citation affected: IC 3-6-2-10.5[New])

### **Study Committee Urged-Suspension of Officeholders Charged with Felony**

The legislative council is “urged” to assign to a study committee during the 2013 legislative interim the topic of the suspension of state elected officials and local elected officials from office (excluding members of the judicial branch and prosecuting attorneys) who are charged with the commission of a felony.

(SEA 226 § 105; Effective date: July 1, 2013; Citation affected: Noncode)

### **Study Committee Urged-Rearranging County Executive, Legislative and Fiscal Officeholders**

The legislative council is “urged” to assign a study committee during the 2013 legislative interim regarding the topic of allowing counties to change the executive and legislative structure of county government by placing all executive powers in a single county executive, instead of a board of commissioners, and all legislative and fiscal powers in the county council. The study committee is required to issue a final report to the legislative council containing the study committee’s findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6, not later than November 1, 2013.

(SEA 475 § 1; Effective date: April 24, 2013; Citation affected: Noncode)

### **County Officer Training**

County treasurers, county auditors, county recorders, circuit court clerks, and county surveyors may attend the required county officer training courses after being elected to office but before taking office (currently

they are required to take the training after taking office). A training course that an individual completes after being elected to a county office and before the individual begins serving in office applies toward the training requirements. All county offices to fulfill the training requirements for each elected term and new requirements are added with respect to the office of county surveyor.

The county elected officials training fund (fund) supplements appropriations from the county general fund for payment of the training courses. Circuit court clerks are added to the county officials whose training may be paid for by money in the fund.

If an individual is appointed to fill a vacancy in a county office: (1) the individual may (but is not required to) take the training courses; and (2) the county is required to pay for the training courses.

(HEA 1333 §§ 1-7; Effective date: July 1, 2013; Citations affected: IC 33-32-2-9; IC 36-2-7-19; IC 36-2-9-2.5; IC 36-2-9.5-2.5; IC 36-2-10.5-2.5; IC 36-2-11-2.5; IC 36-2-12-2.5)

## **POLLING PLACES, POLL WORKERS AND PARTISAN WORKERS**

### **“Electioneering” in Polls, Chute, or area of Clerk’s Office or Satellite Office Used for Absentee Voting**

Current law making it a Class A misdemeanor to engage in “electioneering” in a polling place, the chute, the area within the circuit court clerk’s office (or a satellite office) used for absentee voting is expanded to prohibit “wearing or displaying an article of clothing, sign, button, or placard which state the name of a political party or includes the name or likeness of any currently elected official.”

(SEA 518 § 98; Effective date: July 1, 2013; Citations affected: IC 3-14-3-16)

### **Location of Polling Places Prohibited in Structures where Display of Political Preference or Party Affiliation Visible to a Voter;**

### **Location of Polling Places Prohibited in Structures where Depictions of Currently Elected Officials Visible to a Voter Within the Polls or Chute**

A polling place may not be located in a structure on or in which is affixed any political display **visible to a voter** of political preference or party allegiance.

A polling place may not be located in a structure that includes any display of pictures, photographs, or other likenesses of currently elected federal, state, county, or local officials visible to voters within the polls or chute.

(SEA 518 § 56; Effective date: July 1, 2013; Citation affected: IC 3-11-8-6.3)

(SEA 519 § 74; Effective date: July 1, 2013; Citation affected: IC 3-11-8-6.3)

### **Location of Polling Places-Vote Center Counties**

The requirement for each precinct to have one polling place, and for that polling place to be located within or near the boundaries of a precinct, does not apply to a county using vote centers.

(SEA 519 §§ 72 and 73; Effective date: July 1, 2013; Citations affected: IC 3-11-8-3; IC 3-11-8-4.1)

### **Poll Workers in Vote Center Counties**

A county's vote center plan may use titles other than Inspector, Judge, Sheriff or Clerk for precinct election officers. However, the county vote center plan must specify which precinct election officers in their plan will have the statutory duties of Inspector, Judge, Sheriff or Clerk and each precinct election officer designated in the vote center plan must meet the qualifications imposed on any other precinct election officer.

(SEA 519 § 19; Effective date: July 1, 2013; Citation affected: IC 3-6-6-5.5[New])

### **County Chairman or Vice-Chairman Not Permitted in the Polling Place when a Candidate**

A political party county chairman or vice-chairman may be present in a polling place with proper credentials, except when the county chairman or vice chairman is a ***candidate at the election***.

(SEA 518 § 57; Effective date: July 1, 2013; Citation affected: IC 3-11-8-15)

### **Poll Worker Vacancies**

The county election boards to fill poll worker vacancies immediately after deadline for party nominations (rather than waiting 7 days following the deadline for a county chairman to do nominate these workers).

(SEA 518 § 5; Effective date: July 1, 2013; Citation affected: IC 3-6-6-13)

### **16 and 17 Year Old Poll Workers**

A 16 and 17 year old poll workers allowed to serve as poll workers under certain conditions are not required to be a registered voter of the county.

(SEA 518 § 6; Effective date: July 1, 2013; Citation affected: IC 3-6-6-39)

### **Watchers Appointed by State Chairman of Political Party**

The state chairman of a bona fide political party (including the Democratic, Libertarian, and Republican Parties) is entitled to appoint watchers at each precinct in which the political party is on the ballot. If both the state chairman and the county chairman of a political party have appointed watchers the political party may have two watchers present at the polls of each precinct. The credentials of watchers appointed by the state chairman must be signed by the state chairman.

(SEA 518 §§ 7 and 8; Effective date: July 1, 2013; Citations affected: IC 3-6-8-1; IC 3-6-8-3)

### **Number of Voters Permitted in Polling Place**

The number of voters to be admitted to the polls at the same time may not exceed the number of voting stations set up in the polling place. This capacity limit does not apply to vote center counties.

(SEA 519 § 76; Effective date: July 1, 2013; Citation affected: IC 3-11-8-17)

## PRECINCTS AND ELECTION DISTRICTS

### **Precinct Boundary Descriptions**

If there is a conflict between the legal description (precincts are typically legally described by reference to census blocks) of a precinct and the map of a precinct included in a county precinct establishment order, the legal description prevails to the extent of the conflict.

(SEA 518 § 41; Effective date: July 1, 2013; Citation affected: IC 3-11-1.5-10.7[New])

(HEA 1311 § 14; Effective date: July 1, 2013; Citation affected: IC 3-11-1.5-10.7[New])

### **Local Redistricting- County, Marion County Townships, Cities and Towns**

In the year following a decennial federal census (by December 31, 2011, for example), or the second year following a decennial census (by December 31, 2012, for example, in the case of cities and towns) the authority empowered to draw new local government district lines may, instead of re-drawing the district lines, adopt an ordinance that recertifies that the currently established districts meet statutory standards.

A map of the districts must accompany the ordinance establishing new, or recertifying current, districts and be filed with the circuit court clerk of each county in which the local government is located not later than 30 days after the new districts or recertification occurs.

The constitutional and statutory standards governing redistricting do not have to be set forth in the ordinance establishing new, or recertifying current, districts. The ordinance establishing new districts, or recertifying current districts, must be construed to comply with the law if possible. The provisions of an ordinance establishing new, or recertifying current, districts are “severable” so that the invalidity of one part of an ordinance or recertification does not affect the other provisions which can be given effect without the invalid part.

