



2014 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 2014. 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.

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 2014 Regular Session of the Indiana General Assembly enacted the following election-related bills:

Public Law 13-2014 (House Enrolled Act 1096): Voting Systems
Public Law 55-2014 (Senate Enrolled Act 185): Initials on Ballots
Public Law 64-2014 (Senate Enrolled Act 385): Miscellaneous Voter Registration and Election Matters
Public Law 73-2014 (House Enrolled Act 1134): Political Activity on Homeowners Association Property
Public Law 76-2014 (House Enrolled Act 1318): Miscellaneous Election Matters
Public Law 77-2014 (House Enrolled Act 1346): Allen County Public Question
Public Law 153-2014 (Senate Enrolled Act 176): Central Indiana Transit Public Question
Public Law 155-2014 (Senate Enrolled Act 207): School Public Question Ballot Language
Public Law 224-2014 (SJR 9): Constitutional Amendment Regarding Hunting and Fishing
Public Law 225-2014 (HJR 3): Constitutional Amendment Regarding Marriage

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

Public Law 2-2014 (Senate Enrolled Act 24): Technical Corrections
Public Law 50-2014 (Senate Enrolled Act 32): Public Official Bonding Study Committee
Public Law 53-2014 (Senate Enrolled Act 80): Interim Legislative Study Committees
Public Law 72-2014 (Senate Enrolled Act 1121): Administrative Adjudications
Public Law 168-2014 (House Enrolled Act 1006): Technical Corrections
Public Law 169-2014 (House Enrolled Act 1008): Criminal Statutes Codified Outside of Title 35
Public Law 180-2014 (House Enrolled Act 1041): Oaths and Acknowledgements of Documents
Public Law 181-2014 (House Enrolled Act 1155): Expungement
Public Law 216-2014 (House Enrolled Act 1237): BMV fees for Photo ID

VOTER REGISTRATION

Mail Returned for “Unknown or Insufficient” Address

A mailing is considered to have been returned by the United States Postal Service due to an “unknown or insufficient address” when one or more of substantially the following statements are made on the mailing by the United States Postal Service or a person residing at the address to which the mailing was sent:

- 1) Attempted-Not Known.
- 2) Box Closed.
- 3) Deceased.
- 4) Forwarding time expired.
- 5) Insufficient Address.
- 6) Left No Address.
- 7) Moved.
- 8) No such number.
- 9) No such office in state.
- 10) No such street.
- 11) Not deliverable as addressed.
- 12) Refused.
- 13) Returned for better address.
- 14) Returned to sender.
- 15) Unable to forward.
- 16) Unclaimed.
- 17) Undeliverable as addressed.
- 18) Vacant.

(SEA 385 § 4; Effective date: March 24, 2014; Citation affected: IC 3-5-2-49.7[new])

Election Division to Provide Indiana District Courts Registration Information

The clerks of the Northern and Southern District federal courts may obtain voter registration information from the Indiana election division’s statewide voter registration system for jury management purposes without payment of the \$5,000 fee required from other subscribers for this information.

(SEA 385 §§ 8 and 9; Effective date: March 24, 2014; Citation affected: IC 3-7-26.4-6, IC 3-7-26.4-12)

Online Voter Registration Procedures

When an individual submits a Indiana driver’s license, or Indiana identification card for nondrivers, number while registering online and the number cannot be confirmed by BMV as a valid license or card then the online voter registration system must display an error message to the individual and not permit the individual to proceed with the application process until a valid number is provided.

(SEA 385 § 10; Effective date: March 24, 2014; Citation affected: IC 3-7-26.7-6)

Certified Statement of Acceptance Exemptions

Employees of “full service voter registration agencies” (BMV, FSSA, WIC, or DWD) who voluntarily return completed mail-in form voter registration applications (state form VRG-7) to a county voter registration office, along with the regular full service agency forms (state form VRG-6), are not required to complete the “Certified Statement of Acceptance” affidavit on the voter registration application.

County voter registration officers acting in their official capacity are not required to complete the “Certified Statement of Acceptance” affidavit on the voter registration application.

In addition, a poll worker who receives a completed voter registration application in their official capacity as a poll worker is not required to complete the “Certified Statement of Acceptance” affidavit on the voter registration application.

(SEA 385 § 14; Effective date: March 24, 2014; Citation affected: IC 3-7-32-8)

Acknowledgement Notices Not Required for Name Changes and Address Changes within Precinct

A county voter registration office is not required to mail an acknowledgment notice to a voter registration applicant that would place that applicant in “pending” in the SVRS when the voter indicates only a change of name, or a change of address within the precinct, or both, on a registration application, an absentee ballot application or at the polls on election day. Instead, the county can process these changes in SVRS as “corrections.” A change of name and change of address within the same precinct is effective immediately and the voter may then vote after indicating a change as described above if otherwise qualified.

On election day in counties using paper poll books, the voter may indicate name changes and address changes within the precinct by either one of the following: 1) a written affirmation made on the poll book; or 2) an oral affirmation before the poll clerks who are required to write the substance of the affirmation on the poll list (“Voter _____ has affirmed that she moved from 12 North Main to 55 West St., for example). The clerks shall initial the poll list next to the writing that documents the address change within the precinct.

On election day in counties using an electronic poll book, the voter may indicate name changes and address changes within the precinct by either one of the following: 1) a written affirmation on a blank Affidavit of Request for Transfer of Voter Registration (VRG 4/12); or 2) an oral affirmation before the poll clerks who shall document the affirmation on a blank Affidavit of Request for Transfer of Voter Registration (VRG 4/12).

(SEA 385 §§ 15, 25 and 28; Effective date: March 24, 2014; Citations affected: IC 3-7-33-5, IC 3-7-39-7, IC 3-7-41-2)

Description of Residence Location in Lieu of Residence Address on Registration Application

A voter registration applicant may provide a **description**, map, or diagram of a residence location on a registration application (only a map or diagram was permitted under prior law) if the applicant's residence address does not have a street number or name. A registration application is incomplete if the applicant does not provide a description (or map or diagram) sufficient for the county voter registration office to locate the applicant's residence.

(SEA 385 § 16; Effective date: March 24, 2014; Citation affected: IC 3-7-34-1.5)

Processing Incomplete Registration Applications

A county voter registration office must make an effort to contact the applicant and the individual who received a completed voter registration application from a voter by making 1 telephone call to each when a telephone number is listed and sending one notice by letter to each (if possible) to obtain missing information concerning the "Certified Statement of Acceptance" requirement for voter registration applications.

(SEA 385 § 18; Effective date: March 24, 2014; Citation affected: IC 3-7-34-4.5)

Processing Incomplete Registration Applications from Full-Service Registration Agencies

The requirement that county voter registration office contact a full-service voter registration agency, other than the BMV (FSSA, WIC or DWD), to obtain information "to be supplied by the agency" concerning a voter registration application, was repealed. Federal law does not require these agencies to supply information in addition to that supplied by the applicant on the voter registration form.

In contrast, federal law requires the Bureau of Motor Vehicles to provide the county with voter information already obtained as part of the driver's license process rather than require that the applicant provide the same information twice for purposes of completing a voter registration application.

(SEA 385 § 19; Effective date: March 24, 2014; Citation affected: IC 3-7-34-5)

Deadline to Complete Incomplete Registration Applications

The deadline for voter registration applicants to supply certain (other than responses to the age or citizenship questions) information to the county voter registration office to permit approval of an "incomplete" voter registration application is 10 days before the election. Prior law, which tied this deadline to "the date the county is required to prepare the poll list", was repealed. After this date, a list of registration applications that remain incomplete after the required effort has been made by the county voter registration office to obtain information to complete the application shall be certified to the county election board and rejected.

Military and overseas voters who submit a registration application less than 10 days before the election are exempt from this provision.

(SEA 385 §17; Effective date: March 24, 2014; Citation affected: IC 3-7-34-4)

Deadline for Military or Overseas Voters to Submit Registration Application

A military or overseas registration application must be received by the county voter registration office no later than the 8th day before the election in order to be timely for that election. Prior law established the deadline as the tenth day before an election which always falls on a Saturday so that the deadline automatically transferred to the following Monday which is always the 8th day before the election. This law was amended to reflect that the 8th day before the election is the true deadline. A special registration procedure used when a military voter subject to movement or discharge orders returns to Indiana during the final week before the election was amended to apply after the deadline to apply by the 8th day before the election that applies to all military voters.

(HEA 1318 §§ 7 and 8; Effective date: April 1, 2014; Citations affected: IC 3-7-36-10, IC 3-7-36-14)

Procedure for Timely Registration Applications Received after Electronic Poll Book Download

In counties that utilize an electronic poll book, when a full-service registration agency receives a registration application from a voter on an agency form (state form VRG-6) by the registration deadline, or a county other than the applicant's county of residence has received a registration application by the applicable registration deadline, and these registration applications are forwarded to the county for processing but the applicant has not become a voter in time for loading onto the poll list, the county voter registration office in the county of the applicant's residence shall issue a certificate of error if the applicant becomes a voter in time for the election so that the applicant may vote a regular ballot in the election.

