



2019 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 2019. 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.iga.in.gov.

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 2019 Regular Session of the Indiana General Assembly enacted the following election-related bills:

Public Law 8-2019 (House Enrolled Act 1005): Superintendent of Public Instruction
Public Law 32-2019 (Senate Enrolled Act 336): Classification of Election Crimes
Public Law 34-2019 (Senate Enrolled Act 405): Election Audits
Public Law 71 -2019 (Senate Enrolled Act 570): Election Security
Public Law 91-2019 (House Enrolled Act 1597): Electronic Filing of Campaign Finance Reports for State Legislative Candidate Committees
Public Law 107-2019 (House Enrolled Act 1284): Voter Registration Services at Law Enforcement Agencies
Public Law 157-2019 (Senate Enrolled Act 558): Election Security
Public Law 170-2019 (House Enrolled Act 1217): Porter County Board of Elections and Registration
Public Law 272-2019 (Senate Enrolled Act 127): School Safety Referendum
Public Law 278-2019 (Senate Enrolled Act 560): Miscellaneous Election Matters
Public Law 283-2019 (House Enrolled Act 1311): Absentee Ballot Applications
Public Law 293-2019 (House Enrolled Act 1015): Vigo County Gaming Referendum

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

Public Law 9-2019 (House Enrolled Act 1173): Courts
Public Law 10-2019 (House Enrolled Act 1187): Technical Corrections
Public Law 108-2019 (House Enrolled Act 1001): Budget Bill
Public Law 138-2019 (House Enrolled Act 1545): Technical Corrections
Public Law 257-2019 (House Enrolled Act 1427): Technical Corrections (Tax Matters)

VOTER REGISTRATION

Repeal Bureau of Motor Vehicles (BMV) “Paper Chaser” Voter Registration Application

Beginning July 1, 2019, the BMV will no longer be required to transmit a duplicate paper copy of a voter registration application to a county voter registration office after the electronic copy of the application is submitted by the BMV from the license branch to the county via the Statewide Voter Registration System.

(SEA 570 §§ 32, 33, 34; Effective date: July 1, 2019; Citations affected: IC 9-24-2.5-4, IC 9-24-2.5-6[Repealed], IC 9-24-2.5-7[Repealed])

Two-Factor Authentication Required for Access to SVRS

An individual must use “two-factor authentication,” such as a token or other method approved by the Secretary of State and the Co-Directors of the Election Division, to access the statewide voter registration system.

(SEA 558 § 4; Effective date: July 1, 2019; Citation affected: IC 3-7-26.3-15)

Cybersecurity Contact

Each county voter registration office shall file a statement with the Election Division setting forth the name and contact information for at least one individual for the state to communicate with regarding cybersecurity issues.

(SEA 558 § 4; Effective date: July 1, 2019; Citation affected: IC 3-7-26.3-15)

Voter Registration System Security Information

The state or a county has discretion whether to disclose administrative or technical information that would jeopardize the statewide voter registration system, or infrastructure information which would disclose the configuration of the statewide voter registration system, in response to a public records request.

(SEA 570 § 31; Effective date: April 24, 2019; Citation affected: IC 5-14-3-4)

Proficiency Standards for Use of SVRS

Not later than January 1, 2020, the Secretary of State is required to establish “proficiency standards” for county users of the statewide voter registration system to permit the user to access the voter registration system. After December 31, 2019, a county user must demonstrate to the Secretary of State and the Election Division that the user has been sufficiently trained and can properly access the system and comply with the laws governing the operation of the system.

A county voter registration office may revoke an individual’s authorization to access the system for good cause and shall file a report of the revocation with the Secretary of State and the Election Division not later than seven (7) days after the revocation is effective.

(SEA 570 § 7; Effective date: July 1, 2019; Citation affected: IC 3-7-26.3-35 [New])

Law Enforcement Offices Provide Full-Service Registration Services

Law enforcement offices are required to distribute a voter registration form whenever a person is applying for a license to carry a handgun unless the person declines in writing to register to vote. This includes each office affiliated with the Indiana state police, county sheriff, and municipal law enforcement.

The following persons shall act as a "governing body" for the above named entities:

- 1) The superintendent of state police.
- 2) The county sheriff.
- 3) The chief of police or comparable law enforcement officer for a municipal law enforcement agency.

These persons acting as the governing body shall be responsible for the following:

- 1) Designating an individual to be responsible for performing the voter registration duties of the agency in each office of the agency where services are provided.
- 2) Providing a list of the address and telephone number of each agency office where voter registration services will be provided and each individual designated by the governing body to be responsible for performing voter registration duties.
- 3) Receiving a list of the current addresses and telephone numbers of each county voter registration office from the Election Division.
- 4) Receiving pre-addressed packets from the Election Division for law enforcement offices to transmit voter registration applications to county voter registration offices.
- 5) Receiving notification of scheduled date of each primary, general, municipal, and special election in the jurisdiction in which the election will be held.

(HEA 1284 §§ 1, 2, 3; Effective date: July 1, 2019; Citations affected: IC 3-7-18-2, 3-7-20.5-1, 3-7-20.5-3)

New Registration Application as Request Cancels Registration at Previous Registration Address

This section applies to an individual who is currently registered to vote in Indiana. (State law addresses the scenario of when an individual registers to vote in Indiana for the first time and the acknowledgment card is returned undeliverable.) If a voter submits an application to register to vote at a new address, but the acknowledgment notice mailed to the voter is returned by the US Postal Service due to an unknown or insufficient address as defined in IC 3-5-2-49.7 during the seven (7) day pending period, the county voter registration office must both deny the application for registration at the new address and cancel a registration at any Indiana address that the applicant stated on the application as a previous voter registration address if that previous voter registration address is outside the precinct of the address listed on the most recent registration application.

When the county voter registration office cancels the voter's record at the previous registration address, the county voter registration office must send a notice to the voter at that previous address by forwardable mail advising the voter that the application to register at the new address has been denied and that the registration record at the previous Indiana registration address listed on the registration application has been cancelled. The notice shall also indicate that, to be registered to vote, the individual must submit a new voter registration application. A voter registration application form must be sent with this notice.

(SEA 560 § 15; Effective date: July 1, 2019; Citation affected: IC 3-7-33-5)

Missing or Inaccurate Date of Birth Information

The Election Division is required to request information from the Bureau of Motor Vehicles regarding records of individuals whose date of birth is: (1) missing from the statewide voter registration system; or (2) indicates that the age of the registrant is at least 115 years. Once the information is obtained, the Election Division shall forward the information to the appropriate county voter registration office. If the county voter registration office determines that the individual listed in the Bureau of Motor Vehicles record is the same individual listed in the statewide voter registration system, then the county shall amend the individual's voter registration record to contain the correct date of birth and document the source of information for this correction.

(SEA 570 § 8; Effective date: July 1, 2019; Citation affected: IC 3-7-38.2-4)

Sharing Voter Registration Information with Neighboring States for Voter List Maintenance Purposes

The Election Division may provide Indiana voter registration information to another state implementing a voter list maintenance program to help another state to identify duplicate registration records for the same individual in more than one state. A county voter registration office in Indiana may use voter registration information obtained by the Election Division from another state to send an address confirmation notice (SAMC aka former NCOA mailer) to provide the voter an opportunity to update their registration, cancel their registration, or, if the voter fails to respond, designate the voter registration status as inactive.

(SEA 558 §§ 5, 7; Effective date: May 1, 2019; Citations affected: IC 3-7-26.4-4, IC 3-7-38-2-2)

Use of Declinations for Voter List Maintenance

A county voter registration office may use a "declination" to register to vote forwarded to the county voter registration office by a full-service registration agency (WIC, for example), to send an address confirmation notice (SAMC or former NCOA mailer) to a voter if the declination indicates that the registered voter who declined to register resides at an address different than the one currently on the registration record.

(SEA 558 § 7; Effective date: May 1, 2019; Citation affected: IC 3-7-38-2-2)

Update of Voter Registration Record after USPS Notification of Rural Route Conversion

A county voter registration office may update a voter registration record to reflect information received from the U.S. Postal Service that the voter's registration address has been converted from a rural route address to a numbered address.

(SEA 560 § 17; Effective date: July 1, 2019; Citation affected: IC 3-7-40-6)

Paying Person Based on Number of Voter Registration Applications Obtained Prohibited

It is a Level 6 felony to pay or offer to pay an individual any property based on the number of voter registration applications obtained by the individual. An individual may continue to be paid for this political activity, but not "directly or indirectly" based on the number of applications obtained.

(SEA 560 § 163; Effective date: July 1, 2019; Citation affected: IC 3-14-2-1)

VOTING QUALIFICATIONS AND PROCEDURES

Fail-Safe Procedure for Moving Within Precinct But Outside of Municipality

In general, a voter who moves from one address within a precinct to another address within the same precinct may vote under a fail-safe provision by indicating their new address in the same precinct in the poll book (or on a VRG 4/12 in counties using electronic poll books). However, if a precinct is partly in a municipality and partly outside of a municipality, and a person moves within the precinct from the part of the precinct within the municipality to the part of the precinct outside the municipality, then the person may not vote a regular ballot in a municipal election under this fail-safe provision. However, the voter could request to vote a provisional ballot.

(SEA 558 § 8; Effective date: May 1, 2019; Citation affected: IC 3-7-39-7)

Exception to Proof of Identification Requirement When Voter Resides at the Voting Location

Voters who reside in a state licensed care facility (nursing home, for example) that is used as polling place, vote center, or satellite absentee facility are exempt from the Photo ID requirement (current law provides this exemption only for voters who reside in a state licensed care facility used as a polling place).

(SEA 558 §§ 9, 18; Effective date: July 1, 2019; Citations affected: IC 3-10-1-7.2, IC 3-11-8-25.1)

Challenged Voter Who Completes Challenged Voter Affidavit Required to Sign the Poll Book

A voter who is challenged and executes the challenged voter affidavit to vote a provisional ballot is required to sign the poll book (current law states that voter “may” sign poll book).

(SEA 558 § 18; Effective date: July 1, 2019; Citation affected: IC 3-11-8-25.1)

Voter’s Residence Required on Additional Documentation Provided by First Time Voters Who Registered by Mail

A first time voter in Indiana that registered to vote by mail must provide, unless otherwise exempted, additional documentation of their residence in order for their ballot to be counted. State law requires that the additional documentation (current photo ID, utility bill, bank statement, paycheck, or government document) show the name and **residence address as shown on the voter’s voter registration** on the additional documentation. (*NOTE: The document required to be shown as photo ID is not required to include a residence address. However, if the photo ID is used to satisfy the additional documentation requirement the address shown on the photo ID must be the same address shown on the voter’s voter registration.*) Previously this statute did not include the word “current” before bank statement, government check, paycheck, or government document.

(SEA 558 § 19; Effective date: July 1, 2019; Citation affected: IC 3-11-8-25.2)

Provisional Voter Must Sign the Poll List

A voter casting a provisional ballot must sign the poll list, complete the affidavit of challenged voter (PRE-4), enclose the provisional ballot in the PRO-2 envelope, and sign the PRO-2 security envelope.

(SEA 558 § 36; Effective date: July 1, 2019; Citation affected: IC 3-11.7-2-2)

Provisional Ballot Cast before Absentee Board

Reference to provisional ballots cast before an absentee board is added to state law describing the procedure applicable to a voter who cast provisional ballot because the voter was unable or unwilling to provide a valid photo ID. In order for the provisional ballot to be counted because the voter was unable or unwilling to provide a valid photo ID, the voter must appear before the circuit court clerk or county election board and sign an affidavit that states that the voter is the same individual who appeared either before the precinct election board on Election Day or before *the absentee board*.

(SEA 558 § 37; Effective date: July 1, 2019; Citation affected: IC 3-11.7-5-2.5)

Voter May Not Change Party Choice in Primary

In a primary, once a voter writes the voter's party on the poll list, or the voter's primary party ballot choice is entered into an electronic poll book, or the voter has been mailed or otherwise provided with a primary ballot, the voter may not change the voter's primary party ballot choice. Nor may a voter who requests a replacement absentee ballot in a primary be provided with a replacement absentee ballot for a different political party than the original ballot requested.