If a conflict in an ordinance exists between a map of a district and a description of the boundaries of that district then the district boundaries shall be the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent of any conflict.

(HEA 1311 §§ 46-53; Effective date: July 1, 2013; Citations affected: IC 36-2-2-4; IC 36-2-3-4; IC 36-3-4-3; IC 36-4-6-3; IC 36-4-6-4; IC 36-4-6-5; IC 36-5-2-4.1; IC 36-6-6-2.5)

### **School Board Redistricting and Filing of Organizational Plan with Circuit Court Clerk**

By December 31, 2013, a school board governing body shall send a copy of the school corporation organizational plan for its school board elections to the circuit court clerk of each county in which the school corporation is located, and if any school board members are elected only by the voters of a school board district, certify that the school board districts as drawn meet the standards set forth in current law.

The school board of a school corporation that has established “election districts” (only voters in the district vote for a district candidate) for school board candidates shall either change its electoral districts, if required to make the districts as near as practicable equal in population, or recertify their existing district if changing districts is unnecessary, no later than December 31 of the year following the year in which the decennial

census is taken (2020 will be the next decennial census). A reference to “electoral districts” is corrected to “election districts.”

A school plan amendment (including a map of the new districts), or recertification of the school board’s districts, shall be filed with the circuit court clerk of each county in which the school corporation is located not later than 30 days after the amendment or recertification occurs.

Language in current law setting forth a “metes and bounds” description of the Lake Station school corporation election districts is repealed. This school corporation is subject to the same procedures and requirements for redistricting as other school corporations.

If there is a conflict between the map of a district and a description of the district’s boundaries as set forth in the plan, the description of the boundary prevails to the extent of the conflict.

The constitutional and statutory standards governing the plan are not required to be set forth in the plan, and the plan, if possible, must be construed to comply with the law. In addition, school plan provisions are considered “severable”, so that the invalidity of one part of a plan does not affect the other provisions which can be given effect without the invalid part.

(HEA 1157 § 80 and 81; Effective date: July 1, 2013; Citations affected: Noncode[repeal of HEA 1311 § 40 effective July 1, 2013]; IC 20-23-8-8)

(HEA 1311 § 36-45; Effective date: July 1, 2013; Citations affected: IC 20-23-4-35; IC 20-23-4-35.5[ New]; IC 20-23-7-4; IC 20-23-7-4.5[New]; IC 20-23-8-8[HEA 1311 § 40 repealed by HEA 1157 § 80]; IC 20-23-8-8.5[New]; IC 20-23-14-3; IC 20-13-14-4[repealed]; IC 20-23-15-7.5[ New])

## **LOCAL ELECTION ADMINISTRATION**

### **County Vote Center Plans**

The requirements that each precinct have one polling place, and that a polling place to be located within or near the boundaries of a precinct, do not apply to a county using vote centers.

A county’s vote center plan may use titles other than Inspector, Judge, Sheriff or Clerk for precinct election officers. However, the county vote center plan must specify which precinct election officers in their plan will have the statutory duties of Inspector, Judge, Sheriff or Clerk and each precinct election officer designated in the vote center plan must meet the qualifications imposed on any other precinct election officer.

A county planning to use vote centers must adopt a resolution to provide for the central counting of absentee ballots unless the county election board has already adopted such a resolution. References to municipal or special elections, in which elections are not being held in each precinct of the county, are added to the law setting forth the required contents of vote center plan laws to clarify that not every voter in the county will vote in every election in the county.

If a county files a vote center plan with the election division during the final 60 days before an election, the vote center plan takes effect the day following the election.

(SEA 519 §§ 19, 72, 73, 81 and 82; Effective date: July 1, 2013; Citations affected: IC 3-6-6-5.5[New]; IC 3-11-8-3; IC 3-11-8-4.1; IC 3-11-18.1-4; IC 3-11-18.1-8)

## **Procedures Relating to Primary Candidates Who Die Before the Primary**

If the election division determines a primary candidate that files as a candidate with the secretary of state or the election division has died, then the election division shall omit the name of the candidate on the primary candidate certification transmitted to the county election board or, if the primary candidate certification has already been transmitted to the county election board election board when the election division determines a candidate has died, the election division shall notify the county election board of each county to which the candidate's name has been previously certified.

With respect to candidates who file as candidates with the county election board the county election board must determine, by unanimous vote, whether there is good cause to believe that a candidate has died.

If a candidate is omitted from the election division's primary candidate certification due to the death of the candidate, the election division notifies the county election board of the death of a primary candidate subsequent to the primary candidate certification, or the county election board unanimously finds a primary candidate has died as described above and primary ballots have not been printed then the county election board shall not print the name of the deceased candidate on the primary ballot. However, if the primary ballots have been printed at the time of the certification, notification or finding as described above, the primary ballots shall not be reprinted.

A voter who has cast an absentee ballot containing the name of a deceased candidate is entitled to request a replacement absentee ballot.

The name of a deceased primary candidate who files with the county election board may not be printed on the ballot, and if ballots have already been printed, the county shall not reprint the ballots to remove the name of the deceased candidate.

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

If the candidate of a political party receiving the highest vote for an office at a primary election for which a declaration of candidacy must be filed with the secretary of state or election division under IC 3-8-2 dies before the certification of primary election results by the election division, the election division shall promptly certify to the state chairman of the political party that a candidate vacancy exists, which may be filled by the political party under IC 3-13-1.

If the candidate of a political party receiving the highest vote for an office at a primary election for which a declaration of candidacy must be filed with the circuit court clerk under IC 3-8-2 dies before the certification of primary election results by the county election board, the county election board shall promptly certify to the county chairman of the political party that a candidate vacancy exists, which may be filled by the political party under IC 3-13-1.

(SEA 518 §§ 30, 48, and 49; Effective date: July 1, 2013; Citations affected: IC 3-8-7-1; IC 3-11-3-29.3[New]; IC 3-11-3-29.4[New])

## **Procedures Relating to Candidates Who Die Before a General or Special Election**

References to deceased “primary” candidates are removed from a general statutory section (IC 3-11-3-29.5) since new sections were added (IC 3-11-3-29.3 and IC 3-11-3-29.4 ) which apply only to deceased primary candidates making the general section apply to general, municipal and special elections only. An exemption also exists for the deaths of candidates for presidential and vice president since that is a matter determined under federal law and party rules. The deadline to fill a ballot vacancy before a general, municipal, or special election in order to require the county to reprint ballots with the new candidate’s name remains the same as under prior law.

(HEA 1157 § 32; Effective date: July 1, 2013; Citation affected: IC 3-11-3-29.5)  
(SEA 519 § 71; Effective date: July 1, 2013; Citation affected: IC 3-11-3-29.5)

## **Government Employees; Use of Government Property to Solicit Contributions or Electioneer**

State employees, employees of a political subdivisions or charter schools, or special state appointees (such as an appointee to boards or commissions serving in the executive branch) are prohibited from knowingly or intentionally using the money, equipment, goods, and materials (include mail and messaging systems) of the employee’s government employer to solicit a contribution or advocate the election or defeat of a candidate or public question.

These employees or appointees are also prohibited from knowingly or intentionally distributing campaign materials advocating the election or defeat of a public question on real property belonging to the person’s employer during regular working hours.

A violation of this law is a Class A misdemeanor (or a Class D felony if the person has a prior unrelated conviction). Several violations occurring in closely related times, places, or circumstances are considered only one violation.