(SEA 385 § 20; Effective date: March 24, 2014; Citation affected: IC 3-7-34-13)

County Voter List Maintenance Programs

A voter list maintenance mailing conducted by a county need only to be mailed to each **active** voter. Prior law specified that maintenance mailings were required to be mailed to each registered voter which would include voters whose record has already been designated as "inactive" under a prior voter list maintenance procedure authorized by law.

Jury notices or county voter mailings, including precinct or polling place notices and voter registration acknowledgement cards returned to the county after the 7-day pending period, that are returned by the United States Postal Service because of an *unknown or insufficient address* (newly defined above) as part of a voter list maintenance program may provide the basis to send the voter a second voter list maintenance mailing that complies with law that may lead to the cancellation of registration records, updates to voter registration records, or result in registration records being designated as "inactive."

If all the follow-up procedures regarding a voter list maintenance program have not been completed prior to the deadline to do so (90 days before a primary, general or municipal election), and the county resumes the voter list maintenance program after the election, the county must determine whether a voter who was sent a mailing before the election voted at the intervening election before designating the voter registration record as inactive. If the voter who was sent a voter list maintenance mailing before the election voted in the succeeding election at the voter's registration address, then the voter's registration record may not be designated as inactive as part of the voter list maintenance program.

(SEA 385 § 21; Effective date: March 24, 2014; Citation affected: IC 3-7-38.2-2)

Voter List Maintenance Program- National Change of Address Service

When the state NVRA official (the co-directors of the Election Division) notifies counties of residence address changes derived from information supplied by the USPS National Change of Address Service, the notice sent to each county is to only include voters within that county.

(SEA 385 § 22; Effective date: March 24, 2014; Citation affected: IC 3-7-38.2-8)

Statewide Voter List Maintenance Mailer

The Indiana election division shall send a nonforwardable residence confirmation mailing to all active voters in Indiana during each even-numbered year to fulfill its statutory duty to conduct a residence confirmation procedure. Additional details are provided regarding the second follow-up mailing to be sent by the Indiana election division as well as other details regarding how to process the results from this voter list maintenance program.

(SEA 385 §§ 23 and 24; Effective date: March 24, 2014; Citations affected: IC 3-7-38.2-16, IC 3-7-38.2-17)

Address Changes by Governmental Agencies

When a county voter registration office receives notice of address changes or conversions from the United States Postal Service (when residential delivery replaces post office boxes, for example) or from a local plan commission or other local public official (when streets are renamed or renumbered or rural routes are converted to numbered addresses, for example) the county voter registration office shall correct a voter's registration record in the statewide voter registration system to reflect the new address.

(SEA 385 § 26; Effective date: July 1, 2014; Citation affected: IC 3-7-40-6)

(HEA 1318 § 9; Effective date: April 1, 2014; Citation affected: IC 3-7-40-8[new])

Original Registration Signature Missing

If the original voter registration signature on a voter's approved registration application is missing, a county voter registration office may scan a copy of a voter's signature from a poll list, or other document maintained by the county election board or voter registration office, and used the scanned signature as the voter's signature for purposes of printing on a paper poll list or displaying on an electronic poll book.

(SEA 385 § 27; Effective date: March 24, 2014; Citation affected: IC 3-7-40.5-1[new])

Notation of Precinct Change on Original Registration Application Repealed

A provision requiring a county voter registration office to amend the original paper copy of a voter registration to indicate a voter's transfer to a different precinct due to a precinct boundary change is repealed. These changes are now indicated in the statewide voter registration system

(SEA 385 § 29; Effective date: March 24, 2014; Citation affected: IC 3-7-42-4)

Death Notices Filed with County Auditor

A county voter registration office shall request a copy of the death records filed quarterly by the local health department with the county auditor's office. If a voter is identified as deceased in the death records, the county voter registration office shall cancel the deceased voter's registration record.

(SEA 385 § 30; Effective date: July 1, 2014; Citation affected: IC 3-7-45-2.1)

Election Division to Coordinate with BMV Regarding Death Records

The Indiana election division shall coordinate the statewide voter registration system with the bureau of motor vehicles to permit a county voter registration office to cancel on an expedited basis the registration record of an individual who is reported deceased by the bureau of motor vehicles.

(SEA 385 §§ 31 and 32; Effective date: March 24, 2014; Citations affected: IC 3-7-45-2.2 [new]; IC 3-7-45-3)

Certificates of Error to be Placed by Clerk with Precinct Materials

The circuit court clerk is required to file a copy of any certificate of error related to a voter in a precinct with the election materials for that precinct when the election materials for the precinct are returned after the close of polls. Prior law required the delivery of a copy of the certificate of error to the inspector who was then is required to return the certificate with the election materials for the precinct.

(SEA 385 § 33; Effective date: March 24, 2014; Citation affected: IC 3-7-48-3)

Processing Petition Signatures

A voter's signature on an independent or minor party candidate petition is to be counted as valid if, according to the voter registration records of the county, the voter is registered at the address indicated on the petition as of the time the petition is being processed by the county voter registration office. This standard for processing signatures is used in current law for all other candidate petitions. This amendment resolved a conflict in statutes for independent and minor party petitions.

(SEA 385 § 35; Effective date: March 24, 2014; Citation affected: IC 3-8-6-6)

Scanning Paper Copies of Registration Applications Received from BMV

Beginning in 2015, a county voter registration office is required to scan a paper copy of a voter registration application received from the BMV into the statewide voter registration system.

(SEA 385 § 74; Effective date: July 1, 2014; Citation affected: IC 9-24-2.5-6)

Registration Applications from Medicaid Offices

A state office administering the Medicaid Program must transmit a completed voter registration application or a declination to register to the county voter registration office no later than 5 days (rather than 10 days) after the Medicaid office receives the application or declination. A 5-day transmittal deadline already applies in current law to other full service voter registration offices such as offices administering Food Stamp programs or WIC.

(SEA 385 § 75; Effective date: July 1, 2014; Citation affected: IC 12-15-1.5-4)

Full Service Registration Agencies Using First Class Mail rather than Certified Mail

Employees of the Department of Workforce Development or other full service voter registration agencies providing services to the disabled (like those administered by FSSA, for example) may return voter registration applications and declinations to a county voter registration office by first class mail instead of by certified mail. Under current law, employees of all other full service voter registration agencies may use first class mail instead of certified mail for this purpose.

(HEA 1318 § 5 and 6; Effective date: April 1, 2014; Citations affected: IC 3-7-16-29, IC 3-7-18-21)

VOTING QUALIFICATIONS AND VOTING PROCEDURES

Proof of Identification (Photo ID) and Veterans

A document that is issued by the U.S. Department of Veterans Affairs (or its predecessor, the Veterans Administration) that shows the voter's name which conforms to the name in the voter's registration record and a photograph of the voter is sufficient to meet the Photo ID requirement under state law even though the document has no expiration date or states that the document has an indefinite expiration date. Prior law provided the same type of treatment for documents issued by the U.S. Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard.

(HEA 1318 § 3; Effective date: April 1, 2014; Citation affected: IC 3-5-2-40.5)

Revision of Certain "Fail Safe" Voting Procedures Where Electronic Poll Book Used

In a county that uses an electronic poll book on election day instead of a printed poll list, if the county voter registration records show that the voter formerly resided in the precinct and no longer resides in that precinct, but the voter indicates that the voter continues to reside in the precinct,

then the voter may make a written or oral affirmation that the voter continues to reside in the precinct and the voter may vote a regular ballot after making the affirmation unless otherwise challenged. If the voter makes a written affirmation, then the written affirmation maybe made on state form VRG 4/12. If the voter makes an oral affirmation, then the poll clerks shall document and initial the voter's oral affirmation on a blank state form VRG 4/12.

In addition, if the voter indicates that the voter has moved within the same precinct then the voter may make a written or oral affirmation that they have moved within the same precinct and the voter may vote a regular ballot after making the affirmation unless otherwise challenged. If the voter makes a written affirmation, then the written affirmation may be made on state form VRG 4/12. If the voter makes an oral affirmation, then the poll clerks shall document and initial the voter's oral affirmation on a blank state form VRG 4/12.

(SEA 385 §§ 25 and 34; Effective date: March 24, 2014; Citations affected: IC 3-7-39-7; IC 3-7-48-5)
(HEA 1318 § 29; Effective date: April 1, 2014; Citation affected: IC 3-10-1-24)

Members of Both Parties Must Be Present When Voter Signs in on the Electronic Poll Book

In a vote center county using an electronic poll book, two (2) election officers who are not members of the same political party must be present when a voter signs the electronic poll book.

(SEA 185 §§ 1 and 4; Effective date: March 24, 2014; Citation affected: IC 3-10-1-24; IC 3-11-8-25.1)

Initials on Ballots Voted in a Vote Center County using a Printer Separate from the Electronic Poll Book

On election day, a vote center county that uses a printer separate from the electronic poll books may print the initials of the poll clerks on the back of the ballot card after capturing the initials of the poll clerks through the electronic signature pad or tablet at the time the poll clerks log into the system (instead of the poll clerks manually initialing the back of each ballot card). The initials of the poll clerks may be placed on the back of a ballot card immediately before the ballot card is delivered to the voter. In addition, for those ballots voted on election day, the circuit court clerk shall not print or stamp the precinct number or designation on the ballot card if the precinct number or designation is printed by a printer separate from the electronic poll book on the back of each ballot card immediately before the ballot card is delivered to the voter.