(SEA 560 §§ 37, 63, 95; Effective date: May 6, 2019, July 1, 2019; Citations affected: IC 3-10-1-24, IC 3-11-4-17.7, IC 3-11-10-26)

Procedure When a Voter Marks Ballot without Properly Finishing Voting Process

Traditional Hand-Counted Paper Ballots

If a voter leaves a voting booth without depositing a traditional hand-counted paper ballot in the ballot box then any poll worker can attempt to alert the voter to allow the voter to return to the booth to complete casting the ballot. If the voter has already left the polls, or declines to return to the booth, both judges shall retrieve the ballot and provide it to the inspector and the inspector shall deposit the ballot in the ballot box. The judges and inspector shall complete and sign a form PRE-9 documenting their actions and provide information regarding the event, including the voter's name, if known.

(SEA 560 § 103; Effective date: May 6, 2019; Citation affected: IC 3-11-11-17)

Optical Scan Ballot Card

If a voter leaves a voting booth without casting an optical scan ballot card being scanned by the tabulator any poll worker can attempt to alert the voter and permit the voter to return to the booth to complete casting the ballot. If the voter has already left the polls, or declines to return to the booth, both judges shall enter the booth and retrieve the ballot and provide it to the inspector and the inspector shall deposit the ballot in the ballot box. The judges and inspector shall complete and sign a form PRE-9 documenting their actions and provide information regarding the event, including the voter's name, if known.

(SEA 560 § 109; Effective date: May 6, 2019; Citation affected: IC 3-11-13-33)

Electronic Voting System (Direct Record Electronic or DRE)

If a voter leaves a voting booth without casting a ballot on an electronic voting system (DRE) any poll worker can attempt to alert the voter and permit the voter to return to the booth to complete casting the ballot. If the voter has already left the polls, or declines to return to the booth, the inspector shall direct both judges to enter the booth and complete the process of casting the voter's ballot. The judges and inspector shall complete and sign a form documenting their actions and provide information regarding the event, including the voter's name, if known.

(SEA 560 § 111; Effective date: May 6, 2019; Citation affected: IC 3-11-14-25)

Poll Clerk Initials Captured on Electronic Poll Book and Applied to Ballot on Demand Ballot

A county using an electronic poll book, whether in a county with vote centers or a county with precinct based polling places, may have the initials of the poll clerks captured through the electronic signature pad or tablet of the electronic poll book at the time the poll clerks log into the electronic poll book system and printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter. Previously, this statute only applied to vote center counties.

(SEA 560 § 108; Effective date: May 6, 2019; Citation affected: IC 3-11-13-28.1)

Write-In Vote on Optical Scan Ballot

It is not necessary for the voter to write-in the title of the candidate's office for the voter's write-in vote to count on an optical scan system if the voter writes-in the candidate's name and the ballot already contains the title of the office.

(SEA 560 § 105; Effective date: July 1, 2019; Citation affected: IC 3-11-13-18)

ABSENTEE VOTING

Absentee Ballots in All Counties to be Counted at a Central Location

After July 1, 2019 all absentee ballots shall be counted at a central location. Provisions in state law regarding counting absentee ballots at polling places are modified or repealed accordingly.

(SEA 560 §§ 47, 58, 59, 60, 64, 71-94, 97-99, 106, 113, 115, 120, 121, 122, 127, 128, 139, 141, 142; Effective date: July 1, 2019; Citations affected: IC 3-10-8-7.5, IC 3-11-2-16, IC 3-11-3-29.3, IC 3-11-3-29.4, IC 3-11-4-22[Repealed], IC 3-11-8-25.2, IC 3-11-10-1.5[Repealed], IC 3-11-10-3[Repealed], IC 3-11-10-4, IC 3-11-10-5[Repealed], IC 3-11-10-6[Repealed], IC 3-11-10-7[Repealed], IC 3-11-10-8[Repealed], IC 3-11-10-9[Repealed], IC 3-11-10-11, IC 3-11-10-12[Repealed], IC 3-11-10-12.5[Repealed], IC 3-11-10-13[Repealed], IC 3-11-10-14[Repealed], IC 3-11-10-15[Repealed], IC 3-11-10-16[Repealed], IC 3-11-10-16.5[Repealed], IC 3-11-10-17[Repealed], IC 3-11-10-18[Repealed], IC 3-11-10-20[Repealed], IC 3-11-10-21[Repealed], IC 3-11-10-22[Repealed], IC 3-11-10-23[Repealed], IC 3-11-10-24, IC 3-11-10-34[Repealed], IC 3-11-10-35[Repealed], IC 3-11-10-37[Repealed], IC 3-11-13-22, IC 3-11-14.5-1, IC 3-11-18.1-4, IC 3-11.5-1-1.1, IC 3-11.5-1-4[Repealed], IC 3-11.5-4-0.5[Repealed], IC 3-11.5-5-1[Repealed], IC 3-11.5-6-1[Repealed], IC 3-12-1-17, IC 3-12-2-1, IC 3-12-2-7.5)

(HEA 1217 § 16; Effective date: July 1, 2019; Citation affected IC 3-11.5-1-1.1)

Scanning an Absentee Ballot Prior to Election Day Prohibited

A county election board may not scan a voted absentee ballot card using an optical scan ballot scanner before Election Day.

(SEA 560 § 123; Effective date: May 6, 2019; Citations affected: IC 3-11.5-4-6)

Mailings that Include an Absentee Ballot Application

A mailed communication of more than 100 pieces of substantially similar pieces of mail that includes an Indiana absentee ballot application is required to set forth, in a clear and conspicuous manner, the name and mailing address of the person who mailed the communication in at least 12 point type size that is clearly readable by the recipient of the mailing with a reasonable degree of color contrast between the background and the printed statement. A communication complies with the contrast requirement if the information is printed in black text on a white background or the degree of color contrast between the background and the text of the information is not less than the color contrast between the background and the largest text included in the mailing. The requirement to include the name and mailing address of the person who mailed the communication that includes an Indiana absentee ballot does not apply to direct mailings of one hundred (100) or less of substantially similar pieces of mail,

(SEA 558 § 2, 11; Effective date: July 1, 2019; Citation affected: IC 3-6-4.9[New], IC 3-11-4-5.2[New])

Deadline to File Application for an Absentee Ballot to be Mailed to Voter

An absentee ballot application must be received by the circuit court clerk, Lake County election board director, or the Porter County election board director not later than 11:59 p.m. twelve (12) days before election day if the applicant requests that the absentee ballot be sent by U.S. mail. Former law set this deadline at 11:59 p.m. eight (8) days before the election.

(HEA 1311 § 1; Effective date: July 1, 2019; Citation affected: IC 3-11-4-3)

Not Earlier than Date for Filing Absentee Ballot Applications

For every election held after December 31, 2019, an application for an absentee ballot received on or after December 1 is an adequate application for an absentee ballot for the next scheduled election held in the voter's precinct (primary, general, municipal, or special election). Different deadlines apply to military and overseas voters using the Federal Post Card Application (FPCA).

(HEA 1311 § 1; Effective date: July 1, 2019; Citation affected: IC 3-11-4-3)

First Day to Mail Absentee Ballots in a Municipal Primary or General Election when a Resolution is Adopted to Reduce the Number of Days for In-Person Absentee Voting

If a county reduces the number of days for in-person absentee voting before a municipal primary or municipal general election as permitted under current state law, absentee ballots must be mailed in response to approved absentee ballot applications within the same time frame as in other elections. (State law providing that absentee ballots cannot be mailed to voters whose applications have been approved until the first day of in-person voting when such a resolution is adopted in a municipal election year is repealed.)

(SEA 560 § 96; Effective date: July 1, 2019; Citation affected: IC 3-11-10-26.5)

Request for Replacement Absentee Ballot

A voter may request a replacement absentee ballot for the following additional reasons under state law:

- 1) The absentee does not bear the required bipartisan initials.
- 2) The voter returned the absentee ballot and failed to sign the absentee ballot security envelope.

The circuit court clerk receiving a request for a replacement ballot the clerk shall do the following:

- 1) Place the written request with the absentee voter's original ballot.
- 2) Mark "canceled" on the envelope containing the original ballot (if returned by the voter).
- 3) Preserve the original ballot with the other defective ballots.
- 4) Deliver a new ballot to the absentee voter to process the replacement absentee ballot.

(SEA 558 § 13; Effective date: July 1, 2019; Citation affected: IC 3-11-4-17.7)

Absentee Ballot by Mail Security Envelope

The reference to the voter's attorney in fact assisting the voter in enclosing and sealing an absentee ballot on the absentee ballot security envelope is repealed. Under current law, any individual may assist an absentee voter by enclosing and sealing the absentee ballot in the absentee ballot security envelope so

long as the person affirms that they have done so by signing the absentee ballot security envelope. There is no requirement that the voter's attorney in fact provide this assistance.

(SEA 558 § 16; Effective date: July 1, 2019; Citation affected: IC 3-11-4-21)

Documentation of Assistance to Voters Casting In-Person Absentee Ballots

If the two members of an absentee board assist an absentee voter voting in person at the clerk's office or satellite absentee facility then the board members are required to sign the Affidavit of Voter Assistance (PRE-3). Absentee board members were exempt from this requirement under prior law.

(SEA 558 § 20; Effective date: May 1, 2019; Citation affected: IC 3-11-9-3)

Voter May Return Mailed Absentee Ballot by Bonded Courier

State law authorizes a voter to return a mailed absentee ballot to the county election board by bonded courier. This method of returning a mailed ballot is in addition to those specified under current law (U.S. mail, for example).

(SEA 558 § 21; Effective date: July 1, 2019; Citation affected: IC 3-11-10-1)

Signature Comparison when Electronic Poll Books are used with Electronic Voting Systems for In-Person Absentee Voting

When processing an in-person absentee voter voting on an electronic voting system the absentee voter board must compare the signature on the absentee ballot application or on the **electronic poll book** with the voter's signature on the voter's registration record. Since some counties have done away with absentee ballot applications for in-person absentee voters, the signature on the electronic poll book must be used for this signature comparison against the voter's registration record instead of using the signature on the application`.

(SEA 558 § 23; Effective date: July 1, 2019; Citation affected: IC 3-11-10-26.2)

Central Count Procedures: Pre-Marking Paper Poll Books with Absentee Information

If a county uses a paper poll list instead of an electronic poll list, the clerk may provide the inspector with a **pre-marked poll list** that indicates individuals who have voted by absentee ballot when the inspector picks up the poll list and other supplies on the weekend before Election Day. Prior law required that the clerk provide a separate list of absentee voters for the inspector to mark in the poll book as part of preparing the polls for opening on Election Day. Because not all absentee voters will be pre-marked in the printed paper poll list used on Election Day, the county election board will continue to deliver a supplemental list of individuals who voted absentee to poll workers.

(SEA 558 §§ 28, 34; Effective date: July 1, 2019; Citations affected: IC 3-11.5-4-1, 3-11.5-4-24)

Sorting Absentee Ballots by Precinct after Signature Comparison

If, during the initial signature comparison of absentee ballots the county election board unanimously determines that a voter's signature on an absentee ballot envelope is genuine, the board must enclose the accepted and unopened absentee ballot envelope together with the voter's application for absentee ballot in a large or carrier envelope. The board may enclose in the same carrier envelope all absentee ballot envelopes and applications for the same precinct. Previously, the statute did not include phrase "for the same precinct" and county election boards were required to seal each voter's absentee ballot envelope and absentee application in a separate envelope.

(SEA 558 § 29; Effective date: July 1, 2019; Citation affected: IC 3-11.5-4-5)

Person Voting at Polls after Voting Absentee in Counties Using Paper Poll Books

In a county that uses a paper poll books instead of electronic poll books, if a voter who has cast an absentee ballot is also permitted to vote in person at the polls, then the inspector is required to document this fact on the certified list of absentee voters provided to the inspector and returned to the county election board so that the absentee ballot counters know they should not count the voter's absentee ballot.

(SEA 558 § 30; Effective date: July 1, 2019; Citation affected: IC 3-11.5-4-9)

Signature Comparison on Election Day

On Election Day when the absentee ballot counters are processing absentee ballots, the absentee ballot counters must compare the signature on the application *or electronic poll book* with the signature upon the absentee ballot security envelope, the affidavit (ABS-9) from a military or overseas voter voting by FAX or email, or the voter's registration record.