An activity specifically permitted under the “controlled project” referendum law (IC 6-1.1-20) is exempted from these restrictions.

This law does not prohibit a government employee from carrying out administrative duties under the direction of an elected official who is the government employee’s supervisor.

(SEA 519 § 85; Effective date: July 1, 2013; Citation affected: IC 3-14-1-17[New])  
(HEA 1157 § 72; Effective date: July 1, 2013; Citation affected: IC 3-14-1-17[New])

## **Open Door Law- Executive Session Exception**

The governing body of a public agency (including a county election board) may conduct an executive session closed to the general public to discuss strategy with respect to the initiation of litigation, including any judicial action or administrative law proceeding under state or federal law.

(HEA 1102 § 2; Effective date: July 1, 2013; Citation affected: IC 5-14-1.5-6.1)

## STATE ELECTION ADMINISTRATION

### **Approval of Election Forms**

The Indiana Election Commission may approve forms retroactively and “grandfather” the use of forms when the Commission finds “grandfathering” to be appropriate.

The Election Division (rather than the Commission) shall approve the voter’s bill of rights.

(SEA 518 § 3; Effective date: July 1, 2013; Citation affected: IC 3-5-4-8)

(SEA 518 § 4; Effective date: July 1, 2013; Citation affected: IC 3-5-8-1)

### **Indiana Election Division Administration of Budgetary or Contractual Matters**

If the co-directors are unable to resolve disagreements regarding: (1) the agency’s budget; (2) agency expenditures; or (3) agency contracts, the Secretary of State shall make the final decision in the matter.

The election division may enter into a contract for statewide voter registration system management services not later than May 31, 2013, with the consent of the secretary of state. If the election division does not do so, the secretary of state may enter into the contract without the approval of the election division.

To carry out the requirement that the election division conduct a statewide voter list mailing, the election division may enter into a contract for a statewide voter registration address confirmation mailing not later than October 1, 2013 with the consent of the secretary of state. If the election division does not do so, the secretary of state may enter into the contract without the approval of the election division.

(HEA 1391 § 1; Effective date: May 2, 2013; Citation affected: IC 3-6-4.2-3)

(HEA 1157 § 4; Effective date: July 1, 2013; Citation affected: IC 3-6-4.2-3)

(SEA 519 §§ 98 and 99; Effective date: July 1, 2013 unless otherwise indicated; Citations affected: IC Noncode[May 9, 2013 as to § 98]; Noncode)

### **State Election-Related Fund Administration**

The consent of the Co-Directors is no longer required for the Secretary of State to apply for additional federal Health and Human Services funding to make polling places more accessible and to conduct training and outreach programs for voters with disabilities for poll workers, and election officials. No further federal funding for this program is expected. The election division remains responsible for expending existing funds.

The consent of the Co-Directors is no longer required for the Secretary of State to administer the election administration assistance fund, which includes federal HAVA funds and any state money appropriated to the fund.

The procedures for transfers between different accounts within the election assistance administration fund (upon certification that the state has implemented the requirements of federal HAVA) are repealed. This certification occurred in 2012, and the funds have been transferred to the appropriate account.

The consent of the Co-Directors is no longer required for the Secretary of State to reimburse counties for purchasing voting systems which comply with the standards of the federal Help America Vote Act (HAVA) by replacing lever and punch card voting systems. Likewise, the procedures for the state to reimburse counties for purchasing certain types of voting systems which would not qualify for reimbursement under federal law are repealed. These reimbursements have already been made.

(HEA 1391 §§ 2, 6, 7, 8, 9, 10, 11 and 12; Effective date: May 2, 2013; Citations affected: IC 3-6-4.2-12.5; IC 3-11-6.5-3.1; IC 3-11-6.5-2; IC 3-11-6.5-4; IC 3-11-6.5-5; IC 3-11-6.5-7.1; IC 3-11-6.5-8)

### **Voter Education Outreach Fund Created**

A new fund administered by the Secretary of State is established to expend money for education and outreach to citizens concerning voter rights and responsibilities, including voter identification requirements.

(SEA 519 § 17; Effective date: July 1, 2013; Citation affected: IC 3-6-3.7-4[New])

### **State Required Voter List Maintenance Activities**

The co-directors of the election division, as well as county voter registration offices, are required to conduct general voter list maintenance programs that make a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters.

Each year, the election division shall request voter registration data from each state bordering Indiana, the State of Florida, and any other state the election division co-directors determine that there is a reasonable possibility that a significant number of individuals who have registered to vote in Indiana may also be registered in that state unless that state has executed a memorandum with the Kansas Secretary of State to check its voter registration database against the voter registration database of other states.

No later than August 1, 2013, the election division co-directors shall execute a memorandum with the Kansas Secretary of State to provide information from the Indiana statewide voter registration system ("SVRS") so that the voter registration information provided by the 22 other states currently participating in the Kansas memorandum of understanding may be checked against Indiana's voter information to identify voters currently registered in Indiana and other states. The election division will provide reports to county voter registration offices within 30 days after receipt of the reports from Kansas to determine whether: 1) the individual registered in another state is the same individual registered in Indiana; 2) whether the voter registered in the other state after the date the person registered in Indiana; and 3) whether the voter has authorized the cancellation of the Indiana registration when registering in the other state. The county voter registration office shall cancel the Indiana registration if all three determinations are made. If the Indiana registered voter who is registered in another state after previously registering in Indiana, according to the information provided under this memorandum of understanding has not authorized cancellation, the county shall send an address confirmation notice to the Indiana voter registration address to determine if the voter's registration record should be reclassified as inactive. A comparison of Indiana voter registration information with other states shall also be done for the purpose of identifying any cases in which a voter cast a ballot in more than one state during the same election.

The election division is required (rather than permitted) to submit the names of all registered voters in Indiana to the USPS National Change of Address Service and to notify county voter registration offices regarding any address changes reported by the NCOA program.

The election division is required (rather than permitted) to conduct a residency address confirmation mailing to each active voter (each voter not already designated “inactive” under a voter list maintenance program) in Indiana during each even-numbered year (the first being in 2014).

The election division shall, by January 31 of each year, request information from the federal district courts in Indiana concerning jury selection mailings returned as undeliverable due to an unknown or insufficient address. A county voter registration office shall send an address confirmation notice to any voter identified as having a jury selection mailing returned from the voter’s registration address due to an unknown or insufficient address.

To identify deaths of Indiana residents which occur outside of Indiana, the State Department of Health shall obtain information directly from other states or from the State and Territorial Exchange of Vital Events (STEVE) System and Electronic Verification of Vital Events (EVVE) System, administered by the National Association for Public Health Statistics and Information Systems. The Department of Health shall provide this information to county voter registration offices through its connection to the SVRS.

At least once a month, the election division shall obtain information from the Social Security Administration regarding deceased Indiana residents, and forward that information to the appropriate county voter registration offices.

If the election division co-directors do not perform a voter list maintenance duty as required by state law then the secretary of state shall perform the duty.

(SEA 519 §§58 and 60-68, Effective date: July 1, 2013; Citations affected: IC 3-7-38.2-1 ; IC 3-7-38.2-5 ; IC 3-7-38.2-6 ; IC 3-7-38.2-7 ; IC 3-7-38.2-8 ; IC 3-7-38.2-16; IC 3-7-45-5; IC 3-7-45-6.1(amending HEA 1391 §4) ; IC 3-7-45-8(amending HEA 1391 §5)

(HEA 1391 §§ 3, 4 and 5; Effective date; May 2, 2013; Citations affected: IC 3-7-38.2-18[New]; IC 3-7-45-6.1; IC 3-7-45-8)

### **National Guard Muster on Election Day**

Current law prohibiting a National Guard muster or assembly on a general election day or a special election day is expanded to apply to primary and municipal election days.