For in-person absentee voting, a vote center county that uses a printer separate from the electronic poll books may print the initials on the back of the ballot card of the county election board or the board's representatives captured through the electronic signature pad or tablet at the time the poll clerks log into the system (instead of the county election board or board representatives manually initialing the back of each ballot card). The initials may be placed on the back of a ballot card immediately before the ballot card is delivered to the voter.

(SEA 185 §§ 2, 3, 5, 6, 7, 8, 9 and 10; Effective date: March 24, 2014; Citation affected: IC 3-11-3-23, IC 3-11-8-10.3, IC 3-11-10-27, IC 3-11-13-19, IC 3-11-13-28, IC 3-11-13-29, IC 3-11-18.1-4, IC 3-12-1-2)

(HEA 1318 § 39, 40, and 41; Effective date: April 1, 2014; Citations affected: IC 3-11-13-28[repealed], IC 3-11-13-28.1[new], IC 3-11-13-28.2[new])

Provisional Voting- Challenged Voter's Affidavit

A requirement that the challenged voter set forth their occupation on the challenged voter affidavit (state form PRE-4) is repealed.

In addition, the challenged voter affidavit must contain a statement that indicates the voter presented proof of identification (Photo ID) or the required residency documentation (applicable to some first time voters in Indiana who register by mail).

(SEA 385 § 48; Effective date: March 24, 2014; Citation affected: IC 3-11-8-23)

Ballot on Demand Permitted at Vote Centers

A vote center plan adopted after July 1, 2014 in a county in which a majority of votes are cast on optical scan ballot cards may include additional procedures to provide for efficient and secure voting at each vote center, including the use of a voting system that prints ballots on demand.

(SEA 385 § 59; Effective date: April 1, 2014; Citation affected: IC 3-11-18.1-4)

Vote Center Plans- Municipal Election Years

A county vote center plan may provide that in municipal election years (2015 and every 4 years thereafter), vote centers will not be used for the election in some or all of the small towns (towns with a population of less than 3,500) within the county.

(SEA 385 § 60; Effective date: March 24, 2014; Citation affected: IC 3-11-18.1-5)

"Fail Safe" Voting Requirement Repealed

A requirement that the voter set forth their birthplace on the state form VRG 4/12 is repealed.

(SEA 385 § 38; Effective date: March 24, 2014; Citation affected: IC 3-10-11-5)

Updated Voter Signatures on Poll Book

A county voter registration office may provide a scanned copy of a voter's signature on an absentee application, poll list, or registration document on the poll book that is more recent than the signature on the voter's original voter registration application for the purpose of the precinct election board comparing the voter's signature on the poll book with the signature provided by the county voter registration office in case of doubt concerning the voter's identity.

(SEA 385 § 12; Effective date: March 24, 2014; Citation affected: IC 3-7-29-4)

ABSENTEE VOTING

Providing Assistance to Voter in Completing Absentee Ballot Application

A person, including a voter's power of attorney, may assist a voter in completing an absentee ballot application. However, if the voter is unable to complete the application and the assistance includes assisting the voter in indicating a mailing address on the application that is different from the voter's registration address, the major political party ballot requested in a primary, or the type of ballot requested (public question only, for example), the reason why the individual is entitled to vote an absentee ballot, then the person assisting the voter must complete these items on the voter's absentee ballot application in the voter's presence and with the voter's consent.

(SEA 385 § 41; Effective date: March 24, 2014; Citation affected: IC 3-11-4-2)

Bi-Partisan Initials Required on Absentee Ballots

To be valid, absentee ballots cast on optical scan ballot cards or traditional hand-counted paper ballots must contain two sets of bi-partisan initials whether these absentee ballots are voted by mail or at the clerk's office, a satellite absentee office, a vote center, or the voter's location before a traveling board.

(SEA 385 § 69; Effective date: March 24, 2014; Citation affected: IC 3-12-1-13)

Affidavit of Individual Filing Absentee Ballot Application of Another

Beginning with the 2015 elections the *Affidavit of Individual Filing Absentee Ballot Application* (state form ABS-17), required when a person is delivering the absentee ballot application of another to the county election board, must include information regarding the dates that the absentee ballot applications were received.

(SEA 385 § 41; Effective date: March 24, 2014; Citation affected: IC 3-11-4-2)

Absentee In-Person Voters Casting Provisional Ballots

If an absentee ballot application is submitted by a person who wishes to vote absentee in person at the clerk's office or at a satellite absentee office (including a satellite absentee office in a vote center county), and the application is challenged (for failure to present a valid Photo ID, for example), the individual shall cast a provisional ballot which is retained by the county election board for determination by the board with other provisional ballots cast in the election.

(SEA 385 § 43; Effective date: March 24, 2014; Citation affected: IC 3-11-4-17.5)

Processing Absentee Ballots in the Precinct

In a county where absentee ballots are processed at a precinct (rather than at a central location), the inspector is required to mark the poll list to indicate that the person has voted by absentee

ballot. Under prior law, the judges were required to mark the poll list to indicate the person has voted by absentee ballot.

The inspector shall mark the poll book in the presence of both poll clerks.

(SEA 385 § 51; Effective date: March 24, 2014; Citation affected: IC 3-11-10-16)

Processing Absentee Ballots Challenged in the Precinct on Election Day in Counties that Court Absentee Ballots in the Precinct

In a county where absentee ballots are processed at a precinct (rather than at a central location), the absentee ballot envelope of an absentee ballot challenged in the precinct on election day is required to be marked to indicate that a provisional ballot is enclosed. The envelope is then to be placed with other provisional ballots for transmittal to the county (rather than have the envelope be placed in the precinct ballot box) where the county election board shall determine the challenge by using the provisional ballot procedures under IC 3-11.7.

(SEA 385 § 52 and 53; Effective date: March 24, 2014; Citation affected: IC 3-11-10-21, IC 3-11-10-22)

Accessible Voting System Required for In-Person Absentee Voting

A voter with disabilities must be permitted to cast an absentee ballot in the clerk's office or a satellite absentee office using an electronic voting system that permits a disabled voter to cast their ballot privately and independently. The county election board is also permitted to adopt, by unanimous vote of the board's entire membership, a resolution to permit a voter eligible to vote an absentee ballot before a traveling board to use an electronic voting system.

A county election board must adopt procedures regarding the use of the electronic voting system in absentee voting that provide for the following:

- 1) security of the electronic voting system and the ballots cast on the system that is comparable to the security provided to absentee ballots cast on paper ballots;
- 2) comparison of signatures on absentee ballot applications with the voter's registration signature;
- 3) specify how an invalid absentee ballots (due to the death of the voter before the election, for example) cast on the system are canceled; and
- 4) specify how a spoiled absentee ballot is to be canceled on the system if a voter casts and returns a replacement absentee ballot.

(SEA 385 § 54; Effective date: March 24, 2014; Citation affected: IC 3-11-10-26.2)

Absentee Ballot Envelopes to Include Absentee Board Member Printed Name

Beginning with the 2015 municipal elections, the absentee voter board members must not only sign the affidavit on the outside of the absentee security envelope (as required under current law) but also print the absentee voter board member's name.

(SEA 385 § 55; Effective date: July 1, 2014; Citation affected: IC 3-11-10-29)

Precinct Absentee Ballots to be Kept in Same Envelope

In counties that count absentee ballots at a central location, state law provides that prior to the election all the absentee ballots for the same precinct may be placed together in the same envelope. This procedure was already in place for counties that count absentee ballots at the polls.

(SEA 385 § 62; Effective date: March 24, 2014; Citation affected: IC 3-11.5-4-5)

Deadline for the Receipt of Absentee Ballot Mailed by Overseas Voters

The deadline for receiving absentee ballots mailed by military or civilian overseas voters is noon (rather than 3 p.m.) 10 days following the election.

(SEA 385 § 70; Effective date: March 24, 2014; Citation affected: IC 3-12-1-17)

BALLOTS, VOTING SYSTEMS AND ELECTRONIC POLL BOOKS AND LISTS

Voting Systems that Produce a Marked Optical Scan Ballot Card

Several sections of the election code are updated to reflect the use of voting systems that include features of both an electronic voting system and an optical scan ballot card voting system. These voting systems produce a marked optical scan ballot after the voter has indicated candidate or public question choices by touching a computer touch screen or other device or by using a sip-and-puff device that enables the voter to indicate a choice by inhaling or exhaling.

When using a voting system that produces a marked optical scan ballot card for in-person absentee voting (at the clerk's office, a satellite facility, or by travelling absentee board) the initials of the absentee board on the optical scan ballot card must be placed on the back of the ballot in the absentee board's ordinary handwriting or printing and without a distinguishing mark of any kind before the ballot is placed in a secrecy envelope.

When using a voting system that produces a marked optical scan ballot card on election day, the initials of the poll clerks on the optical scan ballot card must be placed on the back of the ballot in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind before the ballot is placed into the tabulating device.

