IC 3-6-4.2

Chapter 4.2. Election Division

IC 3-6-4.2-1

Establishment

Sec. 1. The election division is established within the office of the secretary of state.

As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-2

Administration

Sec. 2. (a) The secretary of state shall perform all ministerial duties related to the administration of elections by the state.

(b) The election division shall assist the commission and the secretary of state in the administration of this title.

As added by P.L.8-1995, SEC.19. Amended by P.L.3-1997, SEC.29.

IC 3-6-4.2-2.5

Election division to assist secretary of state in HAVA administration

Sec. 2.5. The election division shall assist the secretary of state in the implementation of HAVA.

As added by P.L.209-2003, SEC.8.

IC 3-6-4.2-3

Co-directors

Sec. 3. (a) The governor shall appoint two (2) co-directors for the election division.

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

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

(B) Maintain an office for the election division.

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

(c) The co-directors have equal authority and responsibilities under this title.

(d) The co-directors must:

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

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

As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-3.2

Co-directors; terms

Sec. 3.2. A co-director serves a term of four (4) years, beginning January 1, 1999, and continuing until the co-director's successor has been appointed and qualified.

As added by P.L.3-1997, SEC.30.

IC 3-6-4.2-4
Employees
Sec. 4. The co-directors shall employ other employees as necessary in the execution of the powers and duties of the commission.
As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-5
Political affiliation of employees
Sec. 5. The employees of the election division must be divided equally between the major political parties of the state.
As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-6
Number of employees
Sec. 6. Subject to section 5 of this chapter, the co-directors may each employ an equal number of employees.
As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-7
Funding for employees
Sec. 7. Equal funding shall be provided to each co-director with which to employ employees under section 6 of this chapter.
As added by P.L.8-1995, SEC.19. Amended by P.L.66-2003, SEC.3.

IC 3-6-4.2-8
Vacancy in co-director position
Sec. 8. (a) When a vacancy in a co-director position occurs, the secretary of state shall notify the governor and the state chairman of the political party of which the individual vacating the position is a member.

(b) The state chairman may submit to the governor in writing, within thirty (30) days after notice of the vacancy, the names of two (2) individuals to fill the vacancy. If the state chairman submits the names of two (2) individuals within the thirty (30) day period, the governor shall appoint one (1) of the two (2) individuals to fill the vacancy. If the state chairman fails to submit the names of two (2) individuals within the thirty (30) day period, the governor shall, within another ten (10) days, appoint an individual of the same political party as the state chairman to fill the vacancy.

(c) If a state chairman fails to submit in writing the name of a qualified successor within thirty (30) days after the state chairman is notified by the secretary of state of a vacancy, the governor shall:

(1) appoint a member of the political party of the state chairman to fill the vacancy; and

(2) notify the state chairman of the selection.

(d) The state chairman may disapprove the selection by notifying the governor within seven (7) days after receiving notice of the governor's appointment. If the state chairman disapproves the selection within the seven (7) day period, the governor shall make

another appointment under subsection (b) which is subject to disapproval of the state chairman under this subsection. If the state chairman does not disapprove the appointment within the seven (7) day period, the individual appointed by the governor shall be employed as the co-director.
As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-9
Budget estimates
Sec. 9. The secretary of state shall submit biennial budget estimates for the commission and the election division in the manner and form required by law. Funds shall be expended only in the manner and form required by law.
As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-10
Audits and investigations
Sec. 10. (a) An audit or investigation authorized by the commission concerning administration of election laws shall be conducted by at least two (2) state employees divided equally between the major political parties of the state.
(b) Notwithstanding subsection (a) or any statutory provisions to the contrary, the co-directors shall assist in the following actions upon authorization of the commission:
(1) A hearing or an investigation conducted by the commission under:
(A) IC 3-7-11 (voter registration violations under NVRA or IC 3-7); or
(B) IC 3-9-4-15 (campaign finance violations).
(2) An examination or a test of a voting system for the commission.
As added by P.L.8-1995, SEC.19. Amended by P.L.4-1996, SEC.12.