(HEA 1157 § 74; Effective date: July 1, 2013; Citation affected: IC 10-16-7-16)

### **WIC and FSSA Voter Registration Procedures**

Requirements that the election division provide WIC and FSSA full service voter registration agency offices with pre-addressed packets to mail voter registrations to county voter registration offices are repealed.

(HEA 1157 §§ 75, 76 and 77; Effective date: July 1, 2013; Citations affected: IC 12-14-1.5-8; IC 12-15-1.5-8; IC 16-35-1.6-9)

## **Sanctions- Illegal Marketing, Sale or Installation of Uncertified Electronic Poll List Vendors**

An electronic poll list vendor may market, sell, lease or provide an electronic poll list in Indiana so long as the vendor has filed an application for certification of the electronic poll list with the Indiana election division. A vendor who knowingly, recklessly, or negligently markets, sells, installs, or provides an electronic poll list in Indiana without having filed an application for certification of the electronic poll list with the Indiana election division is subject to a civil penalty imposed by the Indiana secretary of state.

(HEA 1157 §§ 55, 56 and 57; Effective date: July 1, 2013 [noncode]; Citations affected: IC 3-11-17-2 [May 9, 2013])

(HEA 1311 § 24; Effective date: July 1, 2013; Citation affected: IC 3-11-17-2[repealed])

(SEA 519 § 80; Effective date: July 1, 2013; Citation affected: IC 3-11-17-2[repealed])

## **Statewide Voter Registration System File Subscribers**

The annual subscription of a state political party (or other entities entitled by law to complete information from the statewide voter registration system) expires January 1 following payment of the subscription fee. The lists of voters generated by the statewide voter registration system cannot contain voter date of birth, gender, telephone or email address, voting history, voter identification number or date of registration unless provided to an entity such as a state political party which has paid the annual subscription fee for system information.

(SEA 519 §§ 36 and 38; Effective date: July 1, 2013; Citations affected: IC 3-7-26.3-29; IC 3-7-26.4-12)

## **Open Door Law- Executive Session Exception**

The governing body of a public agency may conduct an executive session closed to the general public to discuss strategy with respect to the initiation of litigation, including any judicial action or administrative law proceeding under state or federal law.

(HEA 1102 § 2; Effective date: July 1, 2013; Citation affected: IC 5-14-1.5-6.1)

## **Reclassification of Crimes and Expungement of Criminal Records**

Many election crimes are reclassified from Class D Felonies to Class 6 Felonies.

A court, upon following a new procedure, shall expunge records concerning minor Class D felony convictions, and some more serious felony convictions, under certain circumstances. A minor Class D felony record ordered expunged by the court is removed or sealed. A more serious felony record ordered expunged is marked as expunged but remains public record.

The civil rights of a person whose conviction has been expunged shall be restored, including the right to vote, **to hold public office**. In any application for employment, a license, **or other right or privilege**, a person may be questioned about a previous criminal record only in terms that exclude expunged convictions or arrests, such as: "Have you ever been arrested for or convicted of a crime that has not been expunged by a court?" A person whose record is expunged shall be treated as if the person had never been convicted of the offense.

(HEA 1006 §§ 4-56; Effective date: July 1, 2014; Citations affected: IC 3-14-1-1; 3-14-1-13; IC 3-14-2-1; IC 3-14-2-2.5; IC 3-14-2-3; IC 3-14-2; IC 3-14-2-9; IC 3-14-2-11 ;IC 3-14-2-12; IC3-14-2-13; IC 3-14-2-14; IC

3-14-2-15; IC 3-14-2-16; IC 3-14-2-17; IC 3-14-2-18; IC 3-14-2-19; IC 3-14-2-20; IC 3-14-2-21; IC 3-14-2-22; IC 3-14-2-23; IC 3-14-2-24; IC 3-14-2-25; IC 3-14-2-26; IC 3-14-2-27; IC 3-14-2-28; IC 3-14-2-29; IC 3-14-3-1.1; IC 3-14-3-3; IC 3-14-3-4; IC 3-14-3-5; IC 3-14-3-6; IC 3-14-3-7; IC 3-14-3-8; IC 3-14-3-9; IC 3-14-3-10; IC 3-14-3-11; IC 3-14-3-13; IC 3-14-3-14; IC 3-14-3-17; IC 3-14-3-18; IC 3-14-3-19; IC 3-14-3-20; IC 3-14-3-20.5; IC 3-14-3-21; IC 3-14-3-21.5; IC 3-14-4-; IC 3-14-4-1; IC 3-14-4-2; IC 3-14-4-3; IC 3-14-4-4; IC 3-14-4-6; IC 3-14-4-7; IC 3-14-4-8; IC 3-14-4-10; IC 3-14-6-1.1)  
(HEA 1482 §§ 3 and 4; Effective date: July 1, 2013; Citations affected: IC 35-38-8[repealed]; IC 35-38-9[New])

## **CITY AND TOWN ELECTIONS; MARION COUNTY ELECTIONS**

### **Absentee Voting in Municipal Elections**

Under current law, the county election board may adopt a unanimous resolution to reduce of the days and hours for in-person absentee voting in the clerk's office for a municipal primary, municipal election or special election. If the board adopts a resolution, then absentee ballots sent by mail, except for military and overseas absentee voters, may be processed and mailed by the election board the first business day in-person absentee voting begins in the clerk's office (current law requires mailing the ballot not more than 5 days after the delivery of absentee ballots, or on the day the absentee ballot application was received, whichever is later). Absentee ballots for military or overseas voters must continue to be sent not more than 5 days after the delivery of absentee ballots, or on the day the application was received, whichever is later.

(SEA 518 § 63; Effective date: July 1, 2013; Citation affected: IC 3-11-10-26.5)

### **Municipal Elections in Cities and Towns that Cross County Boundaries**

When a city or town is located in more than one county and the election is being conducted in a municipal rather than general election year, the county election board in the county that contains the greatest percentage of population of the city or town shall perform the following tasks:

- 1) Designate polling places for the election (which may be located in any county in which the political subdivision is located).
- 2) Appoint precinct election officers upon nomination by the county chairman of the county where the precinct is located and fill any vacancies for precinct election officers if a nomination is not timely made.

The county election board for each county shall perform the following tasks:

- 1) Provide the poll list for the voters in the county.
- 2) Receive and approve absentee ballot applications for voters in the county.
- 3) Issue certificates of error or other documents for the voters in the county.
- 4) Print ballots for the municipal election for voters in the county.
- 5) Conduct activity required to canvass and certify the votes cast by voters in the county pursuant to IC 3-12-5-2(b).

(HEA 1157 §§ 5, 25 and 26; Effective date: July 1, 2013; Citations affected: IC 3-6-5-15; IC 3-10-6-9 [repealed]; IC 3-10-6-10 [repealed])

### **Poll Workers Qualifications in Elections Run by Town Election Boards.**

An otherwise qualified voter of the county may serve as a poll worker in an election run by a town. The former requirement that a poll worker be a voter of the town is repealed.

