



# 2015 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 2015. Bills may be obtained by contacting the Legislative Information Center at 200 West Washington Street, Room 230, Indianapolis, Indiana 46204-2731; (317) 232-9856, or by downloading documents from the General Assembly's website at [www.in.gov/legislative](http://www.in.gov/legislative).

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

**The 2015 Regular Session of the Indiana General Assembly enacted the following election-related bills and joint resolution:**

Public Law 6-2015 (Senate Enrolled Act 59): Under-18 Year Olds Voting in a Primary  
Public Law 174-2015 (House Enrolled Act 1236): Electioneering in Gated Communities  
Public Law 52-2015 (Senate Enrolled Act 394): Reporting Government Malfeasance  
Public Law 57-2015 (House Enrolled Act 1335): Removing Public Officials from Office  
Public Law 68-2015 (House Enrolled Act 1505): Sale of Utility Property Referendum  
Public Law 120-2015 (Senate Enrolled Act 514): Town Clerk-Treasurer Vacancy  
Public Law 129-2015 (House Enrolled Act 1140): Precinct Inspectors  
Public Law 167-2015 (Senate Enrolled Act 426): County and Township Assessor Qualifications  
Public Law 169-2015 (Senate Enrolled Act 466): Miscellaneous Election Matters  
Public Law 173-2015 (House Enrolled Act 1110): City and Town Judges  
Public Law 184-2015 (House Enrolled Act 1264): Volunteer Firefighters and Public Office  
Public Law 203-2015 (Senate Enrolled Act 251): Controlled Projects  
Public Law 216-2015 (House Enrolled Act 1139): Miscellaneous Election Matters  
Public Law 233-2015 (Senate Enrolled Act 500): School Board Candidates  
Public Law 235-2015 (Senate Enrolled Act 522):  
Absentee Voting by Mail for "Serious Sex Offenders"

Public Law 258-2015 (SJR 2): Constitutional Amendment Regarding Hunting and Fishing

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

Public Law 5-2015 (Senate Enrolled Act 4): Technical Corrections  
Public Law 109-2015 (Senate Enrolled Act 199): Technical Corrections  
Public Law 124-2015 (House Enrolled Act 1003): Interim Study Committee on Redistricting  
Public Law 128-2015 (House Enrolled Act 1138): Updating Federal Law References

## VOTER REGISTRATION

### Third-Party Delivery of Voter Registration Application

The current state law that requires an individual who received the completed voter registration application of another individual to file it within 10 days of receipt was clarified as follows:

1. The 10 day deadline to file the registration application begins on the date that the person who **initially** received a completed voter registration application from the applicant received it, even though the registration application was passed on to another individual to file.
2. The 10 day deadline to file a completed registration applies whether a person received a completed a mail-in registration form prescribed by the **United States Election Assistance Commission** (federal form) or by the Election Division.

(SEA 466 § 38; Effective date: July 1, 2015; Citation affected: IC 3-7-32-8)

### Processing Voter Registration Applications When Registration is Closed

The requirement that counties “shall” enter the data from voter registration applications into the SVRS after the applicable voter registration deadline before an election and designate the application as “pending” is repealed. County voter registration offices **may** enter data from these late registration applications and designate application as “incomplete” until voter registration reopens.

(SEA 466 § 17; Effective date: July 1, 2015; Citation affected: 3-7-13-12)

### Food Stamp Offices

An FSSA office providing food stamp services is permitted to submit voter registration applications and declinations to a county voter registration office from by first class US mail (rather than certified mail). Current law permits FSSA offices providing other services to clients to transmit voter registration applications to counties by first class mail.

(HEA 1139 § 35; Effective date: May 7, 2015; Citation affected: IC 12-14-25-5)

### SVRS Interaction with Electronic Poll Books Regarding Voter Signatures

SVRS shall have the capacity to do the following:

1. Transmit a more recent signature made by the voter from an absentee ballot application, electronic poll book or paper poll book, or other registration document (rather that the signature made by the voter on the original registration application) to be downloaded to an electronic poll book.
2. Receive uploads of voter registration signatures from an electronic poll book and assign the signature to the voter’s registration record in SVRS.

(SEA 466 § 27; Effective date: January 1, 2016; Citation affected: IC 3-7-26.3-33)

### **Processing “Fail-Safe” Affidavits after the Election**

After an election the county voter registration office may update voter registration records by unsealing envelopes containing poll lists and using information from voter “fail-safe” affidavits (the VRG 4/12 form) in the same manner that the county voter registration office may update information using poll lists from the precinct material.

(HEA 1139 § 11; Effective date: May 7, 2015; Citation affected: IC 3-10-1-31.1)  
(SEA 466 § 79; Effective date: July 1, 2015; Citation affected: 3-10-1-31.1)

### **County Voter Registration Address Confirmation Mailings**

A county voter registration office is required to send county voter registration confirmation mailings to the *mailing* address listed on the voter’s registration application for each voter if the voter provides a mailing address that is different than the residence address.

The Election Division shall provide county voter registration officials information in even numbered years concerning any registered voter who appears to no longer reside at the address set forth in the voter’s registration record due to a mailing returned to the district courts not later than 28 days following the primary election. The county voter registration office shall send an address confirmation notice to the voter at the voter’s mailing address not later than 42 days following the primary election conducted in that year. The requirement to use only information regarding mailings returned to the district courts as “undeliverable due to an unknown or insufficient address” is repealed.

A county voter registration office shall also send an address confirmation notice to an Indiana voter if the BMV provides information indicating that the voter has moved from Indiana to another state.

The current law requiring a county voter registration office to process voter list maintenance mailing responses from voters to update or cancel voter registration records after registration reopens is repealed. A county voter registration office is not required to wait until registration reopens to process updates or cancellation requests on late voter list maintenance mailing responses before the election.

(SEA 466 § 40, 42, 45; Effective date: May 5, 2015 (§ 40, 42), July 1, 2015 (§ 45); Citations affected: IC 3-7-38.2-2, IC 3-7-38.2-16, IC 3-7-39-10)

### **Election Division Statewide Mailing**

The statewide voter registration confirmation mailing sent by the Election Division is required to be sent to the *mailing* address listed on the voter’s registration application for each voter if the voter provides a mailing address that is different than the residence address.

(SEA 466 § 42; Effective date: May 5, 2015; Citation affected: IC 3-7-38.2-16)

### **Voter List Maintenance and Military/Overseas Voters with FPO addresses**

If in conducting voter list maintenance a county voter registration office is advised that the military/overseas voter’s residence may have changed and the voter’s address does not include an "FPO" (Fleet Post Office) designation, the voter registration office may disregard the notification of change of residence and is not required to act further in order to take the steps necessary to designate the voter’s registration as “inactive”

Current law provides that this applies to military overseas voters with “APO” (Army Post Office) designations as well.

(HEA 1139 § 4; Effective date: May 7, 2015; Citation affected: 3-7-38.2-9)

### **Multi-State Voter Registration Data Sharing Program**

The Co-Directors of the Election Division shall provide information concerning an Indiana voter who may also be registered in another state participating in the multi-state voter registration data sharing program (Kansas program) to the county voter registration office if the first name, last name, and date of birth of the Indiana voter is identical to the first name, last name, and date of birth of the voter in the other state.

The Election Division may provide Indiana voter registration data for an individual to states and local governments participating in Kansas program, and, upon written request, to law enforcement officials conducting an investigation.

(SEA 466 §§ 29, 41; Effective date: May 5, 2015; Citations affected: IC 3-7-26.4-4, IC 3-7-38.2-5)

### **Social Security Administration Death Records**

A county voter registration office may cancel the record of a voter who is shown by Social Security Administration records as deceased, unless the county determines that additional documentation is necessary before cancelling a voter record. These records are provided by Social Security Administration to the Bureau of Motor Vehicles pursuant to an agreement between the two agencies.

(SEA 466 § 164; Effective date: May 5, 2015; Citation affected: IC 9-24-2.5-13)

### **Residence Standards**

A person does not gain residence in a precinct “in which the person **is physically present** (as opposed to “*moves into*”) for temporary employment, educational purposes, preparing to purchase or occupy a residence, or other purposes if the person does not intend to make a permanent home in the precinct.

The residence standards are clarified to provide that a student attending a postsecondary educational institution in Indiana has only one residence address for purposes of the election code, and may register at either of the following addresses but not both:

1. The address where the student lives when the student attends the postsecondary educational institution where the student pursues the student's education.
2. The address where the student lives when the student is not attending the postsecondary educational institution where the student pursues the student's education.

These amendments to the residence standards do not affect any rights accrued, penalties incurred, violations committed, or proceedings begun before July 1, 2015.

(SEA 466 §§ 5 and 6; Effective date: May 5 and July 1, 2015, respectively; Citations affected: IC 3-5-5-0.3[new], IC 3-5-5-7)

## **VOTING QUALIFICATIONS AND VOTING PROCEDURES**

### **Registered Voters Not Yet 18 May Vote on Political Party Offices on Primary Ballot**

A registered voter who will meet the age and residency requirements on the date of the next general, municipal, or special election may vote for the political party offices of precinct committeeman and state convention delegate elected at a primary election even though the voter is not yet 18 years of age on the date that the primary election is conducted.