(SEA 558 § 31; Effective date: May 1, 2019; Citation affected: IC 3-11.5-4-11)

Late Arriving Absentee Ballots

If a voter's absentee ballot has not been received by the county election board before the noon Election Day deadline, the absentee ballot counters or the county election board shall issue a certificate (ABS-21) to the voter to allow the voter to cast a ballot in person at the polls, if otherwise qualified to vote. Previously, state law required the certificate to be issued only if the voter's absentee ballot had been rejected due to a reason denoted under IC 3-11.5-4-13 such as ballot missing initials of the bi-partisan absentee voter board or signatures not corresponding or missing.

(SEA 558 §§ 32, 33; Effective date: July 1, 2019; Citations affected: IC 3-11.5-4-13, IC 3-11.5-4-21)

Counting Absentee Ballots Cast on Electronic Voting Systems

When counting absentee ballots cast on electronic voting systems (direct record electronic or DRE), the county election board shall make an initial determination concerning whether any absentee ballot cast on an electronic voting system must be rejected for any reason set forth in state law. If the county election board makes an initial determination that an absentee ballot must be rejected, the county election board shall void the absentee ballot on the electronic voting system. After making the initial determination regarding the validity of absentee ballots, the county election board shall process the remaining absentee

ballots by producing a printout for each precinct in which an absentee ballot was and tabulate the valid absentee ballots cast on the electronic voting system. This does not apply to a ballot marking device using a ballot card tabulated by an optical scan voting system. Similar procedures for an optical scan voting system can be found under IC 3-11.5-4-13.

(SEA 558 § 35; Effective date: July 1, 2019; Citation affected: IC 3-11.5-8[New])

SVRS Absentee Reports Must be in CSV Format

Statewide Voter Registration Reports that contain information about absentee ballots and voting must be available in CSV format with dashes and may be generated in other formats.

(SEA 560 § 12; Effective date: July 1, 2019; Citation affected: IC 3-7-26.3-23)

Affidavit of Individual Delivering Absentee Ballot Application of Another

The person who files an absentee ballot application of another person with the county election board must submit an affidavit with the application (ABS-17). The affidavit must be signed by the person who received the completed application from the applicant. This section does not apply to an individual filing their own absentee application or to an employee of the USPS or a bonded courier company acting in the individual's capacity as an employee of the USPS or bonded courier company, or to the election division, a county election board, or a board of elections and registration.

(SEA 560 § 62; Effective date: July 1, 2019; Citation affected: IC 3-11-4-2)

Pier Diem for Absentee Board Members

The county fiscal body (county council) rather than the county executive (county commissioners except in Marion County where the county executive is the Mayor) establish the per diem payment for an absentee board member, whether working in the circuit court clerk's office, at a satellite office of the clerk, or as a member of a traveling absentee board. Travel absentee board members are also entitled to mileage at a rate determined by the county fiscal body.

(SEA 560 § 100; Effective date: July 1, 2019; Citation affected: IC 3-11-10-38)

Paying Person Based on Number of Absentee Ballot Applications Obtained Prohibited

It is a Level 6 felony to pay or offer to pay an individual any property based on the number of absentee ballot applications obtained by the individual. An individual may continue to be paid for this political activity, but not "directly or indirectly" based on the number of applications obtained.

(SEA 560 § 163; Effective date: July 1, 2019; Citation affected: IC 3-14-2-1)

BALLOTS, VOTING SYSTEMS AND ELECTRONIC POLL BOOKS AND LISTS

Use of Electronic Voting Systems with Voter Verified Paper Trail

Beginning in 2030, a county may not continue to use an electronic voting system (direct record electronic or DRE) unless the system contains a voter verifiable audit paper trail (VVPAT) that is certified for use in Indiana by the Indiana election commission.

A county may continue to use and maintain an electronic voting system that does not contain a VVPAT if the system is certified by the Indiana election commission, was obtained by the county before 2020, and otherwise complies with state law. While a county may continue to use an electronic voting system without a VVPAT until December 31, 2029, a county may not purchase, lease or otherwise obtain an electronic voting system without a VVPAT after December 31, 2019.

If a voter voting on an electronic voting system with a paper trail determines by examining a VVPAT that the electronic voting system is not correctly setting forth the voter's ballot choices, then the voter has one opportunity to correct the error before completing and casting the ballot. If the error shown on the VVPAT is due to a voting system *malfunction*, then the voter may continue to review the VVPAT until the malfunction has been corrected. Once the malfunction has been corrected, the voter then has one opportunity to correct the error before casting the ballot.

If the voter is a voter with disabilities, the voter has as many opportunities as the voter needs to correct the error before completing the casting of the ballot.

(SEA 570 §§ 16, 17, 22; Effective date: July 1, 2019; Citations affected: IC 3-11-14-2, IC 3-11-14-24.5[New], IC 3-11-15-13.3)

Demonstration of Uncertified Electronic Voting System with Voter Verified Paper Trail

An electronic voting system (direct record electronic or DRE) vendor may demonstrate an electronic voting system with a voter verified paper trail (VVPAT) even if that voting system with the VVPAT has not yet been approved for marketing, sale, and use in Indiana provided that the demonstration is made to a county that is currently using an electronic voting system provided by the vendor that does not include a VVPAT. This is an exception to the general rule that it is illegal under state law for a voting vendor to market a voting system requirement until after the voting system is certified by the Indiana election commission.

(SEA 570 § 25; Effective date: April 24, 2019; Citation affected: IC 3-11-15-49)

Delivery of Voting Equipment to the Polls

Electronic Poll Books

Before delivering **electronic poll books** to the inspector or the inspector's authorized representative, the county election board shall do the following:

- 1) affix tamper-proof numbered seals to each electronic poll book, or to a container which contains a single electronic poll book;
- 2) record the number of the seal affixed to each electronic poll book or container; and
- 3) provide a list to the inspector of each electronic poll book and the number of the seal affixed to each electronic poll book or container.

If a county uses tamper-proof numbered seals to secure electronic poll books, then before the polls are opened, the inspector and judge of the opposite party shall determine that each seal is intact, shows no evidence of tampering, and bears the same number indicated in the list provided to the inspector by the county election board. If each electronic poll book seal complies with these requirements, then the inspector and judge certify compliance on a form prescribed by the Election Division. If any electronic poll book seal is not intact, shows signs of tampering, or does not match the number on the list provided to the inspector, the inspector or judge must immediately notify the county election board.

A county election board may adopt a resolution, by unanimous vote of the entire membership of the board, to use an alternative security protocol to deliver electronic poll books to polling places. The resolution must set forth the following:

- 1) the method to be used to ensure that the electronic poll books are not accessed, modified, or tampered with after the electronic poll book is transferred to the inspector or inspector's authorized representative for delivery to the polls; and
- 2) the method for a precinct election board or vote center officers to determine and document on behalf of the county election board that each electronic poll book was successfully secured against improper access, modification, or tampering before delivery to the polling place or vote center.

The resolution must be filed with the Election Division before electronic poll books are delivered to a polling location or vote center.

Voting Systems

Voting systems may be delivered to precincts or vote centers at any time before Election Day by any of the following:

- 1) the county election board;
- 2) a bipartisan team of individuals consisting of at least two (2) individuals who are not members of the same political party as designated by the county election board; or
- 3) a commercial delivery company contracted by the county election board.

A county election board may not designate, or permit, a person to serve on a bipartisan team or a commercial delivery company to use an individual to deliver, or have access to a voting system, if the individual is imprisoned (such as a county jail inmate), subject to lawful detention, on probation, subject to home detention, or placed a community corrections program.

Two members of any bipartisan team, or an authorized representative of a commercial delivery company, delivering a voting system must sign a certificate that contains the following:

- 1) a statement that the voting system remained in the custody and control of the bi-partisan team or company during the period between leaving the custody of the county election board and delivery to the polling location;
- 2) a statement that no other individual other than a team member or an individual acting on behalf of the commercial delivery company had access to any voting system;
- 3) documentation of an individual who received the voting system when it was delivered to the polling location or vote center; and
- 4) the written name and signature of the individual receiving the voting system at the polls.

The two members of any bipartisan team, or an authorized representative of a commercial delivery company, must file the completed certificate with the county election board immediately upon delivery.

(SEA 570 §§ 9, 12; Effective date: July 1, 2019; Citations affected: IC 3-11-3-10, IC 3-11-8-7.5[New])

Software Restrictions on Electronic Poll Books

A county election board is responsible for ensuring electronic poll books are used only for their intended purpose. Software that is not needed for the essential purpose of running the electronic poll book may not be installed on an electronic poll book.

(SEA 570 § 13; Effective date: April 24, 2019; Citation affected: IC 3-11-8-10.3)

Hybrid Voting Systems Defined as Optical Scan Voting Systems

A “hybrid” voting system, which combines features of both an electronic touchscreen system and an optical scan ballot system, is considered an optical scan voting system under Indiana law.

(SEA 570 § 5; Effective date: July 1, 2019; Citation affected: IC 3-5-2-33.9)

Selection of Optical Scan Voting System Machines for the Public Test

The Voting System Oversight Program (VSTOP) shall provide each county that uses an optical scan voting system to count ballots with two (2) lists of unique identification numbers for the voting machines to be tested by the county. Each list provided by VSTOP must contain not less than 5% of the machines used in the county.

The county election board must test the machines on the first list to determine if the machines are correctly counting votes for all candidates, including write-ins, for all public questions, and for straight-party votes. If an individual attending the public test requests that additional voting machines be tested, then the county election board shall test machines from the second list.

If VSTOP does not provide these lists not later than seventy-four (74) days before the election, the county election board, not later than sixty (60) days before the election, must implement an alternative procedure for randomly testing at least 5% of the machines used in the county.

If an individual attending the public test requests that the additional automatic tabulating machines be tested, then the county election board shall test machines from the second list.

(SEA 570 §§ 14 and 15; Effective date: July 1, 2019; Citations affected: IC 3-11-13-22; IC 3-11-13-23)

Selection of Electronic Voting System Machines for the Public Test

The Voting System Oversight Program (VSTOP) shall provide each county that uses electronic voting systems with two lists of randomly selected voting machines used in that county. Each list must contain not less than 5% of the machines used in the county.

The county election board must test the machines on the first list of voting machines to determine if the machines are correctly counting votes for all candidates, including write-ins, for all public questions, and for straight-party votes. If an individual attending the public test requests that additional voting machines be tested, the county election board shall test machines from the second list.

If VSTOP does not provide these lists not later than seventy-four (74) days before the election, the county election board, not later than sixty (60) days before the election, must implement an alternative procedure for randomly testing at least 5% of the machines used in the county.

If an individual attending the public test requests that the additional electronic voting systems be tested, then the county election board shall test machines from the second list.

(SEA 570 §§ 18 and 19; Effective date: July 1, 2019; Citations affected: IC 3-11-14.5-1; IC 3-11-14.5-2)

Vendor Reports of Problems with Voting Systems or Electronic Poll Books

A voting system vendor or electronic poll book vendor shall file a report with the Secretary of State and VSTOP not later than forty-eight (48) hours after discovering an anomaly or problem with the voting system or electronic poll book due to technical or human error if that anomaly or problem occurs on a day other than Election Day. If the anomaly or problem is discovered on Election Day, the vendor must file a report with the Secretary of State and VSTOP not later than three (3) hours after discovering the anomaly or problem.

The report must identify: (1) the nature of the anomaly or problem; (2) the number of counties, precincts, or vote centers affected; and (3) the vendor's preliminary plan to resolve the problem to prevent any impediments to voters casting a ballot or to the accuracy or integrity of the election process.

(SEA 570 § 28, 30; Effective date: April 24, 2019, July 1, 2019; Citations affected: IC 3-11-17-7, IC 3-11-18.1-14)

Risk Limiting and Procedure Election Audits

Risk Limiting Audits

The Secretary of State may designate counties as risk-limiting audit pilot counties. A risk-limiting audit is an audit protocol that makes use of statistical methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome. For a county to be designated as a risk-limiting audit pilot county, the county election board must adopt a resolution requesting the Secretary of State to designate the county as a risk-limiting audit pilot county. The Secretary of State shall seek to designate a variety of counties as pilot counties based on the number of active voters within the county.

The Secretary of State shall adopt rules that determines the elections that are subject to a risk-limiting audit and rules necessary to implement and administer risk-limiting audits. In developing these rules the Secretary of State shall consult statistical experts, equipment vendors, the Election Division, and county election officials and must consider best practices for conducting risk-limiting audits.