(HEA 1157 § 27; Effective date: July 1, 2013; Citation affected: IC 3-10-7-22)

### **Town Incorporation**

Incorporation of a town may be initiated by filing a written petition of at least 10% of the owners of land of the proposed town with the county executive of the county that contains all or a majority of the area of the proposed town (prior law required a petition with 50% of the land owners to be filed with the county executive in each county in which the proposed town was located).

If any part of the proposed town is within 4 miles of the boundary of the of Indianapolis, or within 3 miles of the boundaries of a 2<sup>nd</sup> or 3<sup>rd</sup> class city, the petitions must seek the consent of the legislative bodies of these cities by ordinance. The city legislative body shall either consent or deny consent to the incorporation not later than 90 days after receiving the request. The city is considered to have consented to the request if it fails to respond not later than 90 days after receiving the request. The petition to incorporate must be accompanied by the ordinance of any city required to consent to incorporation. The petition must also include other information, including whether petitioners request a special election. If a special election is requested the petitions must indicate in the petition that they will pay for the special election.

If the county executive finds that the petition fails to satisfy the statutory requirements, then the county executive may **reject** the petition. If the petition is rejected, the county executive is required to set forth in writing and with specificity the manner in which a petition fails to meet the statutory requirements.

If the county executive finds that the petition satisfies the statutory requirements, the county executive may do any of the following:

- 1) Adopt an ordinance incorporating the town;
- 2) **Deny** the petition; or
- 3) Adopt a resolution to place a public question concerning incorporation on the ballot.

If a resolution is adopted to place the public question on the ballot election, the county executive shall request that the election be scheduled on the same date as a general or primary election or, if the petition requests a special election, the county executive may request a special election on a date other than a general or primary. If a special election is held the petitioners shall pay the costs of the special election.

If the county executive adopts a resolution to place a public question on the ballot the county executive shall file the resolution and the petition with the circuit court clerk of each county that contains any part of the territory sought to be incorporated and the circuit court clerk shall certify the resolution to the county election board. The county election board shall place the following public question on the ballot at the next regularly

scheduled election depending upon when the certification of the question was made under IC 3-10-9-3: "Shall (insert a description of the territorial boundaries) be incorporated as a town?"

The date of a special election shall be scheduled at least 30 days and not more than 60 days after the notice of election is published and not later the next election (whether primary or general) depending upon when the certification of the question was made under IC 3-10-9-3.

Not earlier than 60 days and not later than 30 days before the election, the petitioners shall publish a notice in accordance with IC 5-3-1 in each county where the proposed town is located. The notice must include, but is not limited to a description of the boundaries of the proposed town and the quantity of land contained in the territory of the proposed town. The petitioners shall submit proof of publication of the notice to the circuit court clerk of each county in which the proposed town is located. A defect in the form of the notice does not invalidate the petition.

Only the registered voters residing within the territory of the proposed town may vote on the public question.

If a majority of the voters residing within the territory of the proposed town vote "yes" on the public question, the county executive of each county in which the proposed town is located shall adopt an ordinance incorporating the town. The circuit court clerk shall certify the results of a public question under this section to the following:

- 1) The county executive of each county in which the proposed incorporated territory is located.
- 2) The county auditor of each county in which the proposed incorporated territory is located.
- 3) The department of local government finance.
- 4) The department of state revenue.
- 5) The state board of accounts.

If a majority of the voters residing within the territory of the proposed town vote "no" on the public question, the territory is not incorporated as a town. A new petition for incorporation may not be filed within 2 years of the election or within 2 years of the date of the denial of the petition by the county executive.

Petitions to incorporate filed prior to July 1, 2013 may be considered, adopted, approved, or disapproved under prior statute so long as final action is taken before July 1, 2014.

If the ordinance incorporating the new town is adopted no later than June 1 of an election year (rather than the deadline for absentee ballots to be delivered for that election), then the town officials are to be elected at the next following municipal or general election. .

(HEA 1186 §§ 1-8; Effective date: July 1, 2013; Citations affected: IC 36-5-1-2; IC 36-5-1-4; IC 36-5-1-7; IC 36-5-1-7.1; IC 36-5-1-8; IC 36-5-1-9; IC 36-5-1-10.1; Noncode)

(HEA 1157 § 97; Effective date: July 1, 2013; Citation affected: IC 36-5-1-10.1 (Amending § 8 of HEA 1186))

## **Town Dissolution**

The requirement to take a “census of town voters” before a special election to dissolve or change the name of a town is repealed. A list of town voters can now be generated using the statewide voter registration system.

(HEA 1157 § 98, 99, 100, 101, and 102; Effective date: July 1, 2013; Citations affected: IC 36-5-1-12; IC 36-5-1-13; IC 36-5-1-14; IC 36-5-1-15; IC 36-5-1-18)

## **Town Referendum- Changing Town to City**

With respect to a referendum changing a town to a city, a town legislative body is required to adopt a resolution not later than 30 days after a petition is filed for a referendum on changing the town into a city (there was no deadline for the adoption of a resolution under prior law). The date of the referendum shall not be later than the date of the next general or municipal election, whichever is earlier, at which the question can be placed on the ballot.

If a referendum to change a town to a city passes, the first election of city officers shall be held on the date of the next general or municipal election, whichever is earlier, following the date of the referendum.

(SEA 343 §§ 29 and 30; Effective date: July 1, 2013; Citations affected: IC 36-4-1.5-2; IC 36-4-1.5-3)

## **Marion County Only Election Changes**

A candidate for mayor of the consolidated city is required to reside in the city for at least one year (instead of five years) before taking office.

A candidate for the city-county council is required to reside within the council district for at least one year (instead of two years) before taking office.

A township board in Marion County consists of 5 (instead of 7) members with the November 2016 general election where 5 members will be elected.

Absentee ballots in Marion County shall be counted at a central location unless the county election board unanimously adopts a resolution that: 1) requires absentee ballots to be counted at individual precincts; and 2) states the county election board's basis for adopting the requirement. Marion County shall be subject to the provisions for counting absentee ballots cast on ballot cards, unless the county election board adopts a resolution adopting the provisions for counting absentee ballots cast on paper ballots.

Effective January 1, 2016, reduces the membership of the city-county council from 29 to 25 members by eliminating the members elected at-large.

If the division of the county into city-county council districts is reviewed by a panel of judges, the clerk of the court must keep a record of the method and process of selecting the panel of judges and make the record available for public inspection and copying.

(SEA 621 §§ 1, 2, 3, 4, 7, 8, 11 and 12; Effective date: July 1, 2013; Citations affected: IC 3-8-1-24; IC 3-8-1-25; IC 3-11.5-1-1.1; IC 3-11.5-4-.05[New]; IC 36-3-4-2; IC 36-3-4-3; IC 36-6-6-2; IC 38-6-6-3)

## RECOUNTS AND CONTESTS

### State Recount Commission Procedures

The state recount commission may order that an absentee ballot to be opened as part of recount proceedings.

(SEA 518 § 66; Effective date: July 1, 2013; Citation affected: IC 3-11-10-35)

The state police shall serve subpoenas, impoundment orders, and other orders issued by the state recount commission.

(SEA 518 § 81; Effective date: July 1, 2013; Citation affected: IC 3-12-10-9)

Although the original petitions and cross-petitions for a recount or contest may not be filed by email, any later filings by attorneys with the State Recount Commission may be made by email.