(SEA 59 § 1; Effective date: July 1, 2015; Citation affected: IC 3-7-13-3)

### **Identifying Eligible Voters in Line at the Close of the Polls on Election Day**

The circuit court clerk shall designate a person to determine the end of the line of voters at the close of the polls on election day so that the voters in line at that time may vote. The clerk's designee shall make the determination of eligible voters by one of the following methods:

1. Writing down the names of these voters.
2. Stamping the hand of each voter.
3. Standing, or having another individual stand, in line immediately behind the last voter eligible to vote.

The same methods are currently used to determine which voters are eligible to apply to for an absentee ballot on the final day for voting absentee in the clerk's office or satellite absentee office.

(SEA 466 § 111; Effective date: July 1, 2015; Citation affected: IC 3-11-8-11)

### **Casting Ballot on Election Day When Absentee Ballot Not Received**

A voter who has been mailed, but not received an absentee ballot, may cast a ballot on election day if the voter executes an affidavit affirming that the voter has not received the absentee ballot.

(SEA 466 §§ 125 and 140; Effective date: July 1, 2015 and May 5, 2015, respectively; Citations affected: IC 3-11-10-31, IC 3-11-1.5-4-18)

### **Casting Ballot on Election Day When Absentee Ballot Received- Central Count**

In a county that counts absentee ballots at a central location, a voter who has been mailed an absentee ballot and received the ballot, but not returned the absentee ballot before election day, may return the absentee ballot to the inspector and vote at the polls (prior law required a voter to return the absentee ballot to the county election board).

(SEA 466 § 140; Effective date: May 5, 2015; Citation affected: IC 3-11-1.5-4-18)

### **Fail-Safe Procedures for Electronic Poll Books**

In a county that uses an electronic poll books, a voter may make either a written affirmation, or an *oral* affirmation, that the voter has changed residence within the last 30 days before the election or changed residence within the same county or congressional district (and within the same municipality during municipal elections). The written affirmation shall be made on a VRG 4/12. An oral affirmation shall be documented in writing on the VRG 4/12 by the poll clerks who shall initial the writing on the VRG 4/12.

A voter in a county that uses electronic poll books may indicate a name change on the VRG 4-12 affidavit form provided to the precincts or make an oral affirmation of the change to the poll clerks who document the oral affirmation in writing on the VRG 4/12 and initial the writing on the VRG 4/12.

(SEA 466 §§ 43, 47, 84, 87; Effective date: July 1, 2015; Citations affected: 3-7-39-6, IC 3-7-41-3, IC 3-10-11-4, IC 3-10-12-4)

### **Content of Fail-Safe Affidavits**

The requirement that the VRG 15 form used by a voter who moves from Indiana to another state less than 30 days before a presidential election to vote for president only contain the voter's birthplace is repealed.

(SEA 466 § 82; Effective date: July 1, 2015; Citation affected: IC 3-10-10-7)

The VRG 4/12 form used for voters who move from one precinct to another precinct in Indiana less than 30 days before the election in order to vote in the voter's former precinct of residence must contain the following two questions: "Are you a citizen of the United States of America?" and "Will you be at least 18 years of age on or before election day?"

(SEA 466 § 85; Effective date: July 1, 2015; Citation affected: IC 3-10-11-5)

### **Voter Signature Comparison at the Polls**

A precinct election board may use a more recent signature of the voter from an absentee ballot application, poll list, electronic poll list or registration document provided by the county voter registration office to compare with the voter's signature on a poll list or electronic poll book to confirm the voter's identity (prior law only permitted comparison using a voter's signature on the voter's application for registration or on the paper poll list).

(SEA 466 § 115; Effective date: July 1, 2015; Citation affected: IC 3-11-8-25.1)

### **Precinct Designation on Ballot in Counties Using Ballot on Demand System**

In a vote center county using a ballot card voting system that prints ballots on demand, a county election board may permit the required precinct designation to be added to a ballot when the ballot is printed rather than having pre-printed ballots with the precinct designation.

(SEA 466 § 126; Effective date: July 1, 2015; Citation affected: IC 3-11-13-19)

## **Election Crimes**

A person who knowingly makes a false statement concerning the person's name, address, or voter identification number on a "failsafe affidavit" (VRG 4/12 or VRG 5) commits a Level 6 felony (prior law penalized such statements by a poll list or making other oral or written affirmations when voting at the polls).

(SEA 466 § 158; Effective date: July 1, 2015; Citation affected: IC 3-14-2-11)

Knowingly submitting a single false or fraudulent voter registration application or procuring, casting, or tabulating a single false or fraudulent ballot is a Level 6 felony (prior law only referred to multiple "applications" or "ballots"). This amendment has no effect on any current proceedings.

(SEA 466 §§ 159 and 160; Effective date: May 5, 2015; Citation affected: IC 3-14-3-0.1, IC 3-14-3-1.1)

## **ABSENTEE VOTING**

### **Appointing Absentee Voter Boards**

In counties where absentee ballots are counted at the precincts (rather than at a central count location), the deadline for a county election board to notify county chairmen of the number of absentee voter boards to be appointed is 50 days before the election (the deadline was 38 days before the election under prior law). The deadline for the county chairman to make recommendations for persons to serve on absentee voter boards is 46 days before the election (the deadline was 31 days before the election under prior law).

(HEA 1139 § 22; Effective date: May 7, 2015; Citation affected: IC 3-11-10-37)

### **Absentee Travel Board**

An absentee travel board may visit a voter with illness or injury, or a voter caring for a voter with illness or injury, at the voter's place of confinement or residence during any of the 19 days before election day (rather than during the 12 days before election day under prior law).

(SEA 466 § 120; Effective date: July 1, 2015; Citation affected: IC 3-11-10-25)

### **Providing Absentee Ballot Applications**

An absentee ballot application may be provided to a voter regardless of the method to be used by the voter in submitting the absentee ballot application to the county election board.

(HEA 1139 § 20; Effective date: July 1, 2015; Citation affected: IC 3-11-4-4)

### **Submitting Absentee Ballot Applications by Email**

An absentee ballot application submitted by electronic mail, and requesting that an absentee ballot be mailed to the voter, must be received by the county election board no later than 11:59 p.m. on the eighth day before election day.

An absentee ballot application may be transmitted to any voter, regardless of the method used by the voter to request the application. (Prior law only referred to a request for an application when the request was submitted by mail, telephone, email or fax, as opposed to any other method, such as an in-person request, for example).

Any voter (rather than only a military or overseas voter) may submit an absentee ballot application to the county election board by electronic mail with a digital image of the application and signature of the applicant.

(SEA 466 § 97 and 98; Effective date: July 1, 2015; HEA 1139 §20; Effective date: July 1, 2015) Citations affected: IC 3-11-4-3, IC 3-11-4-4)

### **Voter Unable to Sign May Designate a Person to Sign Absentee Application**

If a voter is unable to sign an absentee ballot application, and has not designated an attorney in fact, then the voter may designate any individual to assist the voter (other than the voter's employer or union representative) to sign the application on behalf of the voter and add the individual's name to the application. (Prior law permitted the county election board to designate an individual to do so.)

(SEA 466 § 96; Effective date: July 1, 2015; Citation affected: IC 3-11-4-2)

### **Scanning or Copying Absentee Ballot Applications to Vote by Mail or Before a Traveling Board**

Before a voter's absentee ballot application to vote by mail or before a traveling board is attached to the absentee ballot security envelope (ABS-6) of a mailed ballot that has been returned to the county election board, the absentee ballot application must be scanned or otherwise copied for public inspection. This requirement does not apply to an absentee ballot of a voter voting absentee in the clerk's office or at a satellite absentee office, or to an address confidentiality program participant.

(SEA 466 § 118; Effective date: July 1, 2015; Citation affected: IC 3-11-10-8.5[new])

### **Transmitting Absentee Ballots**

References to an absentee ballot being "mailed" is updated to "transmitted" in recognition of the fact that absentee ballots may be provided to military and overseas voters by FAX or email as well as by mail.

(HEA 1139 § 21; Effective date: May 7, 2015; Citation affected: IC 3-11-4-18)

### **Absentee Ballot Applications Not Required For In-Person Absentee Voting With Use of Electronic Poll Books**

An absentee ballot application is not required to receive and cast an absentee ballot when voting absentee in-person at the clerk's office or at a satellite absentee office if the county is using electronic poll books. However, the voter must sign the electronic poll book and execute the affidavit prescribed for voting absentee by mail. How this law applies to a voter who casts an absentee ballot using a direct record electronic voting system and which affidavit should be used in that case is not clear.

(SEA 466 §§ 95 and 121; Effective date: July 1, 2015; Citations affected: IC 3-11-4-1.5[new], IC 3-11-10-26)

### **Providing Assistance to Individual Voting Absentee In-Person at Clerk's Office or Satellite Absentee Office**

A person who assists a voter who is voting absentee in-person at the clerk's office or satellite office must sign the same affidavit as a person who assists a voter at the polls on election day.