(HEA 1096 §§ 1, 2, 3, 4, 5, and 6; Effective date: March 13, 2014; Citations affected: IC 3-5-2-31, IC 3-5-2-33.9, IC 3-11-10-27, IC 3-11-13-18, IC 3-11-13-28, IC 3-11-13-28.5)

(HEA 1318 §§42; Effective date: April 1, 2014; Citation affected: IC 3-11-13-31.7)

Definition of “Electronic Poll Book” and “Electronic Poll List”

New definitions make a distinction between “electronic poll book” (the actual hardware, firmware and software of the device to access voter information) and the “electronic poll list” (the actual voter

information maintained in, and accessible from, the electronic poll book). A number of changes are made to other sections of the Indiana election code to conform to these new definitions. A reference to an electronic poll list in a vote center plan adopted before July 1, 2014, is considered to be a reference to an electronic poll book as newly defined unless otherwise expressly provided in the vote center plan.

(SEA 385 §§ 1, 2, 3, 11, 13, 33, 40, 45, 49, 59; Effective date: March 24, 2014 unless otherwise indicated; Citations affected: IC 3-5-2-20.5, IC 3-5-2-20.7, IC 3-5-2-47.5; IC 3-7-29-1[effective July 1, 2014], IC 3-7-29-6, IC 3-7-48-3, IC 3-11-3-16, IC 3-11-8-10.3[effective April 1, 2014], IC 3-11-8-25.1 [effective April 1, 2014], IC 3-11-18.1-4 [effective April 1, 2014])

(HEA 1318 §§ 10, 26, 29, 30, 37, 38, 44, 45, 46, 47, 48, 50, 51, 52, and 53; Effective date: April 1, 2014; Citations affected: IC 3-7-48-2, IC 3-10-1-7.1, IC 3-10-1-24, IC 3-11-3-11, IC 3-11-8-25.1, IC 3-11-8-26.1, IC 3-11-18.1-4, IC 3-11.5-4-1, IC 3-11.5-4-8, IC 3-11.5-4-9, IC 3-11.5-4-11, IC 3-11.5-4-22, IC 3-11.5-4-24, IC 3-11.5-5-3, IC 3-11.5-6-3)

Use of Electronic Poll Books in an Election

If a county election board adopts an order to provide electronic poll books to the inspector for use at a polling place, an office of the circuit court clerk for absentee voting, or at a satellite absentee office, electronic poll books shall be used at an election (rather than certified poll lists prepared under this chapter) in all precincts in which the election is to be conducted.

(SEA 385 § 13; Effective date: March 24, 2014; Citation affected: IC 3-7-29-6)

Use of Electronic Poll Book with a Voting System

Although an electronic poll book may not be connected to a voting system, an electronic poll book may be used in conjunction with a voting system if both the following apply:

- 1) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.
- 2) All ballot related data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

(SEA 385 § 45; Effective date: April 1, 2014; Citation affected: IC 3-11-8-10.3)

Time When Electronic Poll Book Signed Captured by Electronic Poll Book

An electronic poll book must indicate the time a voter signed the poll book (rather than when a voter cast their ballot).

(SEA 385 § 45; Effective date: April 1, 2014; Citation affected: IC 3-11-8-10.3)

Revision of Electronic Poll Book Standards

The information contained on an electronic poll book is not required to be encrypted. However, the information is required to be secure and placed on a dedicated, private server.

In addition, an electronic poll book must have the capability to manage data in an electronic poll book through a secure electronic connection between the county and precinct election officials.

(HEA 1318 §§ 36 and 44; Effective date: April 1, 2014; Citations affected: IC 3-11-8-10.3, IC 3-11-18.1-4)

Revision of Certain “Fail Safe” Voting Procedures Where Electronic Poll Book Used

In a county that uses an electronic poll book on election day instead of a printed poll list, if the county voter registration records show that the voter formerly resided in the precinct and no longer resides in that precinct, but the voter indicates that the voter continues to reside in the precinct, then the voter may make a written or oral affirmation that they continue to reside in the precinct and the voter may vote a regular ballot after making the affirmation unless otherwise challenged. If the voter makes a written affirmation then the written affirmation may be made on state form VRG 4/12. If the voter makes an oral affirmation then the poll clerks shall document and initial the voter’s oral affirmation on a blank state form VRG 4/12.

In addition, if the voter indicates that the voter has moved within the same precinct then the voter may make a written or oral affirmation that they have moved within the same precinct and the voter may vote a regular ballot after making the affirmation unless otherwise challenged. If the voter makes a written affirmation then the written affirmation may be made on state form VRG 4/12. If the voter makes an oral affirmation then the poll clerks shall document and initial the voter’s oral affirmation on a blank state form VRG 4/12.

(SEA 385 §§ 25 and 34; Effective date: March 24, 2014; Citations affected: IC 3-7-39-7; IC 3-7-48-5)
(HEA 1318 § 29; Effective date: April 1, 2014; Citation affected: IC 3-10-1-24)

Vote Center Plans- Use of Ballot on Demand Voting Systems

A vote center plan adopted after July 1, 2014 in a county in which a majority of votes are cast on optical scan ballot cards may include any additional procedures for efficient and secure voting at each vote center, including the use of a voting system capable of printing ballots on demand.

(SEA 385 § 59; Effective date: April 1, 2014; Citation affected: IC 3-11-18.1-4)

Vote Center Plans- Municipal Election Years

A county vote center plan may provide that in municipal election years (2015 and every 4 years thereafter), vote centers will not be used for the election in some or all of the small towns (with a population of less than 3,500) within the county.

(SEA 385 § 60; Effective date: March 24, 2014; Citation affected: IC 3-11-18.1-5)

Electronic Poll Books Required Posting

The notice posted within a precinct where electronic poll books are used must contain a statement that an individual who knowingly makes a false statement regarding the individual's voter identification number commits a Level 6 felony. Prior law required this notice only with respect to the individual making a false statement with respect to the individual's name and residence address.

(SEA 385 § 11; Effective date: July 1, 2014; Citation affected: IC 3-7-29-1)

Members of Both Parties Must Be Present When Voter Signs in on the Electronic Poll Book

In a vote center county using an electronic poll book, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic pollbook.

(SEA 185 §§ 1 and 4; Effective date: March 24, 2014; Citation affected: IC 3-10-1-24; IC 3-11-8-25.1)
(HEA 1318 §§ 29 and 37; Effective date: April 1, 2014; Citation affected: IC 3-7-29-1, IC 3-11-8-25.1)

Electronic Poll Books Certification

Current procedures for certifying electronic poll books apply to the use of electronic poll books in vote center counties as well as the use of electronic poll books by counties that are not vote center counties.

(SEA 385 § 61; Effective date: March 24, 2014; Citation affected: IC 3-11-18.1-12)

Rules for Counting Ballots

The general rule in counting ballots is that the primary factor to consider in determining a voter's choice on a ballot is the intent of the voter. However, this general rule is subject to the specific rules set forth in state law that apply when a voter casts "split-ticket" votes. For example, if a voter casts straight party ticket votes for more than one party, the voter's intent cannot be determined in that case with respect to all offices on the ballot except for nonpartisan school board candidates.

(SEA 385 § 68; Effective date: July 1, 2014; Citation affected: IC 3-12-1-1)

Voting Systems- De Minimis Changes and Modifications

A "de minimis change" to a certified voting system refers to a change to the hardware, the nature of which will not materially alter the system's reliability, functionality, capability, or operation. A de minimis change does not include software and firmware modifications to a voting system or any other change to a voting system that has a reasonable and identifiable potential to affect the system's operation and compliance with applicable voting system standards.

In contrast, a "modification" made to a certified voting system refers to a change in the software or firmware of the voting system or a change to the hardware of the voting system that materially alters the system's reliability, functionality, capacity, or operation or has a reasonable and

identifiable potential to affect the voting system's operation and compliance with the applicable voting system standards.

Procedures are established for Ball State (which currently conducts the Voting System Technical Oversight Program) to review proposed changes to an optical scan or electronic voting system along with the results of independent laboratory testing. Ball State is required to report to the Indiana election commission whether proposed voting system changes are de minimis changes or modifications and whether the proposed changes comply with federal and state law.

(HEA 1318 §§ 1, 2, 32, and 33; Effective date: April 1, 2014; Citations affected: IC 3-5-2-16.3[new], IC 3-5-2-31.7[new], IC 3-11-7-15, IC 3-11-7.5-5)

Procedures Relating to Primary Candidates Who Die Before the Primary

Precinct convention delegate candidates and precinct committeemen candidates were added to a procedure that permits the county election board to remove the candidates name from the ballot if the board determines, by unanimous vote and before primary ballots are printed, whether there is good cause to believe that a candidate has died. However, if the primary ballots have been printed at the time of the board's determination, the primary ballots shall not be reprinted.

(HEA 1318 § 31; Effective date: April 1, 2014; Citation affected: IC 3-11-3-29.4)

Initials on Ballots Voted in a Vote Center County using a Printer Separate from the Electronic Poll Book

On election day, a vote center county that uses a printer separate from the electronic poll books may print the initials of the poll clerks on the back of the card after capturing the initials of the poll clerks through the electronic signature pad or tablet at the time the poll clerks log into the system (instead of the poll clerks manually initialing the back of each ballot card). The initials of the poll clerks may be placed on the back of a ballot card immediately before the ballot card is delivered to the voter. In addition, for those ballots voted on election day, the circuit court clerk shall not print or stamp the precinct number or designation on the ballot card if the precinct number or designation is printed by a printer by separate from the electronic poll book on the back of each ballot card immediately before the ballot card is delivered to the voter.