(SEA 518 § 82; Effective date: July 1, 2013; Citation affected: IC 3-12-10-12.5)

An appeal from State Recount Commission rulings regarding primary candidates and some general election candidates must be filed with the Court of Appeals (rather than Marion Circuit Court).

(SEA 518 § 83; Effective date: July 1, 2013; Citation affected: IC 3-12-10-18)

An election contest lawsuit may not be filed to challenge a candidate who receives the most votes in a primary and has been certified as deceased.

(SEA 518 § 84; Effective date: July 1, 2013; Citation affected: IC 3-12-11-1)

The Recount Commission (rather than the Secretary of State) provides notices of recount or contest petitions filed with the Election Division. The State Police deliver the notices.

(SEA 518 § 85; Effective date: July 1, 2013; Citation affected: IC 3-12-11-9)

The Recount Commission “accepts” contest petitions (rather than “grants” contest petitions) when the Commission orders a contest proceeding. The Recount Commission may give notice when the Commission orders a recount or contest proceeding by sending the notice by email to the party’s attorney, or if the party has not provided an email address, by certified mail. Procedure for giving notice of contests by certified mail in all cases is repealed if an electronic mail address for the person has been provided.

(SEA 518 §§ 86 and 88; Effective date: July 1, 2013; Citations affected: IC 3-12-11-12; IC 3-12-11-15)

State law concerning consolidation of petitions and cross-petitions refers to recounts and not to contests.

(SEA 518 § 87; Effective date: July 1, 2013; Citation affected: IC 3-12-11-13)

The State Recount Commission is not required to wait 2 days before proceeding with an election contest after the contest has been ordered.

(SEA 518 § 89; Effective date: July 1, 2013; Citation affected: IC 3-12-11-17)

### **Local Recount Commission Procedures**

After an election the county election board may, after adopting an order by unanimous vote and after filing a notice with the Secretary of State, inspect any vote total for a candidate on an electronic voting system. The current law requiring an order from the State Recount Commission before doing so is repealed. .

(SEA 518 §§ 76 and 97; Effective date: July 1, 2013; Citations affected: IC 3-12-4-18; 3-14-2-29)

The maximum amount of a bond required to be posted by a candidate in a local recount is established in state law (prior law set forth only the minimum amount of the bond required).

(SEA 518 § 77; Effective date: July 1, 2013; Citation affected: IC 3-12-6-10)

To be eligible to serve as a local recount commission member appointed as one of the two members of different major political parties, a person must have been qualified to vote in the election district (rather than be a voter of the county) for the office subject to the recount petition.

(SEA 518 § 78; Effective date: July 1, 2013; Citation affected: IC 3-12-6-16)

An election contest lawsuit may not be filed to challenge a candidate who receives the most votes in a primary and has been certified as deceased.

(SEA 518 §§ 79 and 80; Effective date: July 1, 2013; Citations affected: IC 3-12-8-1; IC 3-12-8-2)

## **PUBLIC QUESTIONS (REFERENDA)**

### **Local Government Reorganization Referenda Procedures**

Significant changes were made to the government reorganization procedures. Those changes relevant to processing petitions and placing a government reorganization public question on the ballot are discussed in this summary.

After December 31, 2013, the legislative bodies of the reorganizing political subdivisions (rather than a reorganization committee) shall prepare the reorganization plan that must be adopted by the legislative bodies before the proposed reorganization is placed on the ballot. The reorganization plan must contain an "approval threshold" (within minimum and maximum thresholds set forth in state law) for the public question if the plan involves: (1) a county and a municipality; or (2) a municipality and a township; for reorganizations voted on after December 31, 2013. (Under current law, "rejection thresholds" are optional and may be used only in a reorganization between a county and a municipality.)

Petitions may be filed by voters of a political subdivision to initiate a governmental reorganization, or to act on a government reorganization plan proposed by a reorganization committee (before December 31, 2013) or prepared by the legislative body of a political subdivision (after December 31, 2013) are to be filed with clerk of the political subdivision and forwarded to the county voter registration office for certification of signatures and whether a sufficient number of certified signatures has been filed (state law requires 5% of the votes cast for Secretary of State in the last election for that office for the former type of petition and 10% for the latter). In certifying signatures for a petition to initiate a governmental reorganization petition, the county voter registration office must disregard signatures dated 90 days after the petitions were filed with the clerk

In certifying signatures on petitions to act upon a proposed or prepared reorganization plan, the county voter registration office must disregard signatures dated 180 days after the 1 year anniversary of the proposal or preparation of the plan of reorganization, A petition filed after December 31, 2013 must contain each petitioner's signature, the date of petitioner's signature, printed name of petitioner, and the residence mailing address if the petitioner.

For reorganization plans prepared after December 31, 2013, the legislative bodies of the political subdivisions proposing reorganization must submit a fiscal impact analysis to the department of local government finance (DLGF) at least six months before the election in which the public question will be on the ballot. The DLGF shall do the following within a reasonable time, but not later than 30 days before the election on the public question: (1) Review the fiscal impact analysis. (2) Make any comments concerning the fiscal impact analysis that the DLGF considers appropriate. (3) Provide comments to the legislative body of the reorganizing political subdivisions and post the comments on the DLGF's Internet web site.

If the legislative bodies of all political subdivisions have been presented with petitions (on or before December 31, 2013), or prepared by the legislative body of a political subdivision (after December 31, 2013) but the legislative bodies of the political subdivisions proposing reorganization have not adopted a final plan of reorganization within 1 year after the initial plan of reorganization is presented, then the registered voters of a political subdivision may submit a petition to the clerk of the circuit court approving a final plan of reorganization and requesting that a public question be held on the final plan of reorganization. The petition must be submitted to the circuit court clerk not later than 180 days after the date that is 1 year after the initial plan of reorganization was presented to, or prepared by, the legislative body. In certifying the number of voters, the circuit court clerk shall disregard any signature on the petition that is dated more than 180 days before the date the petition was filed with the clerk. If the petition is signed by voters in the amount of at least 10% of the voter cast for Secretary of State in the last election for that office then the clerk of the circuit court shall certify approval of the final plan of the reorganization and the holding of the public question.

The legislative body of a reorganizing political subdivision shall certify the legislative body's final action on a plan of reorganization to everyone as provided under current law, including the county recorder of each county in which a reorganizing political subdivision is located and, with respect the political subdivision with the largest population the LDGF (but not to the chair of a reorganization committee after December 31, 2013). After the county recorder notifies a county election board that the recorder has received the certifications from all of the reorganizing political subdivisions, either from the legislative body of a political subdivision or from a clerk of the circuit court after a petition process, the county recorder notifies the county election board of each county in which a reorganizing political subdivision is located.

After June 30, 2013, once a county election board has been notified by the county recorder the board shall prepare and submit ballot language to the department of local government finance. The ballot language is required to contain a brief description of the reorganized political subdivision that will succeed the reorganizing political subdivisions. The department of local government finance shall certify its approval or recommendations to the county election board not more 10 days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified under IC 3-10-9-3 unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.

The legislative body of a reorganizing political subdivision may adopt a resolution rescinding the plan of reorganization previously adopted and certify the resolution to, among others, the county recorder of each county in which a reorganizing political subdivision is located. This type of resolution must be certified not later than July 15 to the clerk of each reorganizing political subdivision, and to the county fiscal officer and county recorder of each county in which a reorganizing political subdivision is located. The county recorder shall notify the county election board of each county in which a reorganizing political subdivision is located that the public question on the plan of reorganization is not eligible to be placed on the ballot.