(SEA 466 § 117; Effective date: July 1, 2015; Citation affected: IC 3-11-9-2)

### **Signature Comparison for Absentee Votes Cast on Electronic Voting Systems**

For absentee votes cast on an electronic voting system, a county election board must adopt procedures for to compare the signature on the voter's absentee ballot application with the applicant's signature on a voter registration record (which may include the voter's signature on a paper poll list, electronic poll list, or other registration document). Under prior law, the comparison was required to be made with the signature on the voter's original voter registration application. This requirement does not apply if the county is using an electronic poll books in absentee voting, since in that case an absentee ballot application is not required.

(SEA 466 §§ 122; Effective date: July 1, 2015; Citation affected: IC 3-11-10-26.2)

### **Serious Sex Offenders and Voters Without Transportation May Vote Absentee by Mail**

A voter who is a serious sex offender (as defined in IC 35-42-4-14(a)) is entitled to vote by mail.

A voter prevented from voting due to the unavailability of transportation to the polls is entitled to vote absentee by mail.

(SEA 522 § 1 and 3; Effective date: July 1, 2015; Citations affected: IC 3-11-10-24, IC 35-42-4-14[new])  
(SEA 466 § 119; Effective date: July 1, 2015; Citation affected: IC 3-11-10-24)

### **Absentee Ballot Applications for Address Confidentiality Voters**

A reference to "residence" is stricken as a requirement for the absentee ballot application form used by Attorney General's address confidentiality program participants since these individuals use the Attorney General's office as their "legal" residence on their absentee ballot application even though they do not reside at the Attorney General's office.

(SEA 466 § 99; Effective date: May 5, 2015; Citation affected: IC 3-11-4-5.1)

### **Absentee Ballot Security Envelope Affidavit Contents**

The county election board (rather than the voter) shall set forth the name of the voter's precinct on the affidavit on the Absentee Ballot Security Envelope for Mailed Ballots (ABS-6) sworn to by the voter.

(SEA 466 § 104; Effective date: July 1, 2015; Citation affected: IC 3-11-4-21)

### **Precinct Designation on Ballots Voted by Absentee Travel Board**

In a county that adopts a resolution providing that all absentee ballots voted by the travel board must contain the initials of the appointed county election board members or their representatives (instead of the initials of the travel board), a precinct designation is not required to be preprinted on absentee ballots

printed immediately before the ballot is delivered to a voter, but may be added in the same manner as the initials of the county election board or the board's representatives.

(SEA 466 § 124; Effective date: July 1, 2015; Citation affected: IC 3-11-10-27)

### **Watchers in Central Count Absentee Ballot Counties**

In counties that count absentee ballots at a central location, a major political party is entitled to appoint the number of watchers equal to the number of teams of absentee ballot counters.

(SEA 466 § 135; Effective date: July 1, 2015; Citation affected: IC 3-11.5-3-1)

### **Rejected Absentee in Central Count Absentee Ballot Counties**

Rejected absentee ballots may not be opened, except on order of a court or the state recount commission (the same requirement exists in current law for rejected ballots in counties that count absentee ballots at the polls).

(SEA 466 § 141; Effective date: July 1, 2015; Citation affected: IC 3-11.5-4-21.5[new])

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

### **Definition of "Ballot"**

Definition of "ballot" is amended to include the electronic display of candidates, offices, and parties on modern electronic touch screen voting systems.

The amendment made to the definition of ballot does not affect any rights accrued, penalties incurred, violations committed, or proceedings begun before July 1, 2015.

(SEA 466 §§ 1 and 5; Effective date: May 5, 2015; Citations affected: IC 3-5-2-3, IC 3-5-5-0.3 [new])

### **Delivery of Provisional Ballots**

Provisional ballots must be delivered to the county election board no later than 50 days before a general, primary, special or municipal election (the same deadline in current law for regular official ballots).

(SEA 466 § 146; Effective date: July 1, 2015; Citation affected: IC 3-11.7-1-6)

### **Reprinting General Election Ballots When Ballot Vacancy Filled**

A county election board is required to reprint a general election ballot to contain the name of a candidate selected to fill a ballot vacancy for the general election unless the former candidate's party has not chosen to fill the ballot vacancy by noon 5 days before the election.

(SEA 466 § 92; Effective date: July 1, 2015; Citation affected: IC 3-11-3-29)

## **Voting System Approval**

The review of applications for approval of an improvement or change to an electronic voting system must be in accordance with procedures approved by the Indiana election commission as well as results of an independent testing laboratory. The review must indicate whether an independent testing report indicates the following:

- 1) the proposed improvement or change is a de minimis change or modification to an existing voting system.
- 2) the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of the Help America Vote Act or the election code as indicated by a report from an independent testing laboratory.

(SEA 466 § 107; Effective date: July 1, 2015; Citation affected: IC 3-11-7.5-5)

## **Voting System Testing Procedures- Deadline for Public Test of Electronic Voting System**

A public test of an electronic voting system must be conducted before the voting system is put in use for in-person absentee voting in the clerk's office.

(SEA 466 § 130; Effective date: May 5, 2015; Citation affected: IC 3-11-14.5-1)

## **Voting System Testing Procedures for Hybrid Voting Systems**

A public test of a voting system that includes features of both a ballot card and electronic voting system (hybrid) must be conducted by the entry of a preaudited group of ballots and at least 10 ballots cast by using the headphone or a sip/puff device so as to record a predetermined number of valid votes for each candidate and on each public question. The public test must also include at least 1 ballot for each office and public question that has votes in excess of the number allowed by law in order to test the ability of the voting system to reject the overvotes.

(SEA 466 § 128; Effective date: May 5, 2015; Citation affected: IC 3-11-13-24)

## **Voting System Testing Procedures When Ballot is Reprinted or Reprogrammed**

If ballots have been reprinted or reprogrammed after the public test for the voting system because a candidate, political party, or public question was omitted from the ballot, or a ballot vacancy has occurred and a successor candidate appointed, then an additional public test must be conducted for the reprinted or reprogrammed ballot for either a ballot card voting system, an electronic voting system, or a "hybrid" voting system with features of both an electronic and ballot card voting system. If an additional public test is required, notice of the test must be given under the Open Door Law but that publication of a legal notice in a qualifying newspaper is not required for the additional public test.

(SEA 466 §§ 127, 130, 131; Effective date: May 5, 2015; Citations affected: IC 3-11-13-22, IC 3-11-14.5-1, IC 3-11-14.5-2)

### **Electronic Voting System Audits**

Before a county election board orders an audit based on a discrepancy between the number of votes cast at the polls and the number of voters who received a ballot (or returned an absentee ballot), the county election board shall recheck the computations reported by the inspector and judge of the opposite party used to determine the existence of the discrepancy.

The county election board must certify the results of a post-election audit no later than 13 days after the election (rather than 12 days, since the 12<sup>th</sup> day after an election always falls on a Sunday).

(SEA 466 §§ 148; Effective date: July, 2015; Citation affected: IC 3-12-3.5-8)

### **Electronic Poll Book Standards and Training**

Technical changes are made to the standards that apply to electronic poll books. For example, an electronic poll book is required to receive information regarding when the voter received a ballot (rather than cast a ballot).

An electronic poll book may display the voter's signature from the voter's registration signature or a more recent signature from an absentee ballot application, poll list, electronic poll book, or registration document.

After December 31, 2015, an electronic poll book vendor shall provide sufficient training to election officials and poll workers to completely familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with Voting System Oversight Program.

(SEA 466 § 109; Effective date: May 5, 2015; Citation affected: IC 3-11-8-10.3)

### **Electronic Poll Books May be Used for Absentee Voting Only**

A county election board may adopt an order to either use electronic poll books at all locations where voting will be conducted or only for absentee voting within the clerk's office and satellite absentee voting offices.

If a county has adopted an order to use electronic poll books only for absentee voting within the clerk's office and satellite absentee voting offices, then the county election board is not required to transmit information from electronic poll books to precincts on election day or to generate reports for political parties, watchers, or independent candidates on election day.

(SEA 466 §§ 34; Effective date: July 1, 2015; Citations affected: IC 3-7-29-6, IC 3-11-8-10.4[new])

### **Absentee Ballot Applications Not Required For In-Person Absentee Voting With Use of Electronic Poll Books**

An absentee ballot application is not required to receive and cast an absentee ballot when voting absentee in-person at the clerk's office or at a satellite absentee office if the county is using electronic poll books.

(SEA 466 § 95; Effective date: July 1, 2015; Citation affected: IC 3-11-4-1.5[new])

## **SVRS Interaction with Electronic Poll Books Regarding Voter Signatures**

SVRS shall have the capacity to do the following:

1. Transmit a more recent signature made by the voter from an absentee ballot application, electronic poll book or paper poll book, or other registration document (rather than the signature made by the voter on the original registration application) to be downloaded to an electronic poll book.
2. Receive uploads of voter registration signatures from an electronic poll book and assign the signature to the voter's registration record in SVRS.

(SEA 466 § 27; Effective date: January 1, 2016; Citation affected: IC 3-7-26.3-33)

## **Requirement to Report Problems with Electronic Poll Books**

A vendor with a certified electronic poll book must file a written report with the Secretary of State within 48 hours after any anomaly or problem is discovered with an electronic poll book on or after the date absentee ballots are first transmitted to voters. The report must describe the anomaly or problem.

