

2025 ELECTION LEGISLATION

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1

ABSENTEE BALLOTS

Absentee Ballot Application Mailing Disclaimer

A person, other than a state or local election official, who mails an absentee ballot application to another individual without a disclaimer identifying the person who sent the application and stating that the application was not solicited by the person who received it and was not sent by a state or local official, violating IC 3-11-4-2(f), commits a Class A misdemeanor. (IC 3-14-1-3)

Absentee Ballot Activity Report

Requires that a county must provide absentee activity reports produced by the statewide voter registration system (SVRS) and other election day reports not later than 10 a.m., noon, 2 p.m., and 4 p.m. local time on election day. However, the county election board may adopt a policy by unanimous vote to provide the reports at alternative times on election day. (IC 3-7-27-6.5[NEW])

2

ABSENTEE BALLOTS

Dated Signatures on Absentee Ballot Envelopes

Absentee ballots where the absentee ballot counters find the voter's affidavit does not contain an accurate date of their signature must be rejected. This applies to any absentee ballot using a ballot security envelope, whether to vote by mail, travel board, or during in-person early voting. (IC 3-11.5-4-13)

Marking Primary Ballot Choice on Electronic Poll Book During Early Voting

A voter casting an absentee ballot in a primary election before an absentee voter board during early voting shall mark the voter's political party ballot selection on the electronic poll book instead of communicating the selection to the poll clerks. This requirement already applies to election day voting. (IC 3-11-10-26)

Replacement Absentee Ballot

A voter may request a replacement ballot by submitting the ABS-5 form (Statement Concerning a Defective, Lost, Destroyed, or Spoiled Absentee Ballot) to a county election board by email. Previously the ABS-5 could only be returned by mail or hand-delivery. (IC 3-11-4-17.7, IC 3-11.5-4-2)

3

CAMPAIGN FINANCE

Candidate Claiming to be Incumbent in Political Advertising

A candidate does not falsely claim to be an incumbent for the elected office they are running for if the candidate's paid political advertising and campaign materials only contains the candidate's name and the office they seek without the words: 'elect', 'vote', or 'for'. (IC 3-9-3-5)

Campaign Contributions Through Third-Party Electronic Payment Platforms

A committee who receives a contribution made through a third-party electronic payment platform must report the total amount received before fees or charges from the payment platform are applied in the contribution sections of the committee's campaign finance report (Schedule A of the CFA-4 Report of Receipts and Expenditures or CFA-11 Supplemental Large Contribution Report). Any fees or charges from the payment platform must be reported as an expenditure by the committee on Schedule B of their CFA-4 Report of Receipts and Expenditures. (IC 3-9-5-14)

4

Foreign National Contributions Prohibited on Public Questions

A foreign national may not make a contribution in connection with a public question authorized or required by state law.

The treasurer of the PAC must confirm in each of the PAC's campaign finance reports that the PAC has not knowingly or willfully received, solicited, or accepted, either directly or indirectly, contributions or expenditures from a foreign national that exceed \$50,000 in total within the four years immediately preceding the date of the contribution. A report filed by the treasurer of a PAC must include an affirmation by the treasurer that the person making a contribution of any amount is not a foreign national.

A foreign national may not direct, dictate, or control the decision-making process of a person's activity to influence a public question such as making a contribution or expenditure to influence a public question. A foreign national may not directly or indirectly solicit another person to make a contribution or expenditure to influence an election on a public question.

(IC 3-9-2-11, IC 3-9-2-11.5, IC 3-9-5-14, IC 3-9-5-18)

5

INDEPENDENT EXPENDITURES ON PUBLIC QUESTIONS

A person making an independent expenditure that exceeds \$5,000 regarding a public question shall file a report within 48 hours certifying and affirming that: 1) there are no contributions from a foreign national; 2) the person has not accepted contributions that exceed \$50,000 in total from a foreign national within four (4) years prior to the date of the independent expenditure and; 3) that the person will not receive contributions or have expenditures made by a foreign national during the remainder of the calendar year in which the public question will appear on the ballot. The report form will be prescribed by the Indiana Election Division.

A determination from the county election board or Indiana Election Commission that a person has accepted funds from a foreign national, in excess of \$50,000 in total within 4 years previously or during the calendar year in which the public question appears on the ballot creates a presumption that the prohibition described above has been violated. (IC 3-9-9)

PAC CONTRIBUTIONS ON PUBLIC QUESTIONS

Before accepting a contribution to influence an election on a public question, a treasurer of a political action committee (PAC) shall obtain from the person offering the contribution certification that the person is not a foreign national and has not knowingly or willfully accepted contributions that exceed \$50,000 in total from one or more prohibited source within 4 years prior to date the contribution is offered.

A PAC supporting or opposing a public question must certify, on the PAC's statement of organization (CFA-2), that no preliminary activity was funded by a prohibited source before the committee filed the CFA-2. (IC 3-9-1-4, IC 3-9-1-25)

6

Internal Campaign Finance Records

A political action committee (PAC) that makes a contribution or expenditure and a person who makes an independent expenditure to influence an election on a public question must obtain and keep receipted bills, cancelled checks, or other proof of payment, stating the particulars for each expenditure made by or on behalf of a committee or person.