IC 3-6-4.2-11
Reserved

IC 3-6-4.2-12
Duties
Sec. 12. The election division shall do the following:
(1) Prepare and distribute paper ballots for the election or retention of persons to federal and state offices and for public questions in compliance with this title.
(2) Maintain complete and uniform descriptions and maps of all precincts in Indiana.
(3) Promptly update the information required by subdivision (2) after each precinct establishment order is filed with the commission under IC 3-11-1.5.
(4) Issue media watcher cards under IC 3-6-10-6.
(5) Prepare and transfer to the department of state revenue voter registration affidavits for inclusion in state adjusted gross

income tax booklets under IC 6-8.1-3-19.

(6) After December 31, 2003, serve in accordance with 42 U.S.C. 1973ff-1(b) as the office in Indiana responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

(7) As required by 42 U.S.C. 1973ff-1(c), submit a report to the federal Election Assistance Commission not later than ninety (90) days after each general election setting forth the combined number of absentee ballots:

(A) transmitted to absent uniformed services voters and overseas voters for the election; and

(B) returned by absent uniformed services voters and overseas voters and cast in the election.

(8) Implement the state plan in accordance with the requirements of HAVA (42 U.S.C. 15401 through 15406) and this title, and appoint members of the committee established under 42 U.S.C. 15405.

(9) Submit reports required under 42 U.S.C. 15408 to the federal Election Assistance Commission concerning the use of federal funds under Title II, Subtitle D, Part I of HAVA.

As added by P.L.3-1997, SEC.31. Amended by P.L.209-2003, SEC.9.

IC 3-6-4.2-12.1

State HAVA plan; HAVA committee; membership; per diem; expenses

Sec. 12.1. (a) This section applies to the development, implementation, and amendment of the state plan under HAVA (42 U.S.C. 15401 through 15406).

(b) An individual appointed by the co-directors to serve on the committee established to develop the state plan to implement HAVA under 42 U.S.C. 15405 is entitled to receive the compensation or reimbursement provided under subsection (d) or (e).

(c) For purposes of subsection (d), an individual who holds:

(1) a state office is considered an employee of the state; or

(2) an office of a political subdivision is considered an employee of the political subdivision.

(d) Each member of the committee who is not a state employee or an employee of a political subdivision is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) Each member of the committee who is a state employee or an employee of a political subdivision is entitled to reimbursement for travel expenses and other expenses actually incurred in connection

with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) The committee's expenses, including the payment of per diem and reimbursements under this section, shall be paid from the Section 101 account of the election administration assistance fund established under IC 3-11-6.5.

As added by P.L.209-2003, SEC.10.

IC 3-6-4.2-12.5

Duty of secretary of state to apply for grants for accessibility of polling places to disabled voters; information regarding accessible polling places; consent of co-directors

Sec. 12.5. (a) As authorized under 42 U.S.C. 15421, the secretary of state with the consent of the co-directors of the election division shall apply to the Secretary of Health and Human Services for payments under the HAVA (42 U.S.C. 15421 through 15425) to do the following:

(1) Make polling places (including the path of travel, entrances, exits, and voting areas of each polling place) more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters.

(2) Provide individuals with disabilities and other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

(b) If the secretary of state receives payments from the Secretary of Health and Human Services under 42 U.S.C. 15421 through 15425, the election division shall expend the money as described in the application submitted under 42 U.S.C. 15423.

As added by P.L.209-2003, SEC.11.

IC 3-6-4.2-13

Assistance from state police department

Sec. 13. (a) The state police department and all state police officers shall assist the election division, on request, in the enforcement of the election laws and the discharge of the election division’s duties, including the use of state police radio and telephone service on election days.

(b) The state police department or a state police officer may not supplant or interfere with a local law enforcement officer or precinct election officer in the discharge of official duties.

As added by P.L.3-1997, SEC.32.

IC 3-6-4.2-14

Members of county election boards and boards of registration; instructional meeting; compensation and expenses

Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title and federal law (including HAVA and NVRA). The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

(b) Each circuit court clerk shall attend a meeting called by the election division under this section.

(c) The co-directors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

(1) may conduct the meeting before the first day of the year; and

(2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

(d) Each member of a county election board or board of registration and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following:

(1) A per diem of twenty-four dollars ($24) for attending the instructional meeting called by the election division under this section.

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee from the county general fund without appropriation.

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

As added by P.L.3-1997, SEC.33. Amended by P.L.38-1999, SEC.5; P.L.26-2000, SEC.2; P.L.209-2003, SEC.12.