(SEA 466 § 134; Effective date: May 5, 2015; Citation affected: IC 3-11-18.1-14)

# **CANDIDATES AND OFFICEHOLDERS**

## **Major Party National Convention Delegate and Presidential Elector Nominating Procedures**

If a political party's state convention does not nominate candidates for presidential electors and alternate electors, or elect the delegates and alternate delegates to the national convention of the political party, these delegates and candidates for presidential elector shall be selected as provided in the state party's rules.

(SEA 466 § 58; Effective date: July 1, 2015; Citation affected: IC 3-8-4-2)

## **Filing Deadline for Candidates that File with the Indiana Election Division**

The state law that applies to state agencies permits candidates to file a candidate document during the **entire** day following a filing deadline that is extended because it falls upon a day when state offices are closed. This state law is amended so that the extended candidate filing deadline for candidate documents filed with the Secretary of State or the Indiana election division expires at **noon** on the day following a deadline that is extended because the office of the Secretary of State or the Indiana election division was closed (to observe a state holiday, for example).

(SEA 466 § 3; Effective date: July 1, 2015; Citation affected: IC 3-5-4-1.5)

### **Withdrawal Deadline for Statewide or State Legislative Candidates**

A candidate for statewide or state legislative office who is disqualified or who moves outside of the election district may withdraw from the ballot notwithstanding the withdraw deadlines otherwise set forth in state law.

(SEA 466 § 68; Effective date: July 1, 2015; Citation affected: IC 3-8-7-28)

(HEA 1139 § 8; Effective date: July 1, 2015; Citation affected: IC 3-8-7-28)

### **County Chairman Authorized to Challenge any Candidate on Ballot in County**

A county chairman of a major political party in which any part of the election district is located (in addition to a registered voter in the election district under current law) may file a candidate challenge to have the Indiana election commission or a county election board rule on whether a candidate (other than a candidate for statewide or state legislative office at a general election, who may be challenged only by a registered voter of the election district) meets the requirements to appear on a primary or general election ballot. The county chairman is not required to live in the specific election district of the office involved in the challenge.

(SEA 466 § 51; Effective date: July 1, 2015; Citation affected: IC 3-8-1-2)

### **Deceased Candidates on the Primary Ballot**

If a deceased candidate remains on the ballot at a primary because a candidate died after ballots were printed, the county election board shall tabulate the votes cast for the deceased candidate. If the deceased candidate receives the most votes in the primary, then a candidate vacancy is created for the deceased candidate's political party that may be filled by the party for the general election.

(SEA 466 §§ 93 and 94; Effective date: May 5, 2015; Citations affected: IC 3-11-3-29.3, IC 3-11-3-29.4)

### **Township Assessor Candidate and Officeholder Qualifications**

The requirement that a candidate for county or township assessor must attain a certain level assessor-appraiser certification as a condition for becoming a candidate for the office is repealed. A person may run for county or township assessor without having attained any assessor-appraiser certification.

However, an individual who has never held the office of county assessor must have a Level II assessor-appraiser certification before the individual **assumes office** as county assessor.

An individual who has never held the office of township assessor must have a Level II assessor-appraiser certification before the individual **assumes office** as township assessor.

An individual who has previously held the office of county assessor must have a Level III assessor-appraiser certification before the individual **assumes a new term of office** as the county assessor.

An individual who has previously held the office of township assessor must have a Level III assessor-appraiser certification before the individual **assumes a new term of office** as the township assessor.

(SEA 426 §§ 1, 2, 6 and 14); Effective date: July 1, 2015; Citations affected: IC 3-8-1-23, IC 3-8-1-23.6[repealed], IC 36-2-15-2, IC 36-6-5-1)

### **City and Town Judge Candidate Qualifications**

A candidate for city or town judge not currently holding office must be an attorney in good standing admitted to the practice of law in Indiana (former law exempted many city and town judges from the requirement to be an attorney). A city or town judge currently serving in office as a city or town judge who is not an attorney may continue to serve as a judge, and run for reelection, until the city or town judge leaves office.

(HEA 1110 §§ 1, 2, 3, 16 and 17; Effective date unless otherwise indicated: July 1, 2015; Citations affected: IC 3-8-1-1.5, IC 3-8-1-28.5, IC 3-8-1-29.5[repealed], IC 33-35-5-7, IC 33-35-5-7.5[new] [effective June 29, 2015])

### **School Board Candidate Residency Requirements**

To be qualified, a school board candidate must have resided 1 year before the election in the school district and 1 year before the election in an election district within the school district if the candidate is running for a district seat. Provisions in state law that permitted a school district to establish residency requirements longer than 1 year before the election are repealed.

(SEA 500 § 1; Effective date: July 1, 2015; Citation affected: IC 3-8-1-34)

### **Certain Judge Candidate Declarations for Judges in Allen County and Vanderburgh County**

The declaration of candidacy for Allen County superior court judges must contain the court division and court number (rather than the name of the incumbent judge) of the court.

The declaration of candidacy for Vanderburgh County superior court judges must contain the court number (rather than the name of the incumbent judge) of the court.

(SEA 466 §§ 166 and 168; Effective date: July 1, 2015; Citations affected: IC 33-33-2-8, IC 33-33-82-31)

### **Small Town Candidate Forms**

The same language found on other candidacy forms indicating whether the candidate has filed campaign finance reports for previous candidacies will be, effective 2016, required on candidate forms for candidates in small towns.

(SEA 466 § 59; Effective date: January 1, 2016; Citation affected: IC 3-8-5-10.5)

### **Separately Signed Statement Requirement Repealed for School Board Candidates**

The requirement that a school board candidate separately sign a statement on a school board petition form regarding campaign finance laws is repealed. This separate signature requirement was repealed for other candidate forms in 2013.

(SEA 466 § 56; Effective date: July 1, 2015; Citation affected: IC 3-8-2.5-2.5)

## **Volunteer Firefighters Holding Office**

A volunteer firefighter that provides fire protection services to a unit of government (county, township, city or town) may assume and hold office in that same unit of government. However, the volunteer firefighter that provides firefighter services to a unit (excluding a mutual aid agreement) and serves on the fiscal body of that unit may not participate in a vote on the adoption of the unit's budget and tax levies. Other provisions are made for the adoption of the unit's budget and tax levies where at least a majority of the members of the unit's fiscal body are precluded from voting on the unit's budget and tax levies.

(HEA 1264 §§ 1-3, 13; Effective date: July 1, 2015 unless otherwise indicated; Citations affected: IC 3-5-9-4, IC 3-5-9-6, IC 3-5-9-7, IC 36-1-23[new] [effective date of May 5, 2015])

## **Ballot (Candidate) Vacancies**

For purposes of the ballot vacancy procedures, the term "county committee" refers the precinct committeemen and vice committeemen of a major political party within the county. If the county committee has authorized the county chairman (or the officers of the county committee) to fill ballot vacancies for local office on behalf of the party, then documentation of that authority must be attached to the certificate of candidate selection filed by the county chairman.

(HEA 1139 § 23; Effective date: May 7, 2015; Citations affected: IC 3-13-1-6)

An individual designated by the county chairman to preside over a ballot vacancy caucus as provided under current law may break a tie vote at the caucus.

(HEA 1139 § 29; Effective date: May 7, 2015; Citation affected: IC 3-13-1-12)

For purposes of enforcing the law requiring the timely filing of the Call of Political Party Caucus, Declaration of Candidacy, and Certificate of Candidate Selection related to filling a ballot vacancy, the Certificate of Candidate Selection must be rejected both in the case where the certificate or related document was offered to be filed after the applicable deadline (as provided under current law) **or in the case where the certificate or related document was NOT offered for filing at all.**

(HEA 1139 § 32; Effective date: May 7, 2015; Citation affected: IC 3-13-1-21)

(SEA 466 §§ 154, 155, 156; Effective date: July 1, 2015; Citations affected: IC 3-13-1-14, IC 3-13-1-15, IC 3-13-2-8)

The declaration of candidacy to fill a ballot vacancy for statewide office, state legislative office, judicial office or for the office of prosecuting attorney must contain a statement that the candidate has **attached** a receipt or photocopy of the relevant statement of economic interests to their declaration.

In contrast, the declaration of candidacy to fill a ballot vacancy for a local office other than judge or prosecutor must contain a statement that the candidate understands that the candidate is required to file a statement of economic interests under IC 3-8-9-5.

(SEA 466 § 153; Effective date: July 1, 2015; Citation affected: IC 3-13-1-10.5)

### **Caucuses to Fill Office Vacancies**

An individual designated by the county chairman to preside over an office vacancy caucus may break a tie vote at the caucus or fill the office vacancy if a quorum is required by the rules of the caucus and a quorum is not present at the caucus.

(HEA 1139 § 29; Effective date: May 7, 2015; Citation affected: IC 3-13-1-6)

### **Town-Clerk Treasurer Office Vacancy Filled by Town Council Member Serving *Ex Officio***

If a town council is required, but unable, to fill a vacancy in the office of town clerk-treasurer, a town council member selected by members of the town council may serve *ex officio* as the town clerk-treasurer for the remainder of the clerk-treasurer's term. A town council member selected to serve *ex officio* as the town-clerk treasurer would perform the duties of town-clerk treasurer as part of the council member's job on the council and would not be entitled to additional compensation for serving as the *ex officio* town clerk-treasurer.