For in-person absentee voting, a vote center county that uses a printer separate from the electronic poll books may print the initials on the back of the ballot card of the county election board or the board's representatives captured through the electronic signature pad or tablet at the time the poll clerks log into the system (instead of the county election board or board representatives manually initialing the back of each ballot card). The initials of the may be placed on the back of a ballot card immediately before the ballot card is delivered to the voter.

(SEA 185 §§ 2, 3, 5, 6, 7, 8, 9 and 10; Effective date: March 24, 2014; Citation affected: IC 3-11-3 23, IC 3-11-8-10.3, IC 3-11-10-27, IC 3-11-13-19, IC 3-11-13-28, IC 3-11-13-29, IC 3-11-18.1-4, IC 3-12-1-2)

(HEA 1318 § 39, 40, and 41; Effective date: April 1, 2014; Citations affected: IC 3-11-13-28[repealed], IC 3-11-13-28.1[new], IC 3-11-13-28.2[new])

CANDIDATES AND OFFICEHOLDERS

County Assessor Candidate and Officeholder Qualifications

For the remainder of 2014, a candidate for county assessor must who did not hold office on January 1, 2012 must attain Level 3 assessor-appraiser certification.

All candidates running in an election after January 1, 2016, if elected, are required to attain Level 3 assessor-appraiser certification before taking office.

(HEA 1318 § 12; Effective date: January 1, 2015; Citation affected: IC 3-8-1-23)

Township Assessor Candidate and Officeholder Qualifications

A candidate for township assessor must, if elected, attain Level 3 assessor-appraiser certification before taking office unless the candidate held the office on January 1, 2012. If the candidate held the office on January 1, 2012 the candidate must, if elected, attain Level 2 assessor-appraiser certification before taking office.

All candidates running in election after January 1, 2016 are required, if elected, to attain Level 3 assessor-appraiser certification before taking office.

For elections after January 1, 2016, the duties of a township assessor are transferred to the county assessor if no person is elected township assessor has attained Level 3 assessor-appraiser certification before the date of the term of office begins. (Current law required this transfer following elections beginning in 2014).

(HEA 1318 § 13 and 65; Effective date: January 1, 2015; Citations affected: IC 3-8-1-23.6, IC 36-2-15-5)

Processing Petition Signatures

A voter's signature on an independent or minor party candidate petition is to be counted as valid if, according to the voter registration records of the county, the voter is registered at the address indicated on the petition as of the time the petition is being processed by the county voter registration office. This standard for processing signatures is used in current law for all other candidate petitions. This amendment resolved a conflict in statutes for independent and minor party petitions.

(SEA 385 § 35; Effective date: March 24, 2014; Citation affected: IC 3-8-6-6)

Deadline to Challenge Certain Libertarian Party Candidates

With respect to Libertarian Party candidates selected when a vacancy exists after a Libertarian Party nominating convention, the deadline for filing a challenge, and the deadline for the Indiana election commission or a county election board to decide a challenge, are the same deadlines that apply to most other candidates who become candidates after the primary election. The deadline to file a challenge is not later than noon 74 days before the date of the general or municipal election and the deadline to determine the challenge is not later than noon 60 days before the general or municipal election.

(SEA 385 § 72; Effective date: March 24, 2014; Citation affected: IC 3-13-1-20.5[new])

Candidate not Disqualified if Felony Expunged

Statute disqualifying a state or local candidate due to a prior felony conviction was amended to clarify that a prior felony conviction that has been “expunged” will not disqualify a candidate. Therefore, a candidate is not disqualified from assuming or being a candidate for state or local elected office if the candidate’s prior felony conviction has been expunged pursuant to state law.

(HEA 1155 § 1; Effective date: March 26, 2014; Citation affected: IC 3-8-1-5)

Candidates to Acknowledge Certain Requirements on Candidate Documents

Beginning January 1, 2015, a declaration of candidacy for a primary election, a declaration of intent to be a write-in candidate, a candidate's consent to nomination by petition, the certificate of nomination for a candidate nominated by state political party convention, and a declaration or consent of a candidate to fill a post primary vacancy, require the candidate to acknowledge certain statements on the declaration, consent, or certificate of nomination by initialing these documents next to the following statements on these documents:

- 1) A statement that the candidate (other than a candidate for federal office) has attached one of the following to the candidate’s declaration, consent, or certificate of nomination: a statement of economic interests, a statement of economic interests that has file-stamped by the office required to receive the statement of economic interests (for some offices like judge, for example), or a receipt or photocopy of a receipt showing that a statement of economic interests has been filed (for some offices like state legislative office, for example).
- 2) A statement that the candidate (other than a candidate for federal or state legislative offices) understands that, if elected to office, the candidate may be required to obtain and file an individual surety bond before serving in the office.
- 3) A statement that the candidate (other than a candidate for federal, statewide, or state legislative office) understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office.
- 4) A statement that the candidate (other than a candidate for federal office) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures and agrees to comply with the provisions of IC 3-9.

A declaration of candidacy for a town party convention in 2015 will require the candidate certify the information listed in above in paragraphs 1 - 4 over the candidate's signature.

A separately signed statement is no longer required on a declaration, consent, or certificate of nomination for the campaign finance matters described in paragraph 4 above.

(HEA 1318 §§ 14, 15, 19, 20, 21, 22, 62, and 63; Effective date: January 1, 2015 unless specified; Citations affected: IC 3-8-2-2.5, IC 3-8-2-7, IC 3-8-5-10.5, IC 3-8-6-12, IC 3-8-7-8 (effective March 24, 2014), IC 3-13-1-10.5, and IC 3-13-2-7)

Statement of Economic Interests for Person Filling Office Vacancy for School Board

A person selected to fill a vacancy in a school board office must file a statement of economic interests (state form CAN-12) not later than 60 days after assuming the office like persons filling other local office vacancies are required to do.

(HEA 1318 § 25; Effective date: April 1, 2014; Citation affected: IC 3-8-9-5)

Candidates and Officeholders Electioneering on Homeowners' Association Property

A homeowners' association may not adopt or enforce a rule or covenant that prohibits, or has the effect of prohibiting the following individuals from entering onto homeowner's association property for purposes of conducting political activity:

- 1) a candidate;
- 2) an individual who holds an elected office;
- 3) the spouse of a candidate or individual who holds an elective office; or
- 4) a volunteer worker of a candidate or individual who holds an elected office.

(HEA 1134 § 1; Effective date: July 1, 2014; Citation affected: IC 32-21-13-7[new])

POLLING PLACES, POLL WORKERS AND PARTISAN WORKERS

Required Notice Posting

The poll list, and notices posted within a precinct where electronic poll books are used, must contain a statement that an individual who knowingly makes a false statement regarding the individual's voter identification number commits a Level 6 felony. Prior law only required this statement on the poll list, or in a separately posted notice where electronic poll books are used, with respect to the individual's name and residence address.

(SEA 385 § 11; Effective date: July 1, 2014; Citation affected: IC 3-7-29-1)

Location of Challengers in the Polls

References in state law to the challengers being located as somewhere outside of the polling place are repealed since challengers are authorized to be within the polls located in an area before the voter approaches the precinct election board.

(SEA 385 §§ 44 and 47; Effective date: March 24, 2014; Citations affected: IC 3-11-8-7, 3-11-8-19)

16 and 17 Year Old Poll Workers

A requirement that 16 and 17 year old poll workers serve in a “nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation” is repealed effective July 1, 2014. The Help America Vote Foundation, created by federal law in 2002, was never funded and never adopted standards.

(HEA 1318 § 4; Effective date: July 1, 2014; Citation affected: IC 3-6-6-39)

PRECINCTS AND ELECTION DISTRICTS

Precinct Boundary Descriptions

A small precinct committee is established in Lake County effective June 1, 2014. The committee consists of each member of the Lake County board of elections and registration and any additional individual appointed by the unanimous vote of the entire membership of the board.

The committee shall make the following determinations:

- 1) which precincts within the county had fewer than five hundred (500) active voters (as defined in IC 3-11-18.1-2) as of June 1, 2014;
- 2) if compliance with the precinct boundary standards set forth in section IC 3-11-1.5-4 or IC 3-11-1.5-5 would prevent the combination of a precinct described in paragraph 1 above with one or more adjoining precincts; and
- 3) the potential savings in the administration of elections resulting from the combination of precincts under this section.

Not later than noon August 1, 2014, the board of elections and registration shall adopt a proposed precinct establishment order implementing the findings of the committee and file the proposed order with the election division no later than noon August 8, 2014. If the proposed precinct establishment order is approved under this chapter, the order takes effect January 1, 2015. However, if an objection to the proposed order is filed under IC 3-11-1.5-18, the proposed precinct establishment order takes effect January 1, 2015, unless at least three 3 members of the Indiana election commission affirmatively vote to sustain the objection.

(SEA 385 § 39; Effective date: March 24, 2014; Citation affected: IC 3-11-1.5-3.4[New])

LOCAL ELECTION ADMINISTRATION

Vote Center Plans- Use of Ballot on Demand Voting Systems

A vote center plan adopted after July 1, 2014 in a county in which a majority of votes are cast on optical scan ballot cards may include any additional procedures for efficient and secure voting at each vote center, including the use of a voting system capable of printing ballots on demand.