In the case of a proposed reorganization between a municipality and a township that is voted on by voters after December 31, 2013: 1) the voters residing within the municipality shall be included only in the tally of votes for the municipality and shall not be included in the tally of votes for the township; and 2) the voters who reside within the township but do not reside within the municipality shall be included only in the tally of votes for the township and shall not be included in the tally of votes for the municipality.

Beginning with the date the final plan of reorganization is approved or considered approved and continuing through the date the public question on the reorganization is submitted to the voters, the political subdivision may not take certain actions to promote a position on the public question. A person or an organization that has a contract or arrangement (whether formal or informal) with a political subdivision to provide goods or services to the political subdivision: (1) may not spend any money to promote a position on the public question regarding reorganization; and (2) commits a Class A infraction by violating this restriction.

(SEA 518 §§ 101, 102 and 103); Effective date: July 1, 2013; Citations affected: IC 36-1.5-4-11; IC 36-1.5-4-26; IC 36-1.5-4-27)

(SEA 343 §§ 1-17, 19, 27 and 32; Effective date: January 1, 2014 unless otherwise indicated; Citations affected: IC 36-1.5-2-6[repealed]; IC 36-1.5-4-5; IC 36-1.5-4-10; IC 36-1.5-4-11; IC 36-1.5-4-12; IC 36-1.5-4-13; IC 36-1.5-4-15[repealed]; IC 36-1.5-4-16[repealed]; IC 36-1.5-4-17[repealed]; IC 36-1.5-4-18; IC 36-1.5-4-19; IC 36-1.5-4-20;; IC 36-1.5-4-22; IC 36-1.5-4-23; IC 36-1.5-4-23.5; IC 36-1.5-4-27.5[New]; IC 36-1.5-4-28[effective July 1, 2013]; IC 36-1.5-4-32; IC 36-1.5-4-46[New, Effective July 1, 2013]; IC 36-1.5-4-46 [Effective July 1, 2013] )

(HEA 1157 §§ 93, 95, 96); Effective date: July 1, 2013; Citations affected: Noncode[repealing SEA 343 § 4]; Noncode[repealing SEA 343 § 18]; IC 36-1.5-4-30)

### **Controlled Project Public Questions Deadlines**

The deadline for certifying a controlled project public question to the county election board is noon 74 days before the election (the deadline under prior law was noon 60 days before election). The deadline to withdrawal a controlled project public question is 63 days before the election (the deadline under prior law was 49 days before election). Obsolete references concerning controlled project public questions occurring in 2009 and 2011 are repealed.

(HEA 1157 § 73; Effective date: July 1, 2013; Citation affected: IC 6-1.1-20-3.6)

### **Town Referendum- Changing Town to City**

With respect to a referendum changing a town to a city, a town legislative body is required to adopt a resolution not later than 30 days after a petition is filed for a referendum on changing the town into a city (there was no deadline for the adoption of a resolution under prior law). The date of the referendum cannot be later than the date of the next general or municipal election, whichever is earlier, at which the question can be placed on the ballot.

If a referendum to change a town to a city passes, the first election of city officers shall be held on the date of the next general or municipal election, whichever is earlier, following the date of the referendum.

(SEA 343 §§ 29 and 30; Effective date: July 1, 2013; Citations affected: IC 36-4-1.5-2; IC 36-4-1.5-3)

**Public Question on Transfer of City or Town from Current Township to Adjacent Township**

The territory of a city or town (“an eligible municipality”) which has a township assistance property tax rate that exceeds a specified rate, and is not located in Marion County, may be transferred from its current township to an adjacent township following a referendum. The voters of the city or town may file a petition with the clerk of the city or town to allow the referendum. This petition must be signed by a number of voters at least equal to thirty percent (30%) of the number of votes cast in the city or town in the last election for secretary of state. If a “sufficient” petition is filed, the clerk of the city or town shall certify the petition to the county election board. A special election on the public question shall be held in the city or town “in the manner prescribed by IC 3-10-8-6”, which permits the county to consolidate polling places and reduce of the number of precinct election workers required to conduct the election. The special election shall be held on the date determined by the city or town council and not more than one year after the date the city or town clerk certifies the petition to the county election board. The city or town pays the cost of the special election.

The county election board shall place the following question on the ballot:

“Shall the territory of (insert the name of the city or town) be transferred from (insert the name of the current township) to an adjacent township?”

and certify the results of the special election to the county auditor, the city or town legislative body, the city or town executive, and the trustee and township board of each township that includes territory of the city or town.

If at least two-thirds of the voters voting in the special election vote “yes” on the public question, then the city or town council may, within one year after the special election, submit a petition to one or more adjacent townships requesting that the township accept the transfer of the territory of the city or town into the township. A township board which receives this petition may adopt a resolution (within one year following the date that the township receives the petition) accepting the transfer and specifying the date on which the transfer is effective. The territory of the city or town may not be transferred to an adjacent township using this procedure, and no subsequent special election may be held under this statute if any of the following occur: (1) less than two thirds of the voters vote “yes” on the public question; (2) if no adjacent township adopts a resolution to accept the transfer of the territory of the city or town within one year after the township board receives the petition; or (3) if the city or town council does not submit a petition to one or more adjacent townships within one year after the special election.

If the township board adopts a resolution accepting the transfer of the city or town’s territory, the territory is transferred and becomes part of the township adopting the resolution on the date specified in the resolution. If more than one township board adopts a resolution accepting the transfer of the city or town’s territory, the territory is transferred and becomes part of the first township to adopt the resolution. However, the transfer of territory may not take effect during the year preceding a year in which a federal decennial census is conducted. Instead, the transfer occurs on January 2 of the year in which the federal decennial census is conducted.

(HEA 1585 §§ 10; Effective date: July 1, 2013; Citations affected: IC 36-1-1.5 [New])

## **Central Indiana Transit Study Committee; Public Question**

A central Indiana transit study committee is established to study, among other things, the issue of whether a referendum should be used in the process of establishing a transit district and, if a referendum should be used in the process, when the referendum should occur, and make recommendations to the general assembly on these issues, which may not include a recommendation for the holding of referendum before November 2014.

(HEA 1011 § 2; Effective date: May 9, 2013; Citation affected: Noncode)

## **MISCELLANEOUS TECHNICAL CHANGES**

### **Legislation Affecting Courts or Creating New Courts**

A second judge is added to the Owen circuit court. A unified circuit court is established in Owen County with divisions, division 1 and division 2, with judges for each division as of January 1, 2015. The initial election of the second judge of the Owen circuit court is the general election on November 4, 2014. The term of the initially elected judge begins January 1, 2015.

(SEA 486 §§ 3-10 , Effective date: July 1, 2013; Citations affected: IC 33-33-60-1.1[New]; IC 33-33-60-2[New]; IC 33-33-60-3[New]; IC 33-33-60-4[New]; IC 33-33-60-5[New]; IC 33-33-60-6[New]; IC 33-33-60-7[New]; IC 33-33-60-8[New] )

### **Correcting or Removing Obsolete References and Cross-References**

Obsolete references to “pasters” formerly used to correct ballots and to ballots formerly printed by the election division are repealed.