All contested elections for elected office and on public questions are eligible for designation by the rules for a risk-limiting audit. However, the Secretary of State may waive the requirement of for conducting a risk-limiting audit after receiving a written request by a county election board but only if the county election board shows that the technology in use by the county, for an election held after December 31, 2020, will not enable the county election board to satisfy the requirements for a risk-limiting audit.

Procedure Election Audits

The Secretary of State, with consent of the co-directors of the election division, may require a procedure audit of an election to be conducted if there is (1) an investigation under IC 3-6 relating to the election; or (2) a recount for an office on the ballot during the election has been ordered. A procedure audit is a process by which the procedures of an election are reviewed to determine how well an election was conducted in accordance with Indiana law. The Secretary of State shall supervise a county election board conducting the procedure audit in their county.

The Secretary of State shall adopt rules to develop a procedure audit program that details the documents to be inspected, the procedures to be reviewed, and the process by which a procedure audit is conducted. The procedure audit may evaluate a number of factors under Indiana law. The Secretary of State may require the use of sampling and other statistically valid procedures for conducting a procedure audit.

The Secretary of State may develop a training program for county election officials and staff to learn how to conduct a procedure audit. A county election board that conducts a procedure audit must provide results of the audit to the Secretary of State not later than thirty (30) days after completion of the audit.

(SEA 405 § 1, 2; Effective date: January 1, 2020; Citations affected: IC 3-12-13[New], IC 3-12-14[New])

Voting System Vendor Background Check

A voting system vendor shall conduct an annual background check on each employee or contractor of the vendor who has access to the vendor's voting system. "Background check" refers to the "national criminal history background check" as set forth in state law.

An individual who is an employee or contractor of a voting system vendor who has a felony conviction may not have access to the vendor's voting system in the individual's capacity as an employee or contractor.

(SEA 570 §§ 2 and 23; Effective date: July 1, 2019; Citation affected: IC 3-5-2-2.7[New], IC 3-11-15-45)

Disclosure of Foreign Ownership or Control by Voting System and Electronic Poll Book Vendors

A vendor of a voting system or electronic poll book is required to file a statement with the Election Division disclosing information regarding the nature and extent of any foreign national's ownership or control of the vendor. The statement must be amended not later than thirty (30) days after any change in the status of a foreign national's ownership or control of the vendor.

Current vendors must file an initial statement disclosing information regarding the extent of any foreign national's ownership or control of the vendor by August 1, 2019.

A vendor who violates state law by failing to file a required disclosure statement is subject to a penalty of up to \$300,000 to be assessed by the secretary of state.

(SEA 558 §§ 25, 26, 27; Effective date: July 1, 2019; Citation affected: IC 3-11-17-2, IC 3-11-17-7.2[New], IC 3-11-17-8[New])

Voting System Certification Application

The current \$1,500 application fee to request approval of a voting system for marketing, sale, and use in Indiana is increased to \$5,000 effective July 1, 2019. The application and fee is submitted to the Indiana Election Division and the application is considered for approval by the Indiana Election Commission.

The application for approval of a voting system must state that the vendor has complied with the Indiana law requiring annual background checks on voting system vendor employees or contractors, and will continue to comply with the requirement during the four (4)-year term of the system's certification.

(SEA 570 §§ 20, 21; Effective date: July 1, 2019; Citations affected: IC 3-11-15-4, IC 3-11-15-7)

Voting System Security Information Confidentiality

If a county chooses to adopt a resolution setting forth an alternative method for securing voting systems other than the default security procedures set forth in state law, the county voting security resolution is confidential and may not be disclosed in response to a request for public records. A county's voting system security resolution is effective when filed with the election division. (Previously, state law did not require the resolution be filed with the election division.)

In addition, the state or a county has discretion whether to disclose administrative or technical information that would jeopardize a voting system, or infrastructure information which would disclose the configuration of a voting system, in response to a public records request.

(SEA 570 §§ 24, 31; Effective date: April 24, 2019; Citations affected: IC 3-11-15-46, IC 5-14-3-4)

Voting System Technical Oversight Program (VSTOP)

A definition of "VSTOP" is added to Indiana Election Code.

State law authorizing the VSTOP program is expanded to include additional activities regarding the certification and use of electronic poll books in addition to the current duties performed by VSTOP with regard to voting systems.

In addition, VSTOP is required to determine when a voting system or electronic poll book has reached the end of the voting system's or electronic poll book's expected period of satisfactory performance and notify each county using the voting systems or the electronic poll books of that determination.

The inventory of voting systems and electronic poll books maintained by VSTOP is confidential and not subject to disclosure in response to a public records request.

(SEA 570 § 6, 26, 27; Effective date: July 1, 2019 and April 24, 2019, respectively; Citations affected: IC 3-5-2-53.2[New], IC 3-11-16-4, IC 3-11-16-6[New])

Voting System Definitions

The definition of "automatic tabulating machine" is updated to reflect that a tabulating machine is now used to count votes cast on different types of voting systems, not just optical scan voting systems, and that an automatic tabulating machine just counts votes and does not "examine" votes.

A reference to “ballot label” in the definition of “ballot” was repealed as obsolete in that a ballot label is no longer used in modern voting systems.

The definition of “marking device” is revised to recognize that both pens and pencils are used to mark paper optical scan ballots.

(SEA 570 §§ 1, 3, 4; Effective date: July 1, 2019; Citation affected: IC 3-5-2-2, IC 3-5-2-3, IC 3-5-2-31)

Electronic Poll Book Certification and Use

Electronic poll book requirements apply to all electronic poll books used in Indiana elections, whether used in a vote center, traditional precinct-based polling places, or for absentee voting.

An application for certification of an electronic poll book for use in Indiana elections must state that the vendor has complied with the Indiana law requiring annual background checks on electronic poll book vendor employees or contractors, and will continue to comply with the requirement during the term of the system’s certification. “Background check” refers to the “national criminal history background check” as set forth in state law.

An application for certification of an electronic poll book must be accompanied by a fee of \$1,500, to be deposited in the Voting System Oversight Program (VSTOP) account established under current law. (Previously, no application fee was required for certification of an electronic poll book system.)

VSTOP’s recommendation to the Secretary of State for certification of an electronic poll book is required to specify:

- 1) whether VSTOP has reviewed tests of the poll book by an approved voting system testing laboratory;
- 2) whether VSTOP has conducted a field test;
- 3) whether the poll book complies with the additional requirements set forth in the Indiana Electronic Poll Book Test Protocol approved by the Secretary of State; and
- 4) whether VSTOP has documentation of satisfactory escrow of the poll book’s software, firmware, source codes and executable images.

(SEA 570 §§ 2, 29; Effective date: July 1, 2019 and April 24, 2019; Citation affected: IC 3-5-2-2.7[New], IC 3-11-18.1-12)

Retention of Unused Ballots after Election

After ballots are printed by the county for each primary, general, municipal, or special election, the clerk shall retain one (1) regular official ballot from each township in the county and one (1) provisional ballot from any precinct in the county as part of the minutes.

(SEA 560 § 8; Effective date: July 1, 2019; Citation affected: IC 3-6-5-13)

Format for State and Local Public Questions on the Ballot

A state or local public question is to be printed on a ballot without quotation marks surrounding the text of the public question.

(SEA 560 §§ 48, 50; Effective date: July 1, 2019; Citation affected: IC 3-10-9-1, IC 3-10-9-4)

Comparison of Sample Ballots with Official Ballots in Vote Center Counties

Not later than the first date that a voter may cast a ballot at a vote center on Election Day, the county election board (rather than precinct election board members) shall do both of the following:

- 1) Make the comparison between the sample ballots, regular official ballots, and provisional ballots.
- 2) Certify that the ballots are in agreement on the CEB-40.

A copy of the certification shall be entered into the minutes of the county election board.

The county election board shall have copies of each sample ballot for each precinct available for inspection by a voter at each vote center and post a notice in the vote center stating that sample ballots are available for inspection upon request by the voter.

(SEA 560 §§ 101, 107, 110; Effective date: May 6, 2019; Citations affected: IC 3-11-11-1.9, IC 3-11-13-27, IC 3-11-14-17)

Option for Placement of Certain Instructions for Optical Scan Ballot Card Voting Systems

The instructions for voting a straight party ticket and the statement concerning presidential elections for optical scan ballot card voting systems may be placed in a location within the voting booth (rather than only on the ballot beside or above the political party symbols).

(SEA 560 § 104; Effective date: July 1, 2019; Citation affected: IC 3-11-13-11)

Deadline to Deliver Electronic Poll Books to County before Election

Unless a county receives prior written authorization from the voting system technical oversight program (VSTOP), any electronic poll book must have been delivered to a county election board not less than 60 days before the election at which the electronic poll book is to be used.

(SEA 560 § 118; Effective date: May 6, 2019; Citation affected: IC 3-11-18.1-12)

CANDIDATES AND OFFICEHOLDERS

All Candidates Receive Filing Confirmation Notice

The same type of filing confirmation notice currently required to be given to an individual who files a declaration to be a candidate in a primary election (CAN-5/CAN-11) is to be sent by the Election Division or the circuit court clerk to a candidate not later than the close of one (1) business day after the filing of a declaration of candidacy, a request for placement on a presidential primary ballot, a certificate of nomination by convention, a certificate of nomination by petition, a certificate of candidate selection to fill a ballot vacancy, or a declaration of intent to be a write-in candidate.

The certificate shall be hand delivered, sent by first class mail, or by electronic mail if an email address has been provided in the document filed with the Election Division or circuit court clerk.

NOTE: The certification or denial of certification requirements for school board and for an independent candidate or any minor party candidate using the petition nomination process have not changed. See IC 3-8-2.5-6 and IC 3-8-6-12 for more information.

(SEA 560 §§ 2, 20; Effective date: July 1, 2019; Citations affected: IC 3-5-4-1.3[New], IC 3-8-2-12[Repealed])

Candidate Nicknames Printed on Ballot

A candidate's nickname is to be placed on the ballot within parenthesis regardless of whether the candidate's nickname was placed in parenthesis, quotation marks, or some other method of indicating the candidate's nickname, on the candidate's declaration or other candidate filing.

(SEA 560 § 3; Effective date: July 1, 2019; Citation affected: IC 3-5-7-5)

Candidates as Petition Carriers

A candidate circulating a petition for the candidate's placement on the ballot is considered a petition carrier for purposes of the state law requiring a petition carrier to include the carrier's information on the petition.

(SEA 560 § 10; Effective date: July 1, 2019; Citation affected: IC 3-6-12-2)

Candidate Challenge Must Be Sworn Before Person Authorized to Administer Oaths

An individual challenging the placement of a candidate on the ballot must file a statement sworn ***before a person authorized to administer oaths*** when filing a challenge under IC 3-8-1-2 and IC 3-8-8-3.

(SEA 560 §§ 18, 31; Effective date: July 1, 2019; Citations affected: IC 3-8-1-2, IC 3-8-8-3)

State Superintendent of Public Instruction

The Superintendent of Public Instruction is abolished as an elected office at the end of the current term of the Superintendent of Public Instruction on January 10, 2021. Beginning January 11, 2021 the Governor will appoint a Secretary of Education (current law provides that the Governor does not appoint the

Secretary of Education until January 11, 2025). Therefore, the Superintendent of Public Instruction will not be an office on the ballot in 2020.

(HEA 1005 §§ 1-16; Effective date: July 1, 2019; Citations affected: IC 3-5-2-48, IC 3-8-1-33, IC 3-8-4-2, IC 3-10-2-6, IC 3-11-2-12, IC 4-1-6-1, IC 4-2-1-1.5, IC 4-2-6-8, IC 4-3-6-2, IC 4-12-1-13, IC 4-15-2.2-1, IC 5-8-3.5-1, IC 5-14-3-3.5, IC 20-18-2-20, IC 20-19-1-1[Repealed], IC 20-19-1-1.1)

Presidential Primary Filings

That state law that required a presidential primary candidate to file a request for ballot placement on the final day of the filing period to do so at the office of the Secretary of State (rather than at the Election Division) is repealed. The request for ballot placement is to be filed with the Election Division.

The period during which a presidential primary candidate can withdraw from the primary ballot is extended from eighty-five (85) days before the primary to seventy-five (75) days before the primary to give presidential candidates who have “suspended” their campaigns after earlier primaries are conducted in other states more time to withdraw from the Indiana ballot.