(SEA 385 § 59; Effective date: April 1, 2014; Citation affected: IC 3-11-18.1-4)

Vote Center Plans- Municipal Election Years

A county vote center plan may provide that in municipal election years (2015 and every 4 years thereafter), vote centers will not be used for the election in some or all of the small towns (with a population of less than 3,500) within the county.

(SEA 385 § 60; Effective date: March 24, 2014; Citation affected: IC 3-11-18.1-5)

Conduct of Provisional Ballot Hearings

During the county election board's consideration of the validity of a provisional ballot, the board shall not publicly identify the individual who cast the ballot by name or any identifying number, but shall refer to the ballot in terms sufficient to preserve the record regarding the board's determination regarding the validity of the provisional ballot.

(SEA 385 § 66; Effective date: March 24, 2014; Citation affected: IC 3-11.7-5-2.7[new])

Provisional Ballot Free Access System

Beginning with the 2015 city and town elections, a county voter registration office shall use the provisional ballot module within the statewide voter registration system to record the following information:

- 1) the name and address of an individual who cast a provisional ballot;
- 2) whether or not the provisional ballot was counted, and
- 3) if the provisional was not counted an explanation of the reason why the provisional ballot was not counted.

This will permit a voter who cast a provisional ballot to check the status of the provisional ballot on www.indianavoters.in.gov.

(SEA 385 § 67; Effective date: July 1, 2014; Citation affected: IC 3-11.7-6-3)

Rules for Counting Ballots

The general rule in counting ballots is that the primary factor to consider in determining a voter's choice on a ballot is the intent of the voter. However, this general rule is subject to the specific

rules set forth in state law that apply when a voter casts “split-ticket” votes. For example, if a voter casts straight party ticket votes for more than one party, the voter’s intent cannot be determined in that case with respect to all offices on the ballot except for nonpartisan school board candidates.

(SEA 385 § 68; Effective date: July 1, 2014; Citation affected: IC 3-12-1-1)

Auditing Votes Cast on Electronic Voting Systems

At the close of the polls, and after each electronic voting system has been secured and vote total printouts obtained, the inspector shall announce the total number of votes cast on all electronic voting systems and the number of absentee ballots cast and determine whether these totals exceed the number of voters entered into the poll book as either having voted on election day or by absentee ballot. If the number of voters recorded as having voted on the electronic voting system and the number of absentee ballots cast differ from the total number of voters shown on the poll lists as having voted, the inspector and judge of the opposite party shall report this fact in writing to the county election board together with the reasons for the discrepancy, if known, at the time that the inspector and judge return the precinct poll list to the board. If the total number of votes cast on the electronic voting system and by absentee ballot differ from the number of voters entered on the poll book by 5 or more then the county election board shall order an audit of the votes cast in that precinct.

The county election board shall conduct an audit to confirm that the votes cast for each candidate and on each public question on the electronic voting system were correctly counted. The audit shall employ tests and procedures that are approved by the commission and independent of the provider of the direct record electronic voting system being audited. The county election board shall certify the results of the audit not later than noon 12 days after the election. The certification must be on the form prescribed by the commission.

One copy of the certified results of the audit shall be filed with the election returns, and one copy must be delivered to the election division.

Public notice of the time and place of an audit shall be given at least 48 hours before the audit. The notice shall be published once in accordance with IC 5-3-1-4. However, if publication in accordance with IC 5-3-1-4 will not allow the county election board to certify the results of the audit within 12 days after the election, notice shall be given by posting at or near the office of the county election board.

(SEA 385 § 71; Effective date: March 24, 2014; Citation affected: IC 3-12-3.5-8 [new])

(HEA 1318 § 55; Effective date: April 1, 2014; Citation affected: IC 3-12-3.5-8 amends § 71 of SEA 385)

Clerk to Provide Election Report to County Chairman upon Request

The circuit court clerk shall provide each county chairman a copy of the county’s certified election results upon request of the county chairman. The requirement that a copy of the certified election results be provided to each county chairman not later than noon on the second Monday after the election is repealed.

(HEA 1318 § 56; Effective date: April 1, 2014; Citation affected: IC 3-12-4-12)

Additional Persons Authorized to Administer Oaths and Acknowledge Documents

An official court reporter may subscribe and administer oaths and take acknowledgements of all documents pertaining to all matters where an oath is required.

In addition, the adjutant general of the Indiana National Guard, specific active duty members, reserve duty members, or civilian employees of the Indiana National Guard designated by the adjutant general, may subscribe and administer oaths and take acknowledgments of all documents related to the service of an active or reserve duty member of the Indiana National Guard.

(HEA 1318 § 64; Effective date: July 1, 2014; Citation affected: IC 33-42-4-1)

(HEA 1041 § 1; Effective date: July 1, 2014; Citation affected: IC 33-42-4-1)

STATE ELECTION ADMINISTRATION

Repeal of Additional Certification of Election Results for Local Primary Candidates

A current requirement that the secretary of state provide the state chairman of a political party with a certified list of local candidates nominated at a primary election after certification and canvassing of election returns is repealed. The circuit court clerks currently provide certified primary election results to political parties upon request of the county party chairman as part of the county election board canvassing process and the secretary of state, with the assistance of the county clerks, also publishes this information on the "Who's on Your Ballot" portion of the state's election website.

(SEA 385 § 36; Effective date: March 24, 2014; Citation affected: IC 3-8-7-6)

Election Division to Provide Indiana District Courts Registration Information

The clerks of the Northern and Southern District federal courts may obtain information voter registration information from the Indiana election division from the statewide voter registration system for jury management purposes without payment of the \$5,000 fee required from other subscribers for this information.

(SEA 385 §§ 8 and 9; Effective date: March 24, 2014; Citation affected: IC 3-7-26.4-6, IC 3-7-26.4-12)

Administrative Law Judges

The inspector general is required to adopt a code of judicial conduct applicable to every person acting as an administrative law judge for a state agency.

In addition, an agency may share an administrative law judge with another agency.

The ultimate authority for an agency is prohibited from communicating ex parte with a party, a person with an interest in the outcome, or a person who presided at an earlier stage of the proceeding, concerning a matter pending before, or adjudicated by, an administrative law judge if

there is a reasonable likelihood that the ultimate authority will be called upon to review the decisions of the administrative law judge or issue a final order.

(HEA 1121 § 1, 2, 3 and 4; Effective date: March 24, 2014; Citation affected: IC 4-2-7-3, IC 4-2-7-9[new], IC 4-21.5-3-8.5[new], IC 4-21.5-3-9)

Additional Persons Authorized to Administer Oaths and Acknowledge Documents

An official court reporter may subscribe and administer oaths and take acknowledgements of all documents pertaining to all matters where an oath is required.

In addition, the adjutant general of the Indiana National Guard, specific active duty members, reserve duty members, or civilian employees of the Indiana National Guard designated by the adjutant general, may subscribe and administer oaths and take acknowledgements of all documents related to the service of an active or reserve duty member of the Indiana National Guard.

(HEA 1318 § 64; Effective date: July 1, 2014; Citation affected: IC 33-42-4-1)
(HEA 1041 § 1; Effective date: July 1, 2014; Citation affected: IC 33-42-4-1)

CITY AND TOWN ELECTIONS

Vote Center Plans- Municipal Election Years

A county vote center plan may provide that in municipal election years (2015 and every 4 years thereafter), vote centers will not be used for the election in some or all of the small towns (with a population of less than 3,500) within the county.

(SEA 385 § 60; Effective date: March 24, 2014; Citation affected: IC 3-11-18.1-5)

RECOUNTS AND CONTESTS

Public Question (Referenda) Recounts

For purposes of a public question recount, the “petitioner” is the individual whose name is listed first on the petition for a recount.

A recount petition for a public question is required to be signed by voters within the election district equal to at least 10% of the voters who cast ballots on the public question. A requirement that petition signers must have actually voted on the public question is repealed.

(HEA 1318 §§ 57, 58, 59, 60 and 61; Effective date: July 1, 2014; Citation affected: IC 3-12-12-1.7 [new], IC 3-12-12-4, IC 3-12-12-6, IC 3-12-12-13, IC 3-12-12-17)

Rules for Counting Ballots

The general rule in counting ballots is that the primary factor to consider in determining a voter's choice on a ballot is the intent of the voter. However, this general rule is subject to the specific rules set forth in state law that apply when a voter casts "split-ticket" votes. For example, if a voter casts straight party ticket votes for more than one party, the voter's intent cannot be determined in that case with respect to all offices on the ballot except for nonpartisan school board candidates.

(SEA 385 § 68; Effective date: July 1, 2014; Citation affected: IC 3-12-1-1)

PUBLIC QUESTIONS (REFERENDA)

Statewide Public Question Concerning Marriage

The General Assembly passed a joint resolution proposing to add a Section 38 to Article 1 of the Indiana Constitution of the State of Indiana to provide that only a marriage between one (1) man and one (1) woman shall be valid or recognized as a marriage in Indiana.

(House Joint Resolution 3 §§ 1 and 2)

NOTE: This proposed amendment has not been previously agreed to by the General Assembly so, before it becomes law, the resolution must be approved by the 2015 or 2016 General Assembly and ratified by a majority of the state's voters voting on the joint resolution as a public question on the ballot.