The treasurer of any PAC or a person who makes an independent expenditure shall preserve all receipts and accounts for 3 years or 1 year after the date of dissolution of the committee; whichever occurs first. (IC 3-9-1-24)

School Board Campaign Finance Filings with County Election Board

Candidates and committees for school board candidates, when required to file campaign finance statements and reports, must file with the county election board of each county in the school district. (IC 3-9-5-4)

7

CAMPAIGN FINANCE DEFINITIONS

Auxiliary Party Organization

The definition of auxiliary party organization is revised to state that an organization is an auxiliary party organization if the organization has made annual expenditures of less than \$10,000 in one of the last 2 years. Previously, the definition noted a committee had to have a budget of less than \$5,000 in one of the last 2 years in order to be defined as an auxiliary party committee. All other qualifications for an auxiliary party organization are unchanged. (IC 3-5-2-2.5)

Candidate

'candidate' is expanded to include a current officeholder, ensuring all officeholders keep campaign finance committees open for the duration of their time in office. (IC 3-5-2-6)

Contribution

Contribution is expanded to include a donation of funds and other property to influence an election on a public question and a donation or property through a third-party electronic payment platform that acts as a conduit. (IC 3-5-2-15; IC 3-9-2-5)

8

CAMPAIGN FINANCE DEFINITIONS

Independent expenditure means an expenditure by a person expressly advocating the approval or rejection of a public question. IC 3-5-2-27.1[NEW])

For purposes of the prohibition on accepting contributions from foreign nationals, "preliminary activity" includes conducting a poll, drafting language for a public question, the planning and use of a focus group, a telephone call, or engaging in travel. (IC 3-5-2-40.2[NEW])

9

PHOTO ID

'Proof of identification' no longer includes a document issued by a state educational institution such as an Indiana college or university identification card that also included the voter's name, photograph, and expiration date.

(IC 3-5-2-40.5)

10

ELECTION ADMINISTRATION

Office of the Circuit Court Clerk Hours on Election Day

The office of the clerk must remain closed on primary and general election day. The clerk shall perform the duties required to conduct elections on primary and general election day but is not required to perform a duty other than conducting elections. (IC 3-5-4-NEW)

County Election Board Chairman

If the chairman of the county election board vacates the office, the circuit court clerk will serve as acting chairman until the vacancy is filled. The clerk will notify the political party chairman of the member who served as chairman of the county. To select a new election board chairman, the clerk will call a meeting of the county election board who shall select one of the appointed members to serve as chairman. The term of a county election board chairman ends January 1, following the election of the county circuit court clerk. (IC 3-6-5-8)

County Notice of an Election

Candidate addresses for candidates are no longer to be printed by a county election board in the public notice of a primary or special election (CAN-9 for a primary election and CAN-39 for a special election). This does not change the public notice for a general election (CAN-39), as candidate addresses already were not included.

A county election board is not required to list precinct committeemen or state convention delegates in the primary election public notice. (IC 3-8-2-19, IC 3-10-8-4)

11

PUBLIC QUESTIONS

Public Questions Must be on General Election Ballot

A referendum or local public question may only be placed on the ballot at a general election held in an even-numbered year. Certification of a local public question under this subsection must occur not later than noon August 1. (IC 3-10-9-3)

2025 Exemption

The governing body of a school corporation that adopts a resolution to place a school tax levy referendum on the ballot on or before June 30, 2025, is eligible to place the referendum question on the ballot in the fall of 2025. (IC 20-46-1-23[NEW])

12

Paid Leave for Local Government Employees Working the Polls

A county, city, town, township, or school corporation employee is entitled to a day of paid leave from their employer if the employee requests leave to serve as a poll worker on election day. Specifies that an employee receiving this paid leave is also entitled to receive poll worker pay by the county for their work at the polls. Specifies that the paid leave requirement does not apply to an employee who is performing public safety duties or duties necessary for election day operations. This does not apply to other election administrative positions such as absentee voter board members, absentee ballot counters, provisional ballot counters, party appointed watchers, challengers, and poll book holders. (IC 3-5-4-15(NEW))

Appointing Election Day Watchers in a Primary or School Board Election

Two or more candidates for an elected office or precinct committeemen on the same political party ballot at the primary election, or any candidate running for election as a member of a school board at a general election, may appoint Election Day watchers by filing a written statement with the circuit court clerk. If two or more candidates of the same party at the primary election do not sign a statement indicating their desire for watchers, the county chairman may appoint a watcher in each precinct where the political party has a candidate on the ballot. (IC 3-6-9-1, IC 3-6-9-1.5(NEW))

Primary Election Challenges by Voter

A voter of any precinct in the county may challenge another voter in the same polling location or vote center, alleging the voter is not qualified to vote in the party primary the voter requests to vote. (IC 3-10-1-9)

Challengers, Pollbook Holders or Watcher Entry to Polls

Clarifies that a challenger, pollbook holder, or watcher for a political party or certain candidates may enter, leave, and reenter multiple polling places at any time on election day. (IC 3-6-7-5, IC 3-6-8-4, IC 3-6-8-5)

13

THANK YOU!

14