(SEA 560 § 21, 22; Effective date: July 1, 2019; Citations affected: IC 3-8-3-1, 3-8-3-7.5[New])

Libertarian Party State Convention Candidate Challenges

Challenges to candidates nominated at the Libertarian Party’s state convention for US Senator, US Representative, Governor, state legislative office, the local office of a judge of a circuit, superior, probate, or small claims court or prosecuting attorney of a judicial circuit shall be filed and determined by the Indiana Election Commission pursuant to the same deadlines applicable to ballot vacancy candidate challenges.

(SEA 560 § 23; Effective date: July 1, 2019; Citation affected: IC 3-8-4-10)

State Convention Candidate Economic Interest Statements

An email from the inspector general for candidates seeking nomination for statewide office at a Democratic, Libertarian, or Republican Party state convention or an email from the judicial qualifications commission for Libertarian Party candidates seeking nomination for judicial office at a state convention, is sufficient documentation that the required economic interest statement has been filed by the candidate.

(SEA 560 § 30; Effective date: July 1, 2019; Citation affected: IC 3-8-7-8)

Economic Interest Statements for City and Town Court Judges

City and town court judges are not required to file the statement of economic interests (CAN-12) filed by other candidates for local office. Instead, these candidates are required to file an economic interest statement with the judicial qualifications commission like other candidates for judicial office.

(SEA 560 § 33; Effective date: July 1, 2019; Citation affected: IC 3-8-9-4)

Filing Statement of Economic Interest Statement for Local Petition Candidates

A petition candidate for school board or other local office (other than judge or prosecuting attorney) in a county with a separate board of registration must file the candidate's statement of economic interests (CAN-12) with the circuit court clerk after the signatures on the petitions have been certified by the board of registration. In a county that does not have a separate board of registration, the candidate's statement of economic interests (CAN-12) must be filed with the circuit court clerk at the time the candidate's petitions are filed for review and certification.

(SEA 560 § 34; Effective date: May 6, 2019; Citation affected: IC 3-8-9-5)

Poll Clerk Initials Captured on Electronic Poll Book Applied to “Ballot on Demand” Ballot

A county using an electronic poll book may have the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book. The initials captured by the electronic poll book may be printed on the back of each ballot card by a printer separate from the electronic poll book and immediately before the ballot card is delivered to the voter, *whether or not the county is also a vote center county*. (Previously, only vote center counties could print initials of the poll clerks on the ballot cards when using specific connectivity between the electronic poll book and the ballot on demand printer or equivalent.)

(SEA 560 § 108; Effective date: May 6, 2019; Citation affected: IC 3-11-13-28.1)

Ballot Vacancies Filled by County Committee Officers

The meeting of the county committee officers (chair, vice chair, treasurer, and secretary) for purposes of filling a ballot vacancy is not considered a “caucus” for purposes of sending a call of caucus to county committee officers or filing a copy of the call of caucus with the circuit court clerk prior to filling the ballot vacancy.

(SEA 560 §§ 152, 153; Effective date: July 1, 2019; Citations affected: IC 3-13-1-6, IC 3-13-1-9)

Legislative Office Vacancies Due to Leave of Absence for Military Duty

The state political party chair for state legislative office vacancies, or the county chair for local office vacancies, may give notice of a caucus to fill a vacancy prior to the date a vacancy occurs if the vacancy is the result of an officeholder taking a leave of absence for military duty and the officeholder taking the leave has filed the notice required by state law.

(SEA 560 §§ 154, 162; Effective date: July 1, 2019 and May 6, 2019, respectively; Citations affected: IC 3-13-5-1, IC 3-13-11-3)

Circuit Court Judge Office Vacancies

If a vacancy occurs in the office of circuit court judge during a year in which the office is scheduled to be placed on the ballot, then the election for circuit court judge which is normally scheduled to be held at the *next* general election held in November following a vacancy in the office is instead to be held at the general election two years following the year in which the vacancy occurred.

(SEA 560 § 156; Effective date: July 1, 2019; Citation affected: IC 3-13-6-1)

Town and Township Office Vacancies

Major parties have a specific deadline in state law in which to fill township and town office vacancies. If a major party does not fill the vacancy by the deadline then another entity has the right to fill the office vacancy (the county commissioners for township offices and the town council for town offices). State law was clarified as to when the default procedure applies depending upon whether the vacancy occurred by reason of resignation (thirty (30) days from the effective date of the resignation) or by reason of death (thirty (30) days from the date the notice of death is received by county chair).

(SEA 560 §§ 157, 158, 159, 160, 161; Effective date: May 6, 2019, and July 1, 2019; Citations affected: IC 3-13-9-2, IC 3-13-9-3, IC 3-13-9-4, IC 3-13-10-2, IC 3-13-10-4)

Filling Local Office Vacancies When Required Notice of Resignation Not Provided

If the person or entity (circuit court clerk, for example) that receives the notice of a resignation fails to provide timely notice of the resignation to the person or entity with the power to take action to fill the vacancy (county chair, for example), then the person or entity with the power to fill the vacancy or call that caucus may fill the vacancy or call the caucus without receipt of the notice.

However, if the circuit court clerk provides notice of the resignation to the person or entity with the power to take action to fill the vacancy more than three (3) days after the circuit court clerk receives the notice of resignation, then the person or entity may fill the vacancy or call the caucus not later than thirty (30) days after receiving the notice from the circuit court clerk. This would permit a county party chair to fill a local office vacancy if the clerk received a resignation and failed to provide notice of the vacancy to the county chair or provides the notice of the vacancy later than required under Indiana law.

(SEA 560 § 162; Effective date: May 6, 2019; Citation affected: IC 3-13-11-3)

Paying Petition Carrier Based on Number of Signatures Prohibited

It is a Level 6 felony to pay or offer to pay an individual any property based on the number of petition signatures obtained to place a candidate or public question on a ballot. An individual may continue to be paid for this political activity, but not “directly or indirectly” based on the number of signatures or applications obtained.

(SEA 560 § 163; Effective date: July 1, 2019; Citation affected: IC 3-14-2-1)

Oaths of Deputies of Circuit Court Clerk and Political Subdivision

A deputy of a circuit court clerk or political subdivision is not required to take an oath of office since the deputy is considered an employee and not an officeholder. However, if a chief deputy assumes the duties of an office during a vacancy while the vacancy is being filled by caucus or appointment, the chief deputy must take the oath before assuming the duties of the office.

(SEA 560 § 164; Effective date: July 1, 2019; Citation affected: IC 5-6-1-2)

Notice Requirements Regarding Deaths of Officeholders

The offices of prosecuting attorney and small claims judge are added to the list of offices for which a certification and notice of death must be provided.

(SEA 560 § 165; Effective date: July 1, 2019; Citation affected: IC 5-6-8-3)

Township Board Member Staggered Term Elections

If a township has adopted a resolution to stagger the terms of township board members by having board members elected in different general election years, then the ordinance must provide that, if fewer township board members are elected than the number of seats up for election, the county commissioners determine which of the incumbent township board members hold over in office under the Indiana Constitution. The county commissions shall also determine the length of the term of the incumbent(s) who hold over pursuant to the township's resolution so as to accomplish the goal of the resolution to stagger the terms of township board members.

(SEA 560 § 192; Effective date: July 1, 2019; Citation affected: IC 36-6-6-2.3)

CITY AND TOWN ELECTIONS

Primary Elections in Small Towns

If a small town (population of less than 3,500) adopts an ordinance to conduct a town primary for major party candidates, then the ordinance must be filed with the circuit court clerk of the county that contains the largest percentage of population of the town not later than noon of the first day that a primary declaration of candidacy in the town may be filed following adoption of the ordinance. (Previously, a “small” town council must have passed an ordinance for the county election board to run their May primary election not later than January 1 of the year in which a municipal election is held, but state law did not establish a deadline for the clerk-treasurer to file the resolution with the county clerk and provide proper notice of the council’s decision.)

(SEA 560 § 24; Effective date: May 6, 2019; Citation affected: IC 3-8-5-2)

Major Party Small Town Convention Declarations of Candidacy

The state law requiring small town convention candidates to declare how their party affiliation requirement has been met is clarified to indicate that the party affiliation requirement applies only to major party candidates and not to Libertarian Party candidates.

(SEA 560 § 25; Effective date: May 6, 2019; Citation affected: IC 3-8-5-10.5)

Small Town Convention Candidate Withdrawals

A reference to a candidate filing a withdrawal with a town election board is repealed since candidate withdrawals must be filed with the circuit court clerk of the county with the greatest population of the town. Not later than noon, September 4 the circuit court clerk shall notify a town election board (if one has been established) that a town candidate has filed a candidate withdrawal.

(SEA 560 § 26; Effective date: May 6, 2019; Citation affected: IC 3-8-5-14.5)

Small Town Convention Candidate Challenges

A challenge to a small town candidate must be filed with the county election board of the same county where the challenged candidate’s declaration was filed (in the county with the greatest percentage of population of the town).

(SEA 560 § 27; Effective date: May 6, 2019; Citation affected: IC 3-8-5-14.7)

Small Town Petitions Provided to Town Clerk-Treasurer

If a county voter registration office receives a petition for a candidate to be placed on the ballot in a small town then it must file a copy of the petition with the town clerk-treasurer not later than noon July 15.

(SEA 560 § 29; Effective date: May 6, 2019; Citation affected: IC 3-8-6-10)

Large Town “Staggered Term” Ordinances

If a large town with a population of 3,500 or more adopts a staggered term ordinance (an ordinance to elect some town council members in one election year, and the remaining members in another year), or adopts an ordinance repealing a previously adopted staggered term ordinance, the ordinance becomes effective when filed with the circuit court clerk of the county which contains the largest percentage or population of the town.

(SEA 560 § 42; Effective date: July 1, 2019; Citation affected: IC 3-10-6-2.5)

Small Town Exempt from Vote Center Plan Where Town Election Board Established

If a small town with a population of less than 3,500 outside of Marion County creates a small town election board to conduct its elections, then the town is not subject to any vote center plan adopted by a county where the town is located during the period of time when the town election board functions.

(SEA 560 §§ 45, 116; Effective date: July 1, 2019; Citations affected: IC 3-10-7-5.7[New], IC 3-11-18.1-5)

Straight Party Vote Does Applies to At-Large Seat Where Only One Candidate Elected

The general rule that a straight party vote does not count for an at-large office where multiple candidates are to be elected to the office (township board, for example) does not apply when only **one** person is to be elected to an office, even though the office is voted on “at large” (one at-large seat of the town council voted on by the voters of the whole town, for example). In this case, the straight party vote counts for a candidate for the at-large office for which only one candidate may be elected.

(SEA 560 § 56, 65, 66, 137, 138) Effective date: July 1, 2019; Citations affected: IC 3-11-2-10, IC 3-11-7-4, IC 3-11-7.5-10, IC 3-12-1-5, IC 3-12-1-8)

Reprint of Ballot Required if Vacancy Not Filled

State law is clarified that if a county election board is required to reprint ballots to remove the name of a candidate who ceases to be a candidate and the party has not filled a candidate vacancy by noon five (5) days before the election, the county election board may print the replacement ballots with the phrases “NO CANDIDATE” or “CANDIDATE DECEASED” in place of the removed candidate.

(SEA 560 § 61; Effective date: July 1, 2019; Citation affected: IC 3-11-3-29.5)

City and Town Courts; Notice of Establishment or Abolition

If a city or town adopts an ordinance to establish or abolish its town or city court, the city or town must notify the secretary of state and the circuit court clerk of the county which contains the greatest percentage of the population of the city or town.

(SEA 560 § 176; Effective date: July 1, 2019; Citation affected: IC 33-35-1-1)

RECOUNTS AND CONTESTS

School Board Election Contest

If there is no candidate who is entitled to contest the election of another candidate for a school board office, a voter of the school corporation may file a petition to contest the election of the candidate.

(SEA 560 § 149; Effective date: July 1, 2019; Citation affected: IC 3-12-8-1)

State Recount Commission Claims

Any claim for expenses submitted by the state recount director must be filed with the secretary of state for approval. If a person incurs an expense related to an order issued by the recount director before a recount or election contest petition is filed (such as a county whose election materials are impounded by the state police under the recount director's order), that person must submit a claim to the commission not later than noon, sixty (60) days after the deadline for filing a recount petition.