(SEA 518 §§ 1, 42, 43, 45, 47, 50 and 64; Effective date: July 1, 2013; Citations affected: IC 3-5-2-35; IC 3-11-2-3; IC 3-11-2-4; IC 3-11-2-16; IC 3-11-3-29; IC 3-11-3-30; IC 3-12-1-16)

(SEA 519 § 18, Effective date: July 1, 2013; Citation affected: IC 3-6-5-14)

(HEA 1157 § 32; Effective date: July 1, 2013; Citation affected: IC 3-11-3-29.5)

Obsolete references to ballots formerly printed by the election division were repealed.

(SEA 518 §§ 69, 70, 71, 72; Effective date: July 1, 2013; Citations affected: IC 3-11-14-5; IC 3-11-14-6; IC 3-11-14-7; IC 3-11-14-8)

(HEA 1157 §§ 30, 31 and 32; Effective date: July 1, 2013; Citations affected: IC 3-11-2-10; IC 3-11-3-4; IC 3-11-3-29.5)

Obsolete references to superseded 1990 and 2002 voting system standards are repealed.

(HEA 1157 §§ 52 and 53; Effective date: July 1, 2013; Citations affected: IC 3-11-15-26; IC 3-11-15-32)

References to “county voter registration office” corrected.

(SEA 518 § 28; Effective date: July 1, 2013; Citation affected: IC 3-8-6-11)

(SEA 519 § 21, 49 and 50; Effective date: July 1, 2013; Citations affected: IC 3-7-12-26; IC 3-7-31-2; 3-7-31-1)

(HEA 1157 §§ 75, 76 and 77; Effective date: July 1, 2013; Citations affected: IC 12-14-1.5-8; IC 12-15-1.5-8; IC 16-35-1.6-9)

(HEA 1311 § 7; Effective date: July 1, 2013; Citations affected: IC 3-7-48-1)

Obsolete references to the creation and maintenance of a separate “memoranda” concerning new voter registration applications, “permanent registration record”, and “affidavit” of voter registration record, are repealed or updated. This information or record is now stored in, and available from in the form of reports and poll lists, the SVRS.

(SEA 519 §§ 40-45; Effective date: July 1, 2013; Citation affected: IC 3-7-27-8[repealed]; IC 3-7-27-9 [repealed]; IC 3-7-27-10[repealed]; IC 3-7-28-1; IC 3-7-28-2; IC 3-7-28-3)

(HEA 1311 §§ 7 and 13; Effective date: July 1, 2013; Citations affected: IC 3-7-48-1; IC 3-10-1-24.6)

Cross-reference to circuit court judge appointment revised to reflect changes to statute governing circuit court judge election schedule when a vacancy occurs. .

(SEA 518 § 100; Effective date: July 1, 2013; Citation affected: IC 33-33-36-3.5)

Reference to state election board updated to Indiana election commission.

(SEA 518 § 104; Effective date: July 1, 2013; Citation affected: IC 36-1.5-4-30)

Reference to Co-Directors of the Indiana Election Commission updated to refer to Co-Directors of the Indiana Election Division.

(SEA 519 § 20; Effective date: July 1, 2013; Citation affected: IC 3-7-11-1)

An updated cross-reference is added to the statute listing the absentee statutes that are not applicable in counties that have adopted a resolution to count absentee ballots at a central location.

(HEA 1157 § 59; Effective date: July 1, 2013; Citation affected: IC 3-11.5-1-4)

A cross reference to voter registration applications required to be available at the polling place under current law is added to statute describing what the county election board is required to deliver to the inspector.

(HEA 1311 § 15; Effective date: July 1, 2013; Citation affected: IC 3-11-3-11)

Two versions of the same statutory section involving the absentee ballot record passed in 2012 are reconciled in a technical corrections bill.

(SEA 85 § 1 Effective date: April 1, 2013; Citation affected: IC 3-11-4-17)

An obsolete reference to challenges to voters at the precinct being resolved by precinct election boards is repealed.

(HEA 1157 § 6; Effective date: July 1, 2013; Citation affected: IC 3-6-6-30)

Obsolete references to keeping duplicate copies of voter registration forms in the county voter registration office and references to bringing binders of original registrations to the polls are repealed.

(HEA 1157 §§ 8 and 9; Effective date: July 1, 2013; Citation affected: IC 3-7-27-15; IC 3-7-27-16)

Obsolete reference to a starting date for providing voter registration information is repealed consistent with the repeal of the referenced date in 2011.

(HEA 1157 § 10; Effective date: July 1, 2013; Citation affected: IC 3-7-28-14)

Since all military voters may register up to day 10 before the election, an obsolete special procedure for certain military voters to register up to day 10 is repealed. Likewise, references to the 10 day deadline are updated in a statute providing a late registration procedure for certain military voters subject to recent move or discharge orders to register after the 10 day deadline through noon on election day at the clerk's office. A cross-reference regarding the military and overseas extended registration deadline is also added to general provision on registration deadlines.

(HEA 1157 §§ 7, 12, 13, 41 and 61; Effective date: July 1, 2013; Citations affected: IC 3-7-13-10; IC 3-7-36-11[repealed]; IC 3-7-36-14; IC 3-11-8-23; IC 3-11.7-2-1[repealing cross-reference to repealed IC 3-7-36-11])

Cross-references to election crimes in Title 3 are added to the criminal code (Title 35).

(SEA 519 §§ 93-97; Effective date: July 1, 2013; Citations affected: IC 35-51-3-1; IC 35-51-3-2[New]; IC 35-51-3-3[New]; IC 35-51-3-4[New]; IC 35-51-3-6[New])

A cross-reference to the provisional ballot procedures to be followed by the county election board in determining whether to count a challenged absentee ballot processed at a central location is corrected.

(HEA 1311 § 30; Effective date: July 1, 2013; Citation affected: IC 3-11-1.5-16)

### **Relocates Existing Law Regarding Filing Error**

Law providing that candidate filing error made by state or county office does not invalidate a candidate filing is relocated in a new section.

(SEA 518 §§ 9 and 10; Effective date: July 1, 2013; Citations affected: IC 3-8-1-1; IC 3-8-1-1.1 [New])

## **Census Data Advisory Committee Study Topics**

The Census Data Advisory Committee is charged with the following study topics:

- 1) Methods for enabling an emergency first responder responding to an emergency to receive an absentee ballot or absentee ballot application by email or fax.
- 2) The impact of sending a voter a written communication containing false vote history information regarding that voter.
- 3) Standards for determining residence of voters, candidates, and officeholders.
- 4) Allegations of voter suppression of African-Americans, Latinos, other ethnic minorities and the elderly.
- 5) Allegations of election fraud, including absentee voting, candidate fling, voter registration, and the voting process.
- 6) Methods for improving election administration by reducing lines at polling places.
- 7) Methods for reducing election costs.
- 8) Issues related to local government redistricting.
- 9) Electioneering at the polls and other places where voting occurs and to make any recommendations for appropriate legislation.
- 10) The election day voting process, including ways to ensure that every voter in line at the hour for closing the polls, and only those voters, may vote

(SEA 518 § 105; Effective date: July 1, 2013; Citation affected: Noncode)

(HEA 1311 § 54; Effective date: July 1, 2013; Citation affected: Noncode)

(SEA 250 § 2; Effective date: July 1, 2013; Citation affected: Noncode)

(SEA 388 § 2; Effective date: July 1, 2013; Citation affected: Noncode)