Statewide Public Question Concerning Hunting and Fishing

The General Assembly passed a joint resolution proposing to add a Section 39 to Article 1 of the Constitution of the State of Indiana to provide that the people have a right, which includes the right to use traditional methods, to hunt, fish, and harvest wildlife, subject only to the laws prescribed by the general assembly and rules prescribed by virtue of the authority of the general assembly to do the following:

- 1) promote wildlife conservation and management; and
- 2) preserve the future of hunting and fishing.

The constitutional amendment would establish hunting and fishing as the preferred means of managing and controlling wildlife and make the constitutional right subject to laws relating to trespass or property rights.

(Senate Joint Resolution 9 §§ 1 and 2)

NOTE: This proposed amendment has not been previously agreed to by the General Assembly so, before it becomes law, the resolution must be approved by the 2015 or 2016 General Assembly and ratified by a majority of the state's voters voting on the joint resolution as a public question on the ballot.

Public Transportation Public Question Authorized in Some Counties

Delaware County, Hamilton County, Hancock County, Johnson County, Madison County and Marion County are eligible to establish or expand public transportation services, other than light rail, through a local public question placed on the ballot pursuant to an ordinance adopted by the county council of the eligible county. If the county council adopts an ordinance, the county auditor shall certify a copy of the ordinance to the department of local government finance with the language for the question in the general format set forth in the state law for that county, including a description of the public transportation project.

The department of local government finance is required to review the proposed language of the public question for compliance with state law. The department may approve or reject the language. The department must send its decision to the county auditor and the county council not more than 10 days after the ordinance is submitted to the department. If the language is approved, the county auditor shall certify a copy of the ordinance, including the language for the question and the department's approval, to the county election board of the county.

Once certified to the county election board, the board shall place the local public question on the ballot at the next general election for which the question may be certified under IC 3-10-9-3 and for which all voters of the county are entitled to vote. However, once the public question is defeated another public transportation public question may not be placed on the ballot more than 2 times in any seven 7 year period. The public question is approved by a county if a majority of the county voters voting on the local public question vote "yes." The local public question is defeated by a county if a majority of the county voters voting on the local public question vote "no."

After an election on the public question, the clerk shall file a certified copy of the election results with the department of state revenue and county council.

Township Opt-In

A township board of a township in Delaware County, Hamilton County, Hancock County, Johnson County, Madison County, or Marion County may pass a resolution to place a local public question on the ballot on whether the county council of the county should be required to impose taxes in the township to fund a public transportation project in the township if the following things are true:

- (1) the fiscal body of the county in which the township is located does not adopt an ordinance to establish or expand public transportation services as described above; and
- (2) the township is adjacent to either of the following:

- (A) an eligible county in which a public transportation project has been approved as described above; or
- (B) a township in which a public transportation project has been approved as described below.

If the township board adopts a resolution, the township trustee shall certify a copy of the resolution to the department of local government finance with the language for the question in the general format set forth in state law for the county where the township is located, including a description of

the public transportation project. The township trustee may modify the proposed local question as necessary to indicate that the local question concerns a public transportation project for the township.

The department of local government finance shall review the language and may approve or reject the language. The department shall send its decision to the township trustee not more than 10 days after the resolution is submitted to the department. If the language is approved, the township trustee shall certify a copy of the resolution, including the language for the question and the department's approval, to the county election board of the eligible county.

Once certified to the county election board, the board shall place the local public question on the ballot at the next general election for which the question may be certified under IC 3-10-9-3 and for which all voters of the township are entitled to vote. Not later than 5 days after the election on the public question the circuit court clerk shall file a certified copy of the election returns on the public question with the department of state revenue, county council, and the township board.

The public question is approved by a township if a majority of the township's voters voting on the public question vote "yes." The local public question is defeated by a township if a majority of the township voters voting on the public question vote "no." If the public question is defeated in a township, the township board may not adopt a resolution to place another local public question on the ballot at a subsequent general election in the township.

During the period beginning with the date on which an ordinance is adopted under this chapter to place a local public question on the ballot, and continuing through the day on which the public question is submitted to the voters under this chapter, a political subdivision may not promote a position on the local public question by doing any of the following:

- 1) Using facilities or equipment, including mail and messaging systems, owned by the political subdivision to promote a position on the local public question, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.
- 2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the local public question.
- 3) Using an employee to promote a position on the local public question during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the local public question at any time.

However, an elected or appointed official of a political subdivision may do any of the following:

- 1) Personally advocate for or against a position on a local public question.
- 2) Discuss the public question with any individual, group, or organization or personally advocate for or against a position on a local public question before any individual, group, or organization.

If requested to do so by an elected or appointed official of a political subdivision, an employee of that political subdivision may assist an elected or appointed official in presenting information on the

public question if it is not done by using public funds. Mere advocacy or discussion as described above is not in itself considered a use of public funds.

An official or employee of a political subdivision is not prohibited from carrying out duties with respect to a local public question if the duties are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of factual information regarding the local public question in response to inquiries from any person.

(SEA 176 § 17; Effective date: July 1, 2014; Citation affected: IC 8-25[new article])

Allen County Single County Executive Public Question

A public question shall be held in Allen County at the 2014 general election on whether the executive and legislative structure of county government should be changed to provide for a single county executive and a county council that exercises both the legislative and fiscal powers of the county and consists of nine members elected from single-member districts (instead of four members elected from single-member districts and three members elected at large). The Allen County election board shall place the following public question on the November 4, 2014 general election ballot:

"Shall the county government of Allen County be reorganized to place all executive powers in a single county executive and to place all legislative and fiscal powers in the county council?"

If the public question is approved by a majority of the voters who vote on the public question then the voters of the county shall elect a single county executive (instead of a board of commissioners) in 2018 and every 4 years thereafter. The term of the single county executive elected in 2018 shall begin January 1, 2019.

In addition, the county council shall divide the county into 9 contiguous single-member county council districts effective for the 2018 general election. Council members shall be elected in the 2018 general election and every 4 years thereafter unless the county council adopts an ordinance providing for staggered terms for county council members.

State law provides for other matters of governance with respect to the Allen County executive and county council if the public question is approved by a majority of the voters who vote on the public question.

If a single county executive is elected pursuant to the procedures described above, the county council may adopt an ordinance to change the county government structure back to a structure that includes: (1) the election of a board of county commissioners (instead of a single county executive); and (2) a county council in which four members are elected from single-member districts and three members are elected at large (instead of a county council in which all nine members are elected from single-member districts). Such an ordinance may only be adopted during an odd numbered year or prior to July 1 of an even numbered year. If an ordinance is adopted, the county auditor shall certify the adoption of the ordinance to the county election board and the following question shall be placed on the ballot at the next general election:

"Shall the county government of Allen County be reorganized to elect a board of county commissioners rather than a single county executive?"

If a majority of the voters of a county who vote on a public question placed vote in favor of the public question, the office of the board of county commissioners shall be placed on the primary and general election ballots for the county in the year of the second general election after the public question is approved and every four years thereafter unless the county council adopts an ordinance providing for staggered terms for county commissioners.

(HEA 1346 §§ 1 through 23; Effective date: March 24, 2014; Citations affected: IC 3-5-2-22, IC 3-10-1-19, IC 3-10-2-13, IC 3-11-2-12, IC 20-46-1-19, IC 13-11-2-74, IC 20-24-2.3-2, IC 35-51-36-1, IC 36-1-2-5, IC 36-1-2-9, IC 36-1-2-24, IC 36-1-3-6, IC 36-2-2-1, IC 36-2-2.4[new chapter], IC 36-2-2.5 [new chapter]; IC 36-2-2.7[new chapter]; IC 36-2-3-4, IC 36-2-3-4.1, IC 36-2-3.7, IC 36-2-4-8, IC 36-5-1-20, IC 36-9-13-2, IC 36-9-27-5)

School Tax Levy Public Question Procedures

The purpose or purposes for the request for additional tax funds by means of a school tax levy public question must be included in the question on the ballot. The department of local government finance is no longer required to approve the ballot language proposed by a school corporation for a school tax referendum. Instead, the county election board of the county or counties in which the school corporation is located must either approve or revise the ballot language proposed by the school board.

If the county election board revises the public question ballot language, the school board may request the Indiana election commission to review the county election board's decision. The Indiana election commission shall either approve the language proposed by the school board, the language proposed by the county election board, or prescribe language to be used for the public question. However, if the Indiana election commission does not act not later than 60 days before the primary election (if the referendum is to be placed on the primary ballot) or by August 1 before a general or municipal election (if the referendum is to be placed on the general or municipal election ballot) then the county election board's language is the language that shall be used for public question.

If a majority of the voters do not vote in favor of the public question, another public question may not be placed on the ballot for at least another 350 days. Prior law provided that another referendum may not be held for another year.

(SEA 207 §§ 1,2,3,4 and 5; Effective date: July 1, 2014; Citations affected: IC 20-46-1-8, IC 20-46-1-10, IC 20-46-1-13, IC 20-46-1-14, IC 20-46-1-19)

Public Question Procedures for Changing a Town to a City

A special election on a public question to change a town to a city must be conducted at least 74 days, and not more than 104 days, after notice of the election is given. This allows time for ballots

to be transmitted to, and returned by, military and overseas voters. The circuit court clerk of the county shall notify the office of the secretary of state and the office of census data of the results of the special election.