(SEA 560 § 150; Effective date: May 6, 2019; Citation affected: IC 3-12-10-12)

Filing of Petitions for Public Question Recounts

A copy of a recount petition for a public question recount is only required to be filed with the election division when the state recount commission would conduct the recount (a recount regarding a public question voted on by the electorate of the entire state, for example).

(SEA 560 § 151; Effective date: July 1, 2019; Citation affected: IC 3-12-12-2)

POLLING PLACES, POLL WORKERS AND PARTISAN WORKERS

Documentation of Number of Voters Waiting in Line at the Polls on Election Day

The inspector is required to document, on a form provided by the Election Division (PRE-1), the number of individuals waiting to vote, but who have not yet signed the poll list, at the opening of the polls, 12:30 p.m., and at the close of the polls.

(SEA 558 § 17; Effective date: July 1, 2019; Citation affected: IC 3-11-8-9)

Small Town Exempt from Vote Center Plan Where Town Election Board Established

If a small town with a population of less than 3,500 outside of Marion County creates a small town election board to conduct its elections, then the town is not subject to any vote center plan adopted by a county where the town is located during the period of time when the town election board functions.

(SEA 560 §§ 45, 116; Effective date: July 1, 2019; Citations affected: IC 3-10-7-5.7[New], IC 3-11-18.1-5)

Designation and Publication of Polling Locations

In locating the polls for a precinct, the county executive (county commissioners, Mayor of Indianapolis, the Lake County Board of Elections and Registration, or the Porter County Board of Elections and Registration) shall consider relevant security factors identified in guidance provided by the Secretary of State.

The county election board (rather than the county executive) must publish a legal notice at least ten (10) days before the election setting forth the location of each polling place. The county election board shall enter the location of each polling place, and update any changes to the location of polls, in the statewide voter registration system as soon as possible. If the county election board determines by unanimous vote to locate a precinct's poll at the same location as another precinct's poll, using one precinct election board to administer both precincts, then the county election board (rather than the county executive) may designate the location of that poll.

The county election board shall prepare the room where the precinct's poll is located, instead of the county executive.

(SEA 570 § 11; Effective date: July 1, 2019; Citation affected: IC 3-11-8-6)

(SEA 560 §§ 67, 68, 69; Effective date: July 1, 2019; Citations affected: IC 3-11-8-3.2, IC 3-11-8-4.3, IC 3-11-8-7)

Extension of Voting Hours

A county election board or a board of elections and registration ("board") does not have power to extend voting hours in a polling place or vote center. A county election board is the only person or entity with standing to file an action or petition with an Indiana court or other state governmental entity to request an extension of the hours for closing the polls and a board may only do so following the unanimous vote of its entire membership.

Before issuing an order to extend poll hours, an Indiana court or other state governmental entity must take evidence and make findings with regard to the following:

- 1) The polls were substantially delayed in opening at the time fixed by IC 3-11-8-8.
- 2) The specific precincts or vote centers in which substantial delays occurred.
- 3) If a poll closed at any time during the hours from 6 a.m. to 6 p.m., how long the polls were closed and in which precincts and vote centers the closing occurred.
- 4) Substantial evidence exists that voters were prevented from casting a ballot due to a delay or closure of the polls during the hours specified by IC 3-11-8-8.
- 5) The actual harm determined can only be ameliorated by the extension of polling hours.

If the court is unable to make the findings regarding a delay in opening or a subsequent closure of the polls described above, the court shall not issue an order extending the time for closing the polls.

If the court or state governmental entity determines that an order extending the time for the closing of the polls is to be issued, the court or entity must:

- 1) limit the extension only to those polls whose opening was delayed or which closed during the regular poll hours set forth in state law; and
- 2) extend the hours for the polls at the precinct or vote center for a period of time not more than the time that the polls were closed during the hours set forth in state law.

A county election board may appeal any denial of a request for an order to the Indiana Supreme Court.

(SEA 560 §§ 70, 136; Effective date: May 6, 2019; Citations affected: IC 3-11-8-8, IC 3-11.7-7[New])

Providing Duplicate Copies of Printouts of Election Results from Electronic Voting System

An inspector, after printing out the results showing the votes cast on an electronic voting system for return to the circuit court clerk, is only required to provide duplicate copies of the printout to other precinct workers or a watcher *upon request*.

(SEA 560 § 112; Effective date: July 1, 2019; Citation affected: IC 3-11-14-32)

Required Delivery of Precinct Election Results Certificate and Precinct Election Materials

State law currently requires the inspector and the judge of the opposite political party in a precinct traditional hand-counted paper ballots to deliver certain election materials to the county election board immediately after the tabulation of the vote in order to be compensated for their work as poll workers. This requirement was extended to apply to workers in precincts using optical scan ballot card systems or electronic voting systems (DRE) (IC 3-12-3-10 and IC 3-12-3.5-4).

(SEA 558 § 3; Effective date: July 1, 2019; Citation affected: IC 3-6-6-28)

CAMPAIGN FINANCE

Candidates for State Legislative Office Must File Reports Electronically

Candidates for state legislative offices are required to file campaign finance reports electronically using the state's online system (campaignfinance.in.gov) for reports filed after July 1, 2019.

(HEA 1597 § 1; Effective date: July 1, 2019; Citation affected: IC 3-9-4-4)

PRECINCTS AND ELECTION DISTRICTS

Minimum Number of "Active" Voters Required for Precinct

Any precinct established by a county after June 30, 2019, must contain at least 600 active voters except in the following situations:

- 1) When it is necessary to establish a precinct with less than 600 active voters to avoid crossing certain other boundaries (congressional, state legislative, or township boundaries, for example).
- 2) The precinct consists of an entire county commissioner district, county council district, township, town, city, or city or town council district.

(NOTE: Any precinct already existing on June 30, 2019 with fewer than 600 active voters is "grandfathered" until or unless the county chooses to change the boundaries of that precinct.)

A county “establishes” a precinct by following the procedure prescribed by state law that results in creating a new precinct, changing the boundaries between two precincts, or merging two or more precincts together.

An “active” voter refers to a voter who has registered *or* voted in any election during the preceding four (4) years at the address indicated on the voter’s registration record or, if the voter has not voted in any election during the preceding four (4) years at the address indicated on the voter’s registration record, the voter has responded in writing to an address confirmation notice not later than thirty (30) days after the notice was sent. County election administrators can generate, upon request, a report in SVRS that will identify active voters to assist the county with planning.

(SEA 560 § 51; Effective date: July 1, 2019; Citation affected: IC 3-11-1.5-3.1[New])

Precinct Boundary Change Objection Procedures

When the co-directors of the election division determine that there is not sufficient time for the ten (10)-day objection period to expire after publication of notice of the proposed precinct changes, but before the deadline to change precinct boundaries, the proposed precinct change is brought before the Indiana Election Commission for approval. In this situation, the county is exempt from the general requirement that a legal notice of the proposed precinct boundary change be published.

(SEA 560 § 52; Effective date: July 1, 2019; Citation affected: IC 3-11-1.5-18)

Repeal of Post Precinct Approval Notice Requirement

A requirement that the county publish a second legal notice after a precinct boundary change becomes effective is repealed.

(SEA 560 §§ 53, 54, 55; Effective date: July 1, 2019; Citation affected: IC 3-11-1.5-27[Repealed], IC 3-11-1.5-28[Repealed], IC 3-11-1.5-29[Repealed])

STATE ELECTION ADMINISTRATION

Referral of Election Law Violations to County Prosecuting Attorneys

If the Secretary of State determines, following an investigation, that a criminal election law violation may have been committed, the Secretary of State and the Co-Directors of the Election Division shall refer the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed. The Secretary of State and Election Division Co-Directors shall assist the prosecuting attorney in prosecuting a matter referred by the Secretary of State and Co-Directors of the Election Division, including providing an attorney employed by the Secretary of State or the Election Division for appointment as a special deputy prosecutor by the prosecuting attorney.

(SEA 558 § 1; Effective date: July 1, 2019; Citations affected: IC 3-6-3.7-6[New])

Enforcement of Identification Requirements Applicable to Certain Absentee Ballot Application Mailings

The Indiana Election Commission may investigate, hold hearings, and impose civil fines for a violation of the requirement that a mailed communication that includes an Indiana absentee ballot application set forth, in a clear and conspicuous manner, the name and mailing address of the person who mailed the communication. The name and mailing address must be set forth in at least 12 point type size that is clearly readable by the recipient of the mailing with a reasonable degree of color contrast between the background and the printed statement. Printing the name and mailing address in black text on a white background, or with the degree of color contrast between the background and the text of not less than the color contrast between the background and the largest text included in the mailing, would comply with the contrast requirements.

The commission, which has exclusive jurisdiction for violations relating to elections and candidates for state, legislative, and judicial offices. Any proceeding conducted by the Election Commission or the county election board is governed by the Administrative Adjudication Act, IC 4-21.5. A Commission member, or the co-directors, with the authorization of the Commission, may conduct a hearing or an investigation, take evidence, and report back to the Commission for its consideration and action

The Commission may impose a penalty of up to \$1,000, plus investigative costs, for each violation of this requirement (but not for each of the copies of the communication actually circulated or published). However, the Commission may waive or reduce the fine by unanimous vote if it finds imposition of a fine would be unjust under the circumstances.

A fine may not be imposed against a person whose sole act is, in the normal course of business, the printing, distribution, or mailing of the communication containing the information. If the Election Division notifies a person that a civil penalty may be assessed against the person, the person may enter into an agreement with the Election Division to pay the proposed penalty and waive a hearing before the Indiana Election Commission. The agreement must provide for the payment of the entire proposed penalty not later than the date of the execution of the agreement and be presented to the Commission for ratification at the Commission's next regularly scheduled meeting. Any penalties or costs collected for a violation of this requirement shall be deposited in the election administration assistance fund.

(SEA 558 §§ 2, 11; Effective date: July 1, 2019; Citations affected: IC 3-6-4.9[New], IC 3-11-4-5.2)

Voting System Certification Application

The current \$1,500 application fee to request approval of a voting system for marketing, sale, and use in Indiana is increased to \$5,000 effective July 1, 2019. The application and fee is submitted to the Indiana Election Division and the application is considered for approval by the Indiana Election Commission.

The application for approval of a voting system must state that the vendor has complied with the Indiana law requiring annual background checks on voting system vendor employees or contractors, and will continue to comply with the requirement during the 4-year term of the system's certification.

(SEA 570 §§ 20 and 21; Effective date: July 1, 2019; Citations affected: IC 3-11-15-4, IC 3-11-15-7)

Secretary of State's Request to Media Concerning "Voter's Bill of Rights"

The deadline for the Secretary of State to request the Indiana news media to include a copy of the voter's bill of rights as part of election coverage or in public service announcements is changed from thirty (30) days before the election (which always falls on a Sunday) to twenty-nine (29) days before the election (which always falls on a Monday).

(SEA 560 § 4; Effective date: July 1, 2019; Citation affected: IC 3-5-8-5)

Election Division's Annual Election Administrators' Conference

At its annual conference, the Election Division shall include training regarding cybersecurity for the Statewide Voter Registration System, voting systems, and electronic poll books and physical security for all aspects of the election process, including voting systems, electronic poll books, absentee voting, and polling places. The annual conference shall also include training on requirements and best practices to ensure that voting systems, precinct polling places, and vote centers are accessible to voters with disabilities.

Each member of a separately created county board of registration is required to attend the conference (the circuit court clerk is required to attend under current law). A circuit court clerk or voter registration board member may require the attendance of certain deputies and assistants in the office.

NOTE: Current law permitting appointed members of the county election board to attend the annual conference remains unchanged.

(SEA 560 § 7; Effective date: July 1, 2019; Citation affected: IC 3-6-4.2-14)

Voting System Technical Oversight Program (VSTOP) Inventory of Voting Equipment

The VSTOP inventory of voting systems and electronic poll books kept in a statewide database is declared confidential under state law and, therefore, may not be provided in response to a public records request.

(SEA 560 § 114; Effective date: May 6, 2019; Citation affected: IC 3-11-16-6[New])

LOCAL ELECTION ADMINISTRATION

Appointments to County Election Boards and Boards of Elections and Registration

An appointed member of a county election board or board of elections and registration may not be a relative of any individual that has the authority to appoint a member of the board. In all counties except for Lake, Porter, and Tippecanoe County, the individual that has the authority to appoint a member of the board is the circuit court clerk (see IC 3-6-5, generally). In Lake, Porter, and Tippecanoe County, the individual that has the authority to appoint a member of the board is the Democratic and Republican party county chairs.