The town council may enter into an interlocal agreement with another town clerk-treasurer to assist the town council member selected to perform the clerk-treasurer's duties or, if an interlocal agreement cannot be reached, the town council may contract with a certified public accountant to assist the town council member performing the duties of the clerk-treasurer.

(SEA 514 § 1-3; Effective date: July 1, 2015; Citations affected: IC 3-13-9-3, IC 5-9-4-8, IC 36-5-6-9)

### **Officials Holding Over in Office Not Required to Take New Oath**

The state law that requires a person elected to certain local offices to take an oath of office not later than 30 days after the beginning of the official's term of the office does not apply to an incumbent that holds over in the office under the Indiana Constitution.

(SEA 466 § 162; Effective date July 1, 2015; Citation affected: IC 5-4-1-1.2)

### **Impact of Redistricting Ordinance on Incumbent Officeholders**

If a local government adopts a redistricting ordinance (or the Election Commission adopts an order for redistricting the Lake County commissioner and county council districts under current law), the adoption of the ordinance or order does not affect the right of an incumbent serving as a member of the legislative or fiscal body to continue to serve until the expiration of the member's current term.

(SEA 466 § 170; Effective date July 1, 2015; Citation affected: IC 36-1-6-10)

### **Impeachment of Public Officers**

For purposes of the law concerning the impeachment of public officers for conviction of a felony during the public officer's term of office, the term "public officer" includes an individual who holds an elected office or an appointed office of the state or a political subdivision, including a *school corporation* (prior law included only state, county, township, city, or town officials).

(HEA 1335 § 1; Effective date July 1, 2015; Citation affected: IC 5-8-1-38)

## **Candidates and Officeholders Electioneering in Gated Communities**

A state law that prohibits a homeowners association from adopting or enforcing a rule or covenant that prohibits candidates and officeholders (or their spouses or volunteer workers) from entering homeowners association property to conduct political activity does not apply to the property of a homeowners association if the following are true:

1. Access to the homeowners association property from the outside is controlled by gates or other means ; and
2. Common areas of the homeowners association, including roads and sidewalks, are privately owned and maintained.

A homeowner's association that meets the description in paragraphs 1 and 2 above may adopt and enforce a rule or covenant prohibiting candidates and officeholders (or their spouses or volunteer workers) from entering the homeowner's association property to conduct political activity.

(HEA 1236 § 1; Effective date July 1, 2015; Citation affected: IC 32-21-13-7)

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

### **Definition of "Polls"**

The definition of "polls" is amended to be consistent with other sections of the election code to clarify that a poll is the room in a structure where voters cast a ballot **on election day** (as opposed to the clerk's office or satellite absentee voting facility where absentee ballots are cast **before election day**).

The amendment made to the definition of polls does not affect any rights accrued, penalties incurred, violations committed, or proceedings begun before July 1, 2015.

(SEA 466 § 2 and 5; Effective date: May 5, 2015; Citations affected: IC 3-5-2-39, IC 3-5-5-0.3)

### **Removal of Poll Workers by the County Election Board**

The procedure requiring the county election board to remove election inspectors and judges because of their lack of qualification to serve in those offices also applies to poll clerks, assistant poll clerks, and election sheriffs.

(HEA 1139 § 2; Effective date: July 1, 2015; Citation affected: IC 3-6-6-12)

### **Inspector Serving More than One Precinct in Same Location**

A county election board, by a resolution adopted by unanimous vote of the entire membership of the board, may provide that one individual may serve as inspector for more than one precinct located at the same polling location (shared location). The resolution may provide that an individual shall serve as inspector for some, but not all, precincts at the shared location, that other precinct election officers may assist or perform duties of an inspector at the shared location, and any other details regarding the operation of the shared location under a single inspector that the county election board considers useful. The inspector serving

multiple precincts in a shared location is required to take only one oath and the county executive may provide a per diem greater than for an inspector serving multiple precincts more than an inspector of a single precinct. A resolution adopted pursuant to this state law expires December 31 of the year adopted.

(HEA 1140 § 1; Effective date: July 1, 2015; Citation affected: IC 3-6-6-38.5[new])

### **Election Board Serving More than One Precinct in Same Location**

The restrictions that state law places on the location of a polling place when a county locates a precinct's polling place outside of the precinct do not apply when the county election board has adopted an order to have a single precinct election board administer more than one precinct at the same polling location.

(SEA 466 § 108; Effective date: July 1, 2015; Citation affected: IC 3-11-8-3)

### **Precinct Election Officer May Not be a Watcher, Challenger, or Pollbook Holder**

A precinct election officer may not receive credentials, or perform the functions, of a watcher, challenger, or pollbook holder while serving as a precinct election officer.

However, a clerk who is serving as a precinct election officer may continue keep a list or record of voters who have already voted separate from the poll list and provide that list or record to a party watcher or pollbook holder so long as a voter is not delayed as a result of preparing or providing the list the clerk does not engage in electioneering. Further, a precinct election officer permitted to challenge a voter as part of the precinct officer's official duties under state law, may continue to challenge voters.

(SEA 466 § 10; Effective date: July 1, 2015; Citation affected: IC 3-6-6-37)

### **A Watcher May Not View the Entry of a Login or Password Into a Voting System or Electronic Poll Book**

In general, a watcher may inspect the work being done by a precinct election officer. However, a watcher may not inspect the work of a precinct election officer who is entering a confidential login or password to access an electronic poll book or operate a voting system.

(SEA 466 §§ 11, 13, and 14; Effective date: July 1, 2015; Citations affected: IC 3-6-8-4, IC 3-6-9-13, IC 3-6-10-5.5)

### **Party Watchers for Satellite Absentee Voting Office**

A political party may appoint up to 2 watchers for each satellite absentee voting office established by a county election board. These watchers are entitled to do the following:

1. Inspect voting systems before absentee ballots are received at the satellite absentee voting office each day.
2. Inspect the work being done by any elected official, absentee board member, or county employee at the satellite absentee voting office (other than when a precinct election officer enters a confidential login or password to access an electronic poll book or the statewide voter registration system or operate a voting system).

3. Enter, leave, and reenter the absentee satellite facility at any time.
4. Witness any proceeding of the county election board or absentee voter board at a satellite office.

(SEA 466 § 12; Effective date: July 1, 2015; Citation affected: IC 3-6-8-7[new])

### **Conduct of Voters When Voting at the Polls, a Vote Center or at the Clerk's Office or Satellite Office**

Voters may use cell phones or other electronic devices in the polls as long as electioneering or disruptive conversations do not occur. A voter may also bring into the polling place a list of candidates and public questions for the voter's use in voting, including a list stored on a cellular telephone or similar electronic device, as long as electioneering does not occur.

In addition, a voter may converse with others in the polls but may not do so in a loud or disruptive manner (prior law prohibited any conversation other than with the precinct election board).

A voter may not do the following:

1. Take a digital image or photograph of the voter's ballot while in a polling place, vote center or absentee voting area in the clerk's office or a satellite absentee voting office except to document and report to a precinct election officer, the county election board, or the election division a problem with the functioning of the voting system.
2. Distribute or share a photograph or digital image of the voter's ballot using social media or by any other means (it is a crime under current law to do anything to enable another person to see which candidate or parties a voter has voted for),

(SEA 466 §§ 112-114; Effective date: July 1, 2015; Citations affected: IC 3-11-8-17.5[new], IC 3-11-8-18, IC 3-11-8-18.5[new])

## **PRECINCTS AND ELECTION DISTRICTS**

### **Precinct Size Limitations Increased**

A county may establish a precinct that contains not more than 2,000 active voters (rather than 1,200 active voters under prior law). After a precinct has been established in compliance with this precinct size limit, a county is not required to change precinct boundaries again if the number of active voters increases to above 2,000 within the 48 months after the precinct was established.

A county may establish a precinct that contains not more than 2,300 active voters (rather than 1,500 active voters under current law) when the precinct consists of: (1) an entire township; (2) an entire city common council district; (3) an entire town council district; or (4) a single residential structure with more than 2,000 active voters.

(SEA 466 § 88; Effective date: July 1, 2015; Citation affected: IC 3-11-1.5-3)

## **Changes to Census Blocks After Precincts Established**

The legal description of precincts when they are established includes a list of census blocks included in that precinct. Any change made to the census blocks by the U.S. Census Bureau after a precinct has been established has no effect on the boundary of a previously established precinct whose description refers to that census block.

(SEA 466 § 89; Effective date: July 1, 2015; Citation affected: IC 3-11-1.5-10.9[new])

## **LOCAL ELECTION ADMINISTRATION**

### **Publication of Primary and Special Election Notices**

Under prior law, published primary and special election notices were required to include candidate addresses. An exception is created in the law to omit the names of candidates with a restricted address under IC 36-1-8.5 from these published election notices. A judge, law enforcement officer, or victim of domestic violence may submit a written request to the county, pursuant to procedures established by the county, to have the person's home address restricted from public disclosure.