(HEA 1318 § 66; Effective date: July 1, 2014; Citation affected: IC 36-4-1.5-2)

Public Question Procedures for Incorporation of a Town

A special election on a referendum to incorporate a town must be conducted at least 74 days and not more than 104 days after notice of the election is given. This allows time for ballots to be transmitted to and returned by military and overseas voters. The circuit court clerk is required to certify the results of the referenda to, among others, the office of the secretary of state and the office of census data.

(HEA 1318 § 67; Effective date: July 1, 2014; Citation affected: IC 36-5-1-8)

MISCELLANEOUS TECHNICAL CHANGES

Interim Legislative Study Committee Structure

Many former interim legislative study committees have been abolished, including the census data advisory committee which considered election related issues and legislation. Seventeen interim study committees have been established, including an “elections” interim study committee. The legislative council may establish additional interim study committees. Additional changes are made regarding interim legislative committees, including details regarding the appointment and service of committee members as well as details regarding committee operations.

(SEA 80 §§ 1-16; Effective date: March 24, 2014; Citations affected: IC 2-5-1.1-10, IC 2-5-1.1-12.2, IC 2-5-1.2-1, IC 2-5-1.2-4, IC 2-5-1.2-8.5, IC 2-5-1.3[new chapter], IC 2-5-1.6[repealed], IC 2-5-2[repealed], IC 2-5-3[repealed], IC 2-5-5[repealed], IC 2-5-12[repealed], IC 2-5-16[repealed], IC 2-5-18[repealed], IC 2-5-19[repealed], IC 2-5-20[repealed], IC 2-5-21-2[repealed])

Legislative Study Committee Topic of Bonding Public Officials

The legislative council is urged to assign to an appropriate study committee all aspects of the topic of the bonding of elected public officials, including any constitutional issues that might be related to requiring elected officials to be bonded.

(SEA 32 § 7; Effective date: March 24, 2014; Citation affected: noncode)

No Cost for Photo ID Issued for Certain Voters

Prior provision requiring the Bureau of Motor Vehicles to issue rules regarding provision of a free Photo ID to persons without a valid Indiana driver’s license who are eligible to vote is repealed and replaced with a state law that provides for a free Photo ID for persons without a valid Indiana driver’s license who are eligible to vote.

(HEA 1237 §§ 1 and 136; Effective date: January 1, 2015; Citations affected: IC 5-16-9-1, IC 9-29-9-15.1[repealed])

Reclassification of Election Crimes from Class D to Level 6 Felonies

State law changes the classification of certain election crimes not amended in 2013 from Class D felonies to Level 6 felonies.

(HEA 1006 §§ 2, 3, 4 and 5; Effective date: July 1, 2014; Citations affected: IC 3-14-1-17, IC 3-14-2-3, IC 3-14-2-11, IC 3-14-2-29)

Identification of Election Crimes Outside of Title 35

A new article within the criminal code (Title 35) cross-references crimes found in other parts of the Indiana code, including election law crimes set forth in the election code (Title 3).

(HEA 1008 § 2; Effective date: July 1, 2014; Citations affected: IC 35-52[new])

Correcting or Removing Obsolete References and Cross-References

An obsolete reference to a county's NVRA implementation plan is repealed.

(SEA 385 § 7; Effective date: July 1, 2014; Citation affected: IC 3-7-24-11)

Obsolete provisions concerning the inclusion of state registration forms in state income tax booklets are repealed.

(SEA 385 §§ 5, 6 and 73; Effective date: July 1, 2014; Citation affected: IC 3-8-7-6, IC 3-7-23[repealed], IC 6-8.1-3-19[repealed])

An incorrect reference to procedure for delivering an electronic poll list to a precinct is repealed.

(SEA 385 § 40; Effective date: March 24, 2014; Citation affected: IC 3-11-3-16)

A reference in state law indicating that confidentiality program participants have their legal (voting) residence at the Attorney General's office was corrected to indicate the Attorney General's office address is the confidentiality program participant's mailing address for absentee voting purposes.

(SEA 385 § 42; Effective date: March 24, 2014; Citation affected: IC 3-11-4-5.1)

An obsolete reference to a voter identification number on an absentee ballot application is repealed. Under current law, the voter identification number is no longer included on the application form.

(SEA 385 § 43; Effective date: March 24, 2014; Citation affected: IC 3-11-4-17.5)

A law enacted in the 2013 session to provide for a procedure to permit all voters who are in line to vote absentee in person at the clerk's office or a satellite absentee office to vote was relocated,

without substantive change, to the correct chapter in the Indiana election code dealing with absentee voting.

(SEA 385 §§ 46 and 56; Effective date: March 24, 2014; Citation affected: IC 3-11-8-11.3[repealed], IC 3-11-10-29.2[new])

State laws setting forth the general deadline to receive absentee ballots are amended to add cross-references that acknowledge absentee ballots mailed from overseas (both military and civilian) voters have a different deadline

(SEA 385 §§ 50 and 63; Effective date: March 24, 2014; Citation affected: IC 3-11-10-14, IC 3-11.5-4-10)

Obsolete procedures regarding traditional hand-counted paper ballots are repealed, including the requirement to use separate paper ballots for different offices and the requirement that poll clerks or assistant poll clerks mark the poll list by the voter's name (the voter is required to sign the poll list).

(SEA 385 §§ 57 and 58; Effective date: March 24, 2014; Citation affected: IC 3-11-11-5, IC 3-11-11-15)

A reference to "protesting" was corrected to "challenge" to properly describe the procedure that leads to a challenged absentee ballot being processed as a provisional ballot.

(SEA 385 § 64; Effective date: March 24, 2014; Citation affected: IC 3-11-11.5-4-15)

For counties that count absentee ballots at a central location, the duties of absentee ballot counters in submitting returns to the county election board were clarified.

(SEA 385 § 54; Effective date: April 1, 2014; Citation affected: IC 3-11-7.5-19)

An obsolete standard for electronic voting systems, which were formerly manufactured with a transparent plastic sheet over a ballot label containing printed candidate names, is repealed. These names are now electronically generated on the screen, and no plastic sheet is used.

(HEA 1318 §§ 28, 34 and 35; Effective date: April 1, 2014; Citations affected: IC 3-10-1-18, IC 3-11-7.5-7, IC 3-11-7.5-19)

A provision that requires a county voter registration board to deliver a certificate of error to itself (since the board issues the certificate in the first place) is repealed.

(HEA 1318 § 11; Effective date: July 1, 2014; Citation affected: IC 3-10-1-14.1)

A provision that a candidate's given name and surname as set forth in the candidate's voter registration record be printed in full on the primary election ballot is repealed since it contradicts current law regarding candidate name requirements (IC 3-5-7).

(HEA 1318 § 27; Effective date: April 1, 2014; Citation affected: IC 3-7-48-4[repealed])

A reference to “local” ballots printed by the county election board is repealed since all ballots are now printed by the county election board.

(HEA 1318 § 30; Effective date: April 1, 2014; Citation affected: IC 3-11-3-11)

An obsolete reference to ballot “pasters” is repealed.

(HEA 1318 § 43; Effective date: July 1, 2014; Citation affected: IC 3-11-14-3.5)

A cross-reference to the challenge affidavit made with respect to an absentee ballot in a county that counts absentee ballots at a central location is corrected.

(HEA 1318 § 50; Effective date: April 1, 2014; Citation affected: IC 3-11.5-4-16)

A reference to the “challenged voter’s affidavit” is repealed since the absentee voter’s absentee ballot application serves as a challenged voter’s affidavit.

(HEA 1318 § 49; Effective date: April 1, 2014; Citation affected: IC 3-11.5-4-16)

A cross-reference to absentee central count statute is corrected to clarify that the deadline to receive a mailed absentee ballot from an overseas voter is noon 10 days after the election.

(HEA 1318 § 54; Effective date: July 1, 2014; Citation affected: IC 3-12-1-17)

A cross-reference is corrected in a statute describing the processing of school board candidate petitions.

(SEA 24 § 3; Effective date: March 13, 2014; Citation affected: IC 3-8-2.5-5)

A cross-reference to an electronic poll book statute is corrected in a statute describing the delivery of precinct supplies to clarify that the county election board delivers and installs the electronic poll books used in an election.

(SEA 24 § 4; Effective date: March 13, 2014; Citation affected: IC 3-11-3-11)

A cross-reference to the Secretary of State’s responsibility to certify electronic poll books is corrected in a statute that sets forth electronic poll book standards.

(SEA 24 § 5; Effective date: March 13, 2014; Citation affected: IC 3-11-8-10.3)

A cross-reference to the requirement to certify a public question to the county election board is corrected in a statute providing a public question to change from a town to a city.

(SEA 24 § 119; Effective date: March 13, 2014; Citation affected: IC 36-4-1.5-2)

A technical corrections bill adds missing text, strikes irrelevant text, and corrects text consistent with the intent of the original legislation in some election laws, including a statute regarding the restructuring of the Marion County city-county council.

(SEA 24 §§ 1, 2, and 118; Effective date: March 13, 2014; Citation affected: IC 3-7-38.2-5, IC 3-7-48-7, IC 36-3-4-3)