Relative refers to any of the following:

- 1) The individual's spouse.
- 2) A parent of the individual or a parent of the individual's spouse.
- 3) A child of the individual or a child of the individual's spouse.
- 4) A sibling of the individual or a sibling of the individual's spouse.
- 5) An aunt or an uncle of the individual or an aunt or an uncle of the individual's spouse.
- 6) A niece or nephew of the individual or a niece or nephew of the individual's spouse.
- 7) A grandparent of the individual or a grandparent of the individual's spouse.

A grandchild of the individual or a grandchild of the individual's spouse.
(HEA 1217 § 5; Effective date: July 1, 2019; Citation affected: IC 3-6-5.9[New])

Designation and Publication of Polling Locations

In locating the polls for a precinct, the county executive (county commissioners, Mayor of Indianapolis, the Lake Board of Elections and Registration, or the Porter County Board of Elections and Registration) shall consider relevant security factors identified in guidance provided by the Secretary of State.

The county election board (rather than the county executive) must publish a legal notice at least ten (10) days before the election setting forth the location of each polling place. The county election board shall enter the location of each polling place, and update any changes to the location of polls, in the statewide voter registration system as soon as possible. If the county election board determines by unanimous vote to locate a precinct's poll at the same location as another precinct's poll, using one precinct election board to administer both precincts, then the county election board (rather than the county executive) may designate the location of that poll.

The county election board shall prepare the room where the precinct's poll is located, instead of the county executive.

(SEA 570 § 11; Effective date: July 1, 2019; Citation affected: IC 3-11-8-6)

(SEA 560 §§ 67, 68, 69; Effective date: July 1, 2019; Citations affected: IC 3-11-8-3.2, IC 3-11-8-4.3, IC 3-11-8-7)

Certifying Election Results via the SVRS

A county must use the statewide voter registration system to certify the final results of the elections conducted in that county unless the election division authorizes the use of an alternative method for transmission of the results. Obsolete references that refer to election returns sent under the clerk's seal or by certified mail are repealed.

(SEA 560 §§ 143, 144, 145, 146, 147, 148; Effective date: July 1, 2019; Citation affected: IC 3-12-5-1, IC 3-12-5-1.5, IC 3-12-5-5, IC 3-12-5-6, IC 3-12-5-11, IC 3-12-5-13)

Removal of Precinct Election Officers

A county election board may, by unanimous vote of its entire membership, remove a precinct election officer if the board finds that the officer has knowingly, recklessly, or negligently fails to perform a duty required under the election laws.

(SEA 560 § 9; Effective date: July 1, 2019; Citation affected: IC 3-6-5-35)

Certain Challenge Affidavits Kept Separate and Forwarded to the County Prosecutor

When the polls are closed the precinct election board (inspector and two judges) shall seal any challenges to the qualification of a poll worker (PRE-7) or challenges to the party affiliation of a voter (PRE-6) in a bag or envelope separate from the bag or envelope containing challenges to voters made on grounds other than party affiliation in a primary (PRE-4), such as residency of a voter, for example. Each precinct election board member shall endorse that member's name on the back of the bag or envelope containing challenges to voters made on grounds other than party affiliation.

The county election board shall forward the challenge affidavits made on grounds other than party affiliation to the county prosecuting attorney after the final date and hour for filing a recount or contest and the county election board has completed the county election board's canvass of the returns. The prosecuting attorney shall return the envelopes to the circuit court clerk after completing any proceeding that results from an investigation of any of the challenges.

(SEA 558 §§ 38, 39; Effective date: July 1, 2019; Citations affected: IC 3-14-5-1, IC 3-14-5-2)

Enforcement of Identification Requirements Applicable to Certain Absentee Ballot Application Mailings

The county election board may investigate, hold hearings, and impose civil fines for a violation of the requirement that a mailed communication that includes an Indiana absentee ballot application set forth, in a clear and conspicuous manner, the name and mailing address of the person who mailed the communication. The name and mailing address must be set forth in at least 12 point type size that is clearly readable by the recipient of the mailing with a reasonable degree of color contrast between the background and the printed statement. Printing the name and mailing address in black text on a white background, or with the degree of color contrast between the background and the text of not less than the color contrast between the background and the largest text included in the mailing, would comply with the contrast requirements.

The county election board has jurisdiction for violations of this requirement relating to elections and candidates for local and school board offices. Any proceeding conducted by the Election Commission is governed by the Administrative Adjudication Act, IC 4-21.5.

A county election board member may conduct a hearing or an investigation, take evidence, and report back to the Commission for its consideration and action

The county election board may impose a penalty of up to \$1,000, plus investigative costs, for each violation of this requirement (but not for each of the copies of the communication actually circulated or published). However, the board may waive or reduce the fine by unanimous vote if it finds imposition of a fine would be unjust under the circumstances.

A fine may not be imposed against a person whose sole act is, in the normal course of business, the printing, distribution, or mailing of the communication containing the information.

If the county election board notifies a person that the board may assess a proposed civil penalty for a violation, the person may enter into an agreement with the county election board to pay the proposed penalty and waive a hearing before the board. The agreement must provide for the payment of the entire proposed penalty not later than the date of the execution of the agreement and be presented to the board for ratification by the board at the board's next regularly scheduled meeting.

Any penalties or costs collected for a violation of this requirement shall be deposited in the election administration assistance fund.

(SEA 558 §§ 2, 11; Effective date: July 1, 2019; Citations affected: IC 3-6-4.9[New], IC 3-11-4-5.2[New])

Small Town Exempt from Vote Center Plan Where Town Election Board Established

If a small town with a population of less than 3,500 outside of Marion County creates a small town election board to conduct its elections, then the town is not subject to any vote center plan adopted by a county where the town is located during the period of time when the town election board functions.

(SEA 560 §§ 45, 116; Effective date: July 1, 2019; Citations affected: IC 3-10-7-5.7[New], IC 3-11-18.1-5)

Vote Center Plans

The requirement that a vote center plan list the precincts whose polls will be located at a vote center is repealed since any eligible voter of any precinct in the county may vote at any vote center.

(SEA 560 §§ 115, 117; Effective date: July 1, 2019; Citations affected: IC 3-11-18.1-4, IC 3-11-18.1-7)

Provisional Ballot Counter Per Diem

A provisional ballot counter is entitled to a per diem at a rate set by the county fiscal body.

(SEA 560 § 131; Effective date: May 6, 2019; Citation affected: IC 3-11.7-3-7[New])

Counting Provisional Ballots

A general rule is established for counting provisional ballots that were cast for the following reasons:

- 1) The provisional ballot was cast by the voter under a court order extending the hours that the polls were open.
- 2) The provisional ballot was cast by a voter who is not on the poll list who indicates that the voter applied to register at a voter registration agency.
- 3) The provisional ballot was cast by the voter after the voter was challenged solely due to the voter being unable or declining to provide proof of identification.
- 4) The provisional ballot was cast by the voter after the voter was challenged solely due to the voter's failure to provide additional documentation.

The general rule in these cases is that if the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is the affidavit of the voter who cast the provisional ballot and the affidavit of a challenger challenging the voter who cast the provisional ballot then the provisional ballot shall be counted.

(SEA 560 §§ 132, 133; Effective date: July 1, 2019; Citations affected: IC 3-11.7-5-1.5, IC 3-11.7-5-1.7[New])

Counting Federal Write-in Ballots for Presidential or Gubernatorial Ticket

If a voter writes-in a vote on a Federal Write-in Absentee Ballot (FWAB) for one candidate that is part of a two member ticket for President and Vice-President or Governor and Lieutenant Governor, the write-in vote is to be counted as a vote for the slate of presidential electors in the case of a ticket for President and Vice-President, or as a vote for the Governor and Lieutenant Governor ticket in the case of candidates a ticket for Governor and Lieutenant Governor. If a voter votes for a candidate on a FWAB, but does not indicate the office for which the candidate has been nominated, the voter's vote for that candidate is void.

(SEA 560 § 140; Effective date: May 6, 2019; Citation affected: IC 3-12-1-19)

Providing Provisional Ballot Information to Another Indiana County

If a county election board determines that a voter who cast a provisional ballot in that county is registered to vote in another Indiana county, then the county election board must notify the election board of the other county regarding the provisional ballot and transmit the copy of the challenge affidavit executed by the voter who cast the provisional ballot to the other county.

(SEA 560 § 134; Effective date: July 1, 2019; Citation affected: IC 3-11.7-5-30[New])

Porter County Election Board of Elections and Registration Established

The Porter County board of elections and registration is created and replaces the Porter County election board and the separate Porter County board of registration. A separate definition of "board of elections and registration" is created so that counties that have these types of boards (Lake, Porter and Tippecanoe Counties) can be easily distinguished in state law from counties that have a county election board.

The Porter County board of elections and registration is comprised of the following five (5) members:

- 1) Four members who are voters of the county, two of which are appointed by each of the county chairmen of the major political parties.
- 2) The circuit court clerk, who is an ex officio member of the board

A candidate for elected office, an elected officeholder, or a member of a candidate's committee (treasurer or chairman) may not be an appointed member of the board. The appointed members shall serve a term of two (2) years or until their successors are appointed.

The circuit court clerk may not be a member of a candidate's committee other than the clerk's own candidate's committee.

Each member of the board shall be paid an annual salary of not less than five thousand dollars (\$5,000) fixed in the manner prescribed by state law and paid out of the county general fund as other election expenses are paid.

The board has all of the powers and duties given under the election code to the following:

- 1) The county election board.
- 2) The board of registration.
- 3) The circuit court clerk.
- 4) The county executive.

The board may vest day to day operations in a director and assistant director. The circuit court clerk shall appoint the director and the assistant director, subject to the following:

- 1) The director and the assistant director may not be members of the same political party.
- 2) At least three (3) members of the board must approve the appointment of the director and the assistant director and at least two (2) of the board members who vote to approve an appointment may not be members of the same political party.

The director appointed shall perform all the duties of the circuit court clerk under the election code and perform the election and voter registration duties of the circuit court clerk under state law. The director and the assistant director serve at the pleasure of the appointing clerk. The assistant director shall receive an annual salary of not less than two thousand dollars (\$2,000) less than the salary of the director.

The board may employ employees. The director and the assistant director shall each appoint one-half (1/2) of the board employees, subject to the following:

- 1) A board employee may not be a relative (as defined in IC 3-6-5.9-3) of either individual making an appointment under this section.
- 2) At least three (3) members of the board must approve the appointment of an employee and at least two (2) of the board members who vote to approve an appointment may not be members of the same political party.

The board employees serve at the pleasure of the appointing director or assistant director respectively. The number and compensation of the employees of the board shall be fixed in the manner prescribed by state law and paid out of the county general fund as other election expenses are paid.

The board may, by a vote of a majority of the members of the board, hire attorneys to provide legal services for the board, as determined by the board.

An appeal may be taken from a decision of the board to the circuit court or superior court of the county but must be filed not later than thirty (30) days after the board makes the decision subject to the appeal.

(HEA 1217 §§ 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17; Effective date: July 1, 2019; Citations affected: IC 3-5-2-5.3[New], IC 3-5-2-15.9[New], IC 3-5-2-16.2, IC 3-6-5.6[New], IC 3-7-12-1, IC 3-7-12-2, IC 3-7-12-4, IC 3-7-12-5.5, IC 3-11-4-4, IC 3-11-4-5.7, IC 3-11-9-1, IC 3-11-15-13.1, IC 3-11-18.1-3, IC 3-11-18.1-15, IC 6-1.1-20-1.8)

Marion County Vote Center and Electronic Poll Book Procedures

A precinct election board at a vote center in Marion County must administer the election so that separate vote totals are obtained for each precinct, however, the ballots need not be separated by precinct by the precinct election board. If a recount is requested, the Marion County election board shall separate the ballots by precinct.

Absentee ballot envelopes may be opened by a machine, rather than by absentee ballot counters. However, absentee ballot counters must take out each ballot from an absentee ballot envelope opened by a machine without unfolding or permitting the absentee ballot to be examined and then the absentee ballots shall be processed in the same manner as in other counties.

A registered voter at least 18 years of age from any county in Indiana (not only from Marion County) may be appointed to serve as an absentee ballot counter or courier.