(HEA 1139 §§ 6 and 19; Effective date: July 1, 2015; Citations affected: IC 3-8-2-19, IC 3-10-8-4)

### **Notice of Special Election to be Filed with Election Division**

A county or town election board must file a notice of a special election with the election division not later than 7 days after receiving the writ for the special election (prior law allowed for the notice to be filed not later than 30 days).

(HEA 1139 § 19; Effective date: July 1, 2015; Citation affected: IC 3-10-8-4)

### **Scanning or Copying Absentee Ballot Applications to Vote by Mail or Before a Traveling Board**

Before a voter's absentee ballot application to vote by mail or before a traveling board is attached to the absentee ballot security envelope (ABS-6) of a mailed ballot or a ballot from a traveling board that has been returned to the county election board, the absentee ballot application must be scanned or otherwise copied for public inspection. This does not apply to the absentee ballots of voters voting absentee in the clerk's office or at a satellite absentee office or to an address confidentiality program participant.

(SEA 466 § 118; Effective date: July 1, 2015; Citation affected: IC 3-11-10-8.5[new])

### **County Chairman Authorized to Challenge any Candidate on Ballot in County**

Except for statewide and state legislative candidates in a general election, a county chairman of a major political party in which any part of the election district is located (in addition to a registered voter in the election district under current law) may file a candidate challenge to have a county election board rule on whether a candidate meets the requirements to appear on a primary or general election ballot. The county chairman is not required to live in the specific election district of the office involved in the challenge.

(SEA 466 § 51; Effective date: July 1, 2015; Citation affected: IC 3-8-1-2)

### **Certification of Primary Election Results to Election Division**

The requirement that the circuit court clerk certify the congressional district of each candidate nominated in a primary election conducted in a general election year is repealed. This information is only necessary for state convention delegates elected at the primary.

(SEA 466 § 63; Effective date: July 1, 2015; Citation affected: IC 3-8-7-5)

### **Permitted Uses for Campaign Finance Penalties Collected by County**

Campaign finance penalties collected by the county may be placed in a separate account that does not revert at the end of the fiscal year to the general fund. This account may be used, with the approval of the county council, to pay for any aspect of election administration (rather than just to administer campaign finance laws).

(SEA 466 § 74; Effective date: July 1, 2015; Citation affected: IC 3-9-4-17)

### **Certain Counties Required to Identify Court Designations to the Election Division**

Not later than December 31 before a general election year, the Allen County circuit court clerk shall file a statement with the election division containing the ***name, division assignment, and court number*** assigned to the court by State Court Administration for each superior court judge whose seat will be on the ballot for the following year. The declaration of candidacy for this judicial office must contain the court division and court number (rather than the name of the incumbent judge) of the court.

Not later than December 31 before a general election year, the Monroe County circuit court clerk file a statement with the Election Division indicating the ***name and seat designation*** for each judge of the Monroe County circuit court.

Not later than December 31 before a general election year, the Vanderburgh County clerk shall file a statement with the election division containing the ***name and court number assigned*** to the court by State Court Administration for each superior court judge whose seat will be on the ballot for the following year. The declaration of candidacy for this judicial office must contain the court number (rather than the name of the incumbent judge) of the court.

(SEA 466 §§ 166, 167 and 168; Effective date: July 1, 2015; Citations affected: IC 33-33-2-8, IC 33-33-53-2.5[new], IC 33-33-82-31)

### **Electioneering Communications on Local Government Property**

If a political subdivision permits or authorizes communications advocating the election or defeat of a candidate or public question, or that supports or opposes a political party, on its real or personal property, then the local government must permit such communications from any person to be placed on that property, subject to the same time, place, and manner restrictions applied by the political subdivision to those communications.

(SEA 466 § 169; Effective date: July 1, 2015; Citation affected: IC 36-1-3-9)

## STATE ELECTION ADMINISTRATION

### **Election Division to Approve Election Forms and Absentee Voter Bill of Rights**

Effective July 1, 2015, new and revised election and voter registration forms must be approved by both Co-Directors of the Election Division (rather than by the 4 member Election Commission under prior law). The election division can allow any earlier version of a form to be used if the division determines that the existing stock of any election form (rather than only voter registration forms under current law) should be exhausted to prevent waste and expense. A form approved by the Election Commission before July 1, 2015 is considered approved by the Election Division without further action being required. Conforming changes are made to reflect these changes in the approval of election forms throughout the election code.

Effective July 1, 2015, the Absentee Voter Bill of Rights will be approved by both Co-Directors of the Election Division (rather than by the 4 member Election Commission under prior law).

(SEA 466 §§ 4, 7-9, 16, 18-26, 35-36, 44, 48-50, 52-55, 57, 60-62, 64-65, 67, 70-73, 75-77, 80, 83, 86, 96, 98, 99, 101-103, 105-107, 116, 119, 129, 132-133, 147, 148, 152-153, 155-156; Effective date: July 1, 2015; Citations affected: IC 3-5-4-8; IC 3-5-8-2.5, IC 3-6-4.1-14, IC 3-6-4.2-12, IC 3-7-12-27, IC 3-7-13-12, IC 3-7-15-4, IC 3-7-15-5, IC 3-7-16-11, IC 3-7-16-12, IC 3-7-16-12, IC 3-7-17-5, IC 3-7-18-3, IC 3-7-18-4, IC 3-7-22-13, IC 3-7-31-1, IC 3-7-31-2, IC 3-7-39-7, IC 3-7-43-2, IC 3-7-46-9, IC 3-7-48-5, IC 3-8-2-2.5, IC 3-8-2-7, IC 3-8-2-8, IC 3-8-2.5-2, IC 3-8-3-2, IC 3-8-6-6, IC 3-8-6-12, IC 3-8-6-17, IC 3-8-7-8, IC 3-8-7-17, IC 3-8-7-25.5, IC 3-8-9-9, IC 3-9-1-4, IC 3-9-4-2, IC 3-9-4-4, IC 3-9-5-5, IC 3-9-5-20.1, IC 3-9-5-22, IC 3-10-5-17, IC 3-10-10-8, IC 3-10-11-6, IC 3-11-4-2, IC 4-11-4-4, IC 3-11-4-5.1, IC 3-11-4-7, IC 3-11-4-18, IC 3-11-4-18.5, IC 3-11-7-15, IC 3-11-7.5-2, IC 3-11-7.5-5, IC 3-11-8-25.7, IC 3-11-10-24, IC 3-11-13-40, IC 3-11-15-7, IC 3-11-15-12, IC 3-11.7-5-2.5, IC 3-12-3.5-8, IC 3-13-1-9, IC 3-13-1-10.5, IC 3-13-1-15, IC 3-13-2-8)

### **Election Division to Provide Information to the Voting Information Project**

Beginning not later than January 7, 2016 (the day following the first date for 2016 candidate filing), the secretary of state and the co-directors of the election division shall provide the information regarding the location of polling places, location of vote centers, names of candidates that will appear on the ballot, and the text of public questions that will appear on the ballot, to the Voting Information Project sponsored by the Pew Charitable Trusts.

(SEA 466 § 28; Effective date: May 5, 2015; Citation affected: IC 3-7-26.3-34[new])  
(HEA 1139 § 3; Effective date: July 1, 2015; Citation affected: IC 3-7-26.3-34)

### **Filing Deadline for Candidates who file with the Secretary of State or Indiana Election Division**

The state law that applies to state agencies permits candidates to file a candidate document during the **entire** day following a filing deadline that is extended because it falls upon a day when state offices are closed. This state law is amended so that the extended candidate filing deadline for candidate documents filed with the Secretary of State or the Indiana election division expires at **noon** on the day following a deadline that is extended because the office of the Secretary of State or the Indiana election division was closed (to observe a state holiday, for example).

(SEA 466 § 3; Effective date: July 1, 2015; Citation affected: IC 3-5-4-1.5)

### **Election Division Certification of Write-in Candidates**

The deadline for the Election Division to certify write-in candidates for federal, statewide and state legislative candidates to the counties is the same as the deadline for the Election Division to certify candidates whose names will be printed on the general election ballot for those offices. This synchronizes the time for certifying all general election candidates to county election offices.

(SEA 466 § 69; Effective date: July 1, 2015; Citation affected: IC 3-8-7-30)

### **Indiana Election Commission Ethics Requirements**

Members of the Indiana Election Commission who identify a potential conflict of interest regarding any decision or vote, or matter relating to the decision or vote, must do either of the following:

1. Seek an advisory opinion from the Indiana ethics commission regarding the potential conflict.
2. File a written disclosure statement with the Indiana ethics commission not later than 7 days after the conduct that gives rise to the conflict.

(HEA 1002 § 23; Effective date: July 1, 2015; Citation affected: IC 4-2-6-9)

### **NVRA Complaint Procedure**

The Co-Directors of the Election Division may provide the required notices of a voter registration complaint to the interested parties identified in state law by electronic mail when an email for the person is available.

(SEA 466 § 15; Effective date: July 1, 2015; Citation affected: IC 3-7-11-3)

### **Multi-State Voter Registration Data Sharing Program**

The Co-Directors of the Election Division shall provide information concerning an Indiana voter who may also be registered in another state participating in the multi-state voter registration data sharing program (Kansas program) to the county voter registration office in Indiana if the first name, last name, and date of birth of the Indiana voter is identical to the first name, last name, and date of birth of the voter in the other state.

The Election Division may provide voter registration data for an individual registered in Indiana to states and local governments participating in Kansas program, and, upon written request, to law enforcement officials conducting an investigation.

(SEA 466 §§ 29, 41; Effective date: May 5, 2015; Citations affected: IC 3-7-26.4-4, IC 3-7-38.2-5)

### **District Court Information to be Provided by the Election Division**

The Election Division shall provide county voter registration officials information in even numbered years concerning any registered voter who appears to no longer reside at the address set forth in the voter's registration record due to a mailing returned for any reason to the district courts not later than 28 days following the primary election and the county voter registration office shall send an address confirmation notice to the voter at the voter's mailing address not later than 42 days following the primary election

conducted in that year. The requirement to use only information regarding mailings returned to the district courts as “undeliverable due to an unknown or insufficient address” is repealed.

(SEA 466 § 42; Effective date: May 5, 2015; Citation affected: IC 3-7-38.2-16)

### **County Chairman Authorized to Challenge any Candidate on Ballot in County**

Except for a statewide or state legislative candidate in a general election, a county chairman of a major political party in which any part of the election district is located (in addition to a registered voter in the election district under current law) may file a candidate challenge to have the Indiana election commission rule on whether a candidate meets the requirements to appear on a primary or general election ballot. The county chairman is not required to live in the specific election district of the office involved in the challenge.

(SEA 466 § 51; Effective date: July 1, 2015; Citation affected: IC 3-8-1-2)

## **CITY AND TOWN ELECTIONS**

### **City and Town Judge Candidate Qualifications**

A candidate for city or town judge not currently holding office must be an attorney in good standing admitted to the practice of law in Indiana (former law exempted many city and town judges from the requirement to be an attorney). A city or town judge currently serving in office as a city or town judge who is not an attorney may continue to serve as a judge, and run for reelection, until the city or town judge leaves office.

(HEA 1110 §§ 1, 2, 3, 16 and 17; Effective date unless otherwise indicated: July 1, 2015; Citations affected: IC 3-8-1-1.5, IC 3-8-1-28.5, IC 3-8-1-29.5[repealed], IC 33-35-5-7, IC 33-35-5-7.5[new] [effective June 29, 2015])

### **Notice of Special Election to be Filed with Election Division**

A town election board must file a notice of a special election with the election division not later than 7 days after receiving the writ for the special election (prior law allowed for the notice to be filed not later than 30 days).

(HEA 1139 § 19; Effective date: July 1, 2015; Citation affected: IC 3-10-8-4)

### **Referendum on Incorporation of Town**

If the county executive adopts a resolution to place a public question regarding the incorporation of a town on a special election ballot conducted on a date when no general or primary election will also be conducted, the certification deadlines set forth in the election code (IC 3-10-9-3) do not apply and the results of the special election must be certified to, among others, the Indiana election division.

(HEA 1139 § 43; Effective date: May 7, 2015; Citation affected: IC 36-5-1-8)

## **Sale of Nonsurplus Municipal Owned Utility Property Referendum Procedures**

If the legislative body adopts an ordinance providing for the sale or disposition of nonsurplus municipally owned utility property the registered voters of the municipality may file a petition with the legislative body opposing the sale or disposition of the nonsurplus municipally owned utility property. If a petition is filed with the legislative body not later than 30 days after the ordinance is adopted the legislative body shall certify a public question regarding the sale or disposition to the county election board pursuant to IC 3-10-9-3.

The number of signatures required on a petition opposing the sale or disposition nonsurplus municipally owned utility property depends on the size of the municipality (prior law required signatures of registered voters in the amount of 2% of the votes cast for secretary of state in the last election for that office) as follows:

1. In a municipality with not more than 1,000 registered voters, 30% of the registered voters.
2. In a municipality with at least 1,001 registered voters and not more than 5,000 registered voters, 15% of the registered voters.
3. In a municipality with at least 5,001 registered voters and not more than 25,000 registered voters, 10% of the registered voters.
4. In a municipality with at least 25,001 registered voters, 5% of the registered voters.

An ordinance providing for the sale or disposition of nonsurplus municipally owned utility property that is adopted before July 1, 2015 and takes effect before July 1, 2015 is not subject to the petition process described above even if the 30 day period after the adoption of the ordinance expires after June 30, 2015.

(HEA 1505 § 3; Effective date: July 1, 2015; Citation affected: IC 8-1.5-2-5)

## **RECOUNTS AND CONTESTS**

### **Statewide Public Question (Referenda) Recount**

The state recount commission shall conduct a recount concerning a public question voted on by the voters of the entire state (such as an appellate judicial retention question or a state constitutional amendment).

(SEA 466 § 150 and 151; Effective date: July 1, 2015; Citations affected: IC 3-12-10-4, IC 3-12-12-23)

### **Election Contest Result When the Only Candidate for Nomination or Election is Found Ineligible**

If a court determines that the candidate who won a primary, general, or municipal election for local office does not meet the requirements to be nominated to or serve in the office, but the candidate is the only candidate who sought the party's nomination or election to the office, then the court shall declare one of the following:

1. For a primary candidate, that a candidate vacancy exists following the primary which may be filled by the political party.

2. For a general or municipal election, that an office vacancy exists, subject to the right of any incumbent to holdover in the office under the Indiana Constitution.

(SEA 466 § 149; Effective date: May 5, 2015; Citation affected: IC 3-12-8-17)

## **PUBLIC QUESTIONS (REFERENDA)**

### **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 2 §§ 1 and 2)

*NOTE: This proposed amendment has been previously agreed to by the 2014 General Assembly and will be a public question on the ballot in 2016.*

### **Government Reorganization Referendum Procedures**

A legislative body of a political subdivision is required to certify its final action on a plan of reorganization to, among others, the county voter registration office of each county in which the political subdivision is located.

A government reorganization referendum may not be certified to be printed on the ballot until the department of local government finance first certifies the department's final approval of the ballot language to the county recorder (current law does not specify which official receives this certification). The county recorder is required to immediately certify the public question to the county election board. After the public question has been certified to the county election board, the board shall place the public question on the ballot at the next regularly scheduled general or municipal election that will occur in all precincts of the reorganizing political subdivisions. This certification is subject to the deadlines set forth in current law.

(HEA 1139 §§ 41 and 42; Effective date: May 7, 2015; Citations affected: IC 36-1.5-4-23, IC 36-1.5-4-28)

### **Controlled Project Referendum**

If a controlled project referendum is defeated, then another referendum on the same or a substantially similar controlled project may not be held until 350 days (rather than one year) after the election in which the referendum was defeated.

(SEA 466 § 163; Effective date: July 1, 2015; Citation affected: IC 6-1.1-20-3.6)

### **Controlled Projects- Dividing Projects**

A property owner or registered voter of a political subdivision may file a petition with the Department of Local Government Finance (DLGF) objecting that the political subdivision has artificially divided a capital project into multiple capital projects in order to avoid the petition and remonstrance requirements or the referendum requirements of state law (current law prohibits the artificial division of capital projects for such a purpose). The DLGF is required to make a final determination on the petition not later than 30 days after receiving the petition.

(SEA 251 §§ 2- 3; Effective date: July 1, 2015; Citation affected: IC 6-1.1-20-3.1, IC 6-1.1-20-3.6)

### **Controlled Projects- Hamilton County**

A special procedure is provided for determining whether a project proposed by a political subdivision located in Hamilton County, other than a school corporation, is a controlled project for purposes of the petition and remonstrance process or the referendum process.

(SEA 251 § 1; Effective date: July 1, 2015; Citation affected: IC 6-1.1-20-0.7[new])

### **Referendum on Incorporation of Town**

If the county executive adopts a resolution to place a public question regarding the incorporation of a town on the ballot for a special election conducted on a date when no general or primary election will also be conducted, the certification deadlines set forth in the election code (IC 3-10-9-3) do not apply and the results of the special election must be certified to, among others, the Indiana election division.

(HEA 1139 § 43; Effective date: May 7, 2015; Citation affected: IC 36-5-1-8)

### **Sale of Nonsurplus Municipal Owned Utility Property Referendum Procedures**

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The number of signatures required on a petition opposing the sale or disposition nonsurplus municipally owned utility property depends on the size of the municipality (prior law required signatures of registered voters in the amount of 2% of the votes cast for secretary of state in the last election for that office) as follows:

1. In a municipality with not more than 1,000 registered voters, 30% of the registered voters.
2. In a municipality with at least 1,001 registered voters and not more than 5,000 registered voters, 15% of the registered voters.
3. In a municipality with at least 5,001 registered voters and not more than 25,000 registered voters, 10% of the registered voters.

4. In a municipality with at least 25,001 registered voters, 5% of the registered voters.

An ordinance providing for the sale or disposition of nonsurplus municipally owned utility property that is adopted before July 1, 2015 and takes effect before July 1, 2015 is not subject to the petition process described above even if the 30 day period after the adoption of the ordinance expires after June 30, 2015.

(HEA 1505 § 3; Effective date: July 1, 2015; Citation affected: IC 8-1.5-2-5)

## **MISCELLANEOUS CHANGES**

### **Updating Indiana State Law Cross-References to Federal Election Laws**

All cross-reference in the Indiana election code to federal election laws (the NVRA and Help America Vote Act, for example) are updated because those federal laws were all relocated to a different Title in federal law (United States Code Title 52).

(HEA 1138 §§ 1-240; Effective date: September 1, 2014 [retroactive]; Citations affected: numerous)

### **Legislative Study Committee Regarding Congressional and General Assembly Redistricting**

A twelve-member special interim study committee on redistricting is established to evaluate the issues that would need to be addressed if a change in the method for establishing districts for the election of members of Congress and the General Assembly were made, including establishment of a redistricting commission.

(HEA 1003 §§ 1 and 2; Effective date: May 4, 2015; Citation affected: IC 2-5-39[new])

### **Adding Cross-references to State Laws**

Cross-references to applicable election code statutes regarding rescheduling elections in small towns for the offices of town judge, town council and town-clerk treasurer are added to code sections in Title 36 that define the terms of those offices to account for the shortening of initial terms for those offices in order to accomplish the rescheduling of town elections.

(SEA 199 §§ 48, 60, and 61; Effective date: May 4, 2015; Citations affected: IC 33-35-1-3, IC 36-5-2-3, IC 36-5-6-3)

Cross-reference is added to statute regarding satellite absentee voting offices to clarify that procedures at satellite absentee voting offices, except as otherwise provided, must be the same as absentee voting in the clerk's office.

(SEA 466 § 123; Effective date: July 1, 2015; Citation affected: IC 3-11-10-26.3)

Definition added to a section in the election code that applies to military and overseas voters to clarify that references in the subsection to "voter" are limited to military and overseas voters.

(SEA 466 § 100; Effective date: July 1, 2015; Citation affected: IC 3-11-4-5.7)

## **Updating or Correcting Reference in State Law**

A reference to 2006 as the year in which Democratic Party precinct committeemen are elected in the primary is updated to 2018.

A reference to 2008 as the year in which Republican Party precinct committeemen are elected in the primary is updated to 2016.

A reference to 2006 as the year in which state convention delegates are elected in the primary is updated to 2016.

A reference to the election schedule for President and Vice-President is updated from 2008 to 2016

References to the election schedules for Indiana's two seats for U.S. Senator are updated from 2008 to 2016 and from 2006 to 2018.

A reference to the election schedule for Governor, Lieutenant Governor, Attorney General, and Superintendent of Public Instruction is updated from 2008 to 2016.

A reference to the election schedule for Secretary of State, Auditor of State and Treasurer of State is updated from 2006 to 2018.

A reference to the election schedule for Prosecuting Attorneys is updated from 2006 to 2018.

References to the election schedule for town council members in large towns which elect some town council members in general election years and others in municipal election years are updated.

References to the election schedules for school board members are updated for certain school corporations (Gary, Lake Station, and East Chicago) from 2012 and 2014 to 2016 and 2018.

(HEA 1139 §§ 9-10, 12-18, 36-39; Effective date: July 1, 2015; Citations affected: IC 3-10-1-4.5, IC 3-10-1-4.6, IC 3-10-2-3, IC 3-10-2-4, IC 3-10-2-6, IC 3-10-2-7, 3-10-2-12, IC 3-10-6-3, IC 3-10-6-6; IC 20-23-12-9, 20-23-14-9, IC 20-23-17.2-3, IC 20-23-17.2-9)

Cross-references in state laws concerning caucuses to fill ballot vacancies are corrected.

(HEA 1139 §§ 24- 31; Effective date: July 1, 2015; Citations affected: IC 3-13-1-8, IC 3-13-1-9, IC 3-13-1-10, IC 3-13-1-3-13-1-11, IC 3-13-1-11.5, IC 3-13-1-13, IC 3-13-1-15)

Obsolete reference to circuit court clerk or board of registration updated to the more generic "county voter registration office."

(HEA 1139 § 35; Effective date: May 7, 2015; Citation affected: IC 12-14-25-5)

Corrections are made to cross-references in statutes regarding counties that have adopted an order to use electronic poll books.

(SEA 466 §§ 30-33; Effective date: July 1, 2015; Citations affected: IC 3-7-29-1, IC 3-7-29-2, IC 3-7-29-3, IC 3-7-29-4)

Technical stylistic changes are made to statutes regarding the certification of voting systems.

(SEA 4 §§ 1 and 2; Effective date: April 15, 2015; Citation affected: IC 3-11-7-15, IC 3-11-7.5-5)

An erroneous cross reference in statute regarding the voting procedure in a precinct on election day is repealed.

(SEA 199 §§ 1; Effective date: May 4, 2015; Citation affected: IC 3-11-8-25.1)

A provision exempting certain fail-safe address changes that occur before the election from the requirement to issue an acknowledgment card and place the voter in pending is relocated to the correct subsection of the statute.

(SEA 466 § 39; Effective date: July 1, 2015; Citation affected: IC 3-7-33-5)

Corrections are made to cross-references in statutes regarding counties that have adopted an order to use electronic poll books.

(SEA 466 §§ 30-33, 44, 46, 50, 78, 90-91, 136-139, 142-145; Effective date: July 1, 2015; Citations affected: IC 3-7-29-1, IC 3-7-29-2, IC 3-7-29-3, IC 3-7-29-4, IC 3-7-39-7, IC 3-7-41-2, IC 3-7-48-5, IC 3-10-1-7.1, IC 3-11-3-11, IC 3-11-3-16, IC 3-11.5-4-8, IC 3-11.5-4-8, IC 3-11.5-4-9, IC 3-11.5-4-11, IC 3-11.5-4-15, IC 3-11.5-4-22, IC 3-11.5-4-24, IC 3-11.5-5-3, IC 3-11.5-6-3)

Cross-reference in criminal statute making it unlawful to print a ballot containing information other than that certified by the "Commission" is corrected to reflect that the "Election Division" rather than the Commission certifies ballot information to the counties. This change does not affect any pending proceedings.

(SEA 466 §§ 159 and 161; Effective date: May 5, 2015 and July 1, 2015, respectively; Citations affected: IC 3-14-3-0.1[new], IC 3-14-3-14)

### **Removing Obsolete References in State Law**

Obsolete references to the judge of a "county court" were repealed (all county courts have been abolished).

(HEA 1139 §§ 5 and 31; Effective date: July 1, 2015 and May 7, 2015, respectively; Citations affected: IC 3-8-2-5, IC 3-13-1-15)

An obsolete reference to ballots printed by the Election Division is repealed.

(SEA 466 § 66; Effective date: July 1, 2015; Citation affected: IC 3-8-7-25)

An obsolete reference to employees of the Election Commission is corrected to reflect that they are employees of the Election Division.

(HEA 1139 § 1; Effective date: July 1, 2015; Citation affected: IC 3-6-4.2-4)

Obsolete references to elections occurring after June 30, 2013 are stricken from statute regarding government reorganization referenda.

(HEA 1139 § 42; Effective date: May 7, 2015; Citation affected: IC 36-1.5-4-28)

Obsolete reference to a metropolitan school district is removed from a state law regarding state-level election contests.

(SEA 500 §§ 2 and 69; Effective date: July 1, 2015; Citations affected: IC 3-12-11-25, IC 20-23-7-12[repealed])

Obsolete to 2013 implementation date in a statute regarding voter registration forms is repealed.

(SEA 466 § 37; Effective date: July 1, 2015; Citation affected: IC 3-7-31-5)

Obsolete reference to the 2013 implementation date in a statute regarding the multi-state voter registration data sharing program (Kansas program) is repealed.

(SEA 466 § 41; Effective date: May 5, 2015; Citation affected: IC 3-7-38.2-5)

Obsolete reference to the 2015 implementation date in a statute regarding recording the date an absentee ballot application was received by a person other than the voter is repealed.

(SEA 466 § 96; Effective date: July 1, 2015; Citation affected: IC 3-11-4-2)

Obsolete and conflicting provisions regarding the establishment of a town election board as part of an agreement with the county election board is repealed.

(SEA 466 § 81; Effective date: July 1, 2015; Citation affected: IC 3-10-7-7)

### **Clarification Made to Election Crime Statutes**

State law making it a crime to provide voter information with the knowledge it will be used in a manner prohibited by law is clarified that the crime is enhanced to a Level 6 Felony upon a second **or subsequent** conviction.

(SEA 199 §§ 3; Effective date: May 4, 2015; Citation affected: IC 3-14-6-1.1)

School corporations are removed from the definition “government unit” in a state law prohibiting the employment by a governmental unit for 20 years of a person convicted of an election law that is classified either as a Class A Misdemeanor or Felony.

(SEA 500 § 3; Effective date: July 1, 2015; Citation affected: IC 3-14-5-8)

(SEA 199 § 2; Effective date: May 4, 2015; Citation affected: IC 3-14-5-8)

### **Voter Registration Form Contents**

State law regarding the content of a mail-in registration form is made consistent with other state laws requiring that mail-in registration application forms must include age and citizenship compliance questions and contain a receipt that is to be given to applicant when another individual takes custody of that application.

(SEA 466 § 37; Effective date: July 1, 2015; Citation affected: IC 3-7-31-5)