Absentee ballot counters in Marion County are not required to wait to begin counting absentee ballots until any necessary remakes of ballots have been completed.

(SEA 560 § 119; Effective dates: July 1, 2019; Citation affected: IC 3-11-18.1-14)

(SEA 560 §§ 124, 125, 126; Effective date: May 1, 2019[retroactive]; Citations affected: IC 3-11.5-4-11, IC 3-11.5-4-12.5[New], IC 3-11.5-4-23.5[New])

(SEA 560 § 129; Effective date: May 6, 2019; Citation affected: IC 3-11.5-6-4)

PUBLIC QUESTIONS (REFERENDUMS)

Vigo County Inland Casino Gambling Public Question

The Vigo County election board shall place the following public question on the ballot in Vigo County at a special election:

"Shall inland casino gambling be permitted in Vigo County?"

The Vigo County election board shall determine whether the special election shall be held at the time of the municipal general election on November 5, 2019 or the primary election on May 5, 2020. Each registered voter of the county is entitled to vote in the special election.

The Vigo County circuit court clerk shall certify the results of the special election to the Indiana Gaming Commission and the Indiana Department Revenue.

The Indiana Gaming Commission may not issue a license to allow an inland casino to operate in the county unless the voters of the county have approved inland casino gambling.

(HEA 1015 § 17; Effective date: July 1, 2019; Citation affected: IC 4-33-6-19.3[New])

School Safety Referendum

A school corporation may adopt a resolution to place a referendum on the ballot to impose a school safety referendum tax levy, or extend a previous school referendum tax levy, to improve school safety (to pay capital expenses to improve the safety of a school building, for example). A school corporation may impose a school safety referendum tax levy, or extend an existing levy, if approved by a majority of the voters voting on the referendum. A resolution to extend a referendum levy must be adopted before December 31 of the final calendar year in which the school corporation's previously approved referendum levy was imposed.

To place the referendum on the ballot, a school corporation must certify the resolution to place the referendum on the ballot and the proposed language for the referendum to the Department of Local Government Finance (DLGF). The DLGF shall review the referendum language proposed and either approve or reject the language. The DLGF shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the DLGF.

If the language is approved by the DLGF, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval to the county fiscal body of each county in which the school corporation is located (for informational purposes) and the circuit court clerk of each county in which the school corporation is located.

The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the school corporation are entitled to vote after certification of the question. However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot, and if the school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The school corporation shall pay all costs for holding the special election referendum.

If the referendum is to be held at a primary or municipal primary, the governing body of the school corporation shall certify the referendum question to the circuit court clerk not later than noon sixty (60) days before the primary or municipal primary. If the referendum is to be held at a general or municipal election, the governing body of the school corporation shall certify the referendum by noon August 1 before the general or municipal election ballot. If the referendum is to be held at a special election in May, the governing body of the school corporation shall certify the referendum question to the circuit court clerk not later than noon sixty (60) days before the special election in May. If the referendum is to be held at a special election in November, the governing body of the school corporation shall certify the referendum by noon August 1 before the special election in November.

A circuit court clerk who receives a referendum question certified by the governing body of a school corporation shall call a meeting of the county election board to make arrangements for the referendum. The individuals entitled to vote in the referendum are all of the registered voters resident in the school corporation.

Immediately after the votes cast in the referendum have been counted, the circuit court clerk of each county holding the referendum shall certify the results of the referendum to the DLGF.

During the period beginning with the adoption of a resolution by a school corporation to place a school safety referendum tax levy question on the ballot and continuing through the day on which the referendum is submitted to the voters, the school corporation may not promote a position on the referendum by taking certain actions. However, a school board member, school corporation superintendent, school corporation assistant superintendent, or chief school business official of a school corporation may discuss and personally advocate a position on a referendum for a school safety referendum tax levy outside a regular school day as long as public funds are not used. A student may use school equipment or facilities to report or editorialize about a local public question as part of the news coverage of the referendum by a student newspaper or broadcast.

If a school safety referendum is passed by the voters of a school corporation then the school corporation may not adopt a resolution or otherwise place a school tax levy referendum on the ballot for the next three (3) years after the passage of the school safety referendum.

(SEA 127 §§ 1, 2, 5, 8, 9, 10, 12; Effective date: July 1, 2019; Citations affected: IC 6-1.1-20-3.5, IC 6-1.1-20.6-9.5, IC 20-29-2-6, IC 20-40-20[New], IC 20-40-21[New], IC 20-46-1-8, IC 20-46-9[New])

Format for State and Local Public Questions on the Ballot

A state or local public question is to be printed on a ballot without quotation marks surrounding the text of the public question.

(SEA 560 §§ 48, 50; Effective date: July 1, 2019; Citations affected: IC 3-10-9-1, IC 3-10-9-4)

Petitions for Special Elections: Documentation of Assistance to Disabled Voters

A petition to place a public question on the ballot must comply with the same requirements governing candidate petitions with respect to assisting another person with a disability who is unable to write the required information on the petition. The person assisting another individual must execute an affidavit of

assistance submitted with the petition setting forth the name and address of the individual providing assistance and the date the individual provided assistance.

(SEA 560 § 49; Effective date: July 1, 2019; Citation affected: IC 3-10-9-2.5[New])

Paying Petition Carrier Based on Number of Signatures Prohibited

It is a Level 6 felony to pay or offer to pay an individual any property based on the number of petition signatures obtained to place a candidate or public question on a ballot. An individual may continue to be paid for this political activity, but not “directly or indirectly” based on the number of signatures or applications obtained.

(SEA 560 § 163; Effective date: July 1, 2019; Citation affected: IC 3-14-2-1)

School Consolidation Referendum Deadline

A school consolidation referendum must be certified to the county election board not later than noon seventy-four (74) days before the primary to be placed on the primary ballot, or not later than noon August 1 to be placed on the general election ballot.

(SEA 560 § 169; Effective date: July 1, 2019; Citation affected: IC 20-23-6-5)

School Tax Levy Referendum Certification Deadline

A school tax levy referendum must be certified to the county election board at least 74 days (rather than 60 days) before the primary to be placed on the primary ballot.

(SEA 560 § 175; Effective date: May 6, 2019; Citation affected: IC 20-46-1-14)

MISCELLANEOUS CHANGES

New Superior Court in Tippecanoe County

A new court, Tippecanoe Superior Court No. 7, is added in Tippecanoe County effective July 1, 2019.

(HEA 1173 §§ 1, 2, 3, 4, 5, 6, 7, 8, 9; Effective date: July 1, 2019; Citations affected: IC 33-33-79.4-2, IC 33-33-79.4-3, IC 33-33-79.4-5, IC 33-33-79.4-6, IC 33-33-79.4-7, IC 33-33-79.4-11, IC 33-33-79.4-12, IC 33-33-79.4-14, IC 33-33-79.4-15)

Certain Election Crimes Reclassified

A person who, knowing the person is not a voter and will not be a voter at the next election, applies for registration or procures registration as a voter commits a Class C Infraction (rather than a Class A Misdemeanor).

A person who recklessly enters or remains in the polls or the chute without authorization commits a Class C Infraction (rather than a Class A Misdemeanor).

(SEA 336 §§ 1, 2; Effective date: July 1, 2019; Citation affected: IC 3-14-2-2, IC 3-14-3-15)

Legislative Council Urged to Assign Voter List Maintenance to Interim Study Committee

The legislative council is urged to assign to the interim study committee on elections the task of studying the topic of the means for verification of voter registration data.

(SEA 558 § 40; Effective date: May 1, 2019; Citation affected: Noncode)

Updating or Correcting References in State Law

Cross-reference to a subsection in a statute regarding write-in notice cards is corrected.

(SEA 570 § 10; Effective date: July 1, 2019; Citation affected: IC 3-11-3-22)

Cross-reference to the Indiana Constitution in a statute regarding the content of candidacy document of a candidate for the office of governor is corrected.

(HEA 1187 § 2; Effective date: July 1, 2019; Citation affected: IC 3-8-1-9.5)

Cross-reference to a subsection in a statute regarding the names of President and Vice-President on ballot cards is corrected.

(HEA 1187 § 4; Effective date: July 1, 2019; Citation affected: IC 3-10-4-2.1)

Cross-reference in a statute about the county voter registration office's use of quarterly death records filed by the local department of health with the county auditor is corrected.

(HEA 1545 § 1; Effective date: July 1, 2019; Citation affected: IC 3-7-45-2.1)

Cross-reference in statute about absentee ballot counters serving as provisional ballot counters is corrected.

(SEA 560 § 130; Effective date: July 1, 2019; Citation affected: IC 3-11.7-3-6)

Additional cross-references added to statutes to make clear that bipartisan initials are required on absentee ballots cast at a satellite absentee facilities.

(SEA 558 § 15, 24; Effective date: May 1, 2019; Citation affected: IC 3-11-4-19, IC 3-11-10-27)

Obsolete cross-references to electronic signature and digital signature are repealed.

(HEA 1427 § 1; Effective date: July 1, 2019; Citation affected: IC 3-5-4-1.7)

Cross-reference to federal election law is updated in statute regarding duties of Commissioner of the Department of Correction to coordinate with the Election Division with regard to voter list maintenance.

(SEA 560 § 167; Effective date: July 1, 2019; Citation affected: IC 11-8-2-5)

Obsolete references to an Allen County “single county executive” 2016 referendum law are repealed.

(SEA 560 § 1, 19, 36, 41, 57, 166, 168, 174, 187, 188, 189, 190, 193, 194; Effective date: July 1, 2019; Citations affected: IC 3-5-2-22, IC 3-8-1-21, IC 3-10-1-19, IC 3-10-2-13, IC 3-11-2-12, IC 7.1-3-20-16.1, IC 13-11-2-74, IC 20-24-2.3-2, IC 36-2-3-4.1[Repealed], IC 36-2-3.7[Repealed], IC 36-2-4-8, IC 36-5-1-20, IC 36-9-13-2, IC 36-9-27-5)

Obsolete reference to a chapter in the election code regarding campaign finance repealed.

(HEA 1187 § 3; Effective date: July 1, 2019; Citation affected: IC 3-9-7[Repealed])

Obsolete references regarding providing inspector with information about replacement absentee ballots and providing inspector with only the replacement ballot are repealed.

(SEA 558 §§ 13, 14; Effective date: July 1, 2019; Citations affected: IC 3-11-4-17.7, IC 3-11-4-17.8)

Obsolete references to an in-person absentee ballot being treated like a provisional ballot are repealed since an in-person absentee voter that is challenged votes a provisional ballot.

(SEA 558 § 22; Effective date: July 1, 2019; Citation affected: IC 3-11-10-26)

Obsolete reference to keeping duplicate registration affidavits and forms is repealed. Since registration affidavits and forms are now scanned into the statewide voter registration system duplicate paper copies are no longer necessary.

(SEA 558 § 6; Effective date: July 1, 2019; Citation affected: IC 3-7-27-15)

Obsolete reference to build Indiana funds being deposited into the election administrative assistance fund is repealed.

(HEA 1001 § 38; Effective date: July 1, 2019; Citation affected: IC 3-11-6.5-2)

Obsolete reference to the application date to statute requiring the provision of precinct committeemen and vice committeemen lists is repealed.

(SEA 560 § 5; Effective date: July 1, 2019; Citation affected: IC 3-6-2-10.5)

Obsolete references to county National Voter Registration Act (NVRA) implementation plans are repealed since the NVRA has been implemented.

(SEA 560 § 11; Effective date: July 1, 2019; Citation affected: IC 3-7-12-28)

Obsolete application date for state law requiring online voter registration is repealed.

(SEA 560 § 14; Effective date: May 6, 2019; Citation affected: IC 3-7-26.7-4)

Obsolete application date for statewide voter list mailing is repealed.

(SEA 560 § 16; Effective date: July 1, 2019; Citation affected: IC 3-7-38.2-16.1)

Obsolete application date for state law requiring statement of economic interests for local candidates is repealed.

(SEA 560 § 32; Effective date: July 1, 2019; Citation affected: IC 3-8-9-1)

Obsolete application date for state law requiring information about provisional voters to be entered into the Statewide Voter Registration System is repealed.

(SEA 560 § 135; Effective date: July 1, 2019; Citation affected: IC 3-11.7-6-3)

Obsolete application date for state law requiring school organizational plans to be filed with the circuit court clerk is repealed.

(SEA 560 § 170; Effective date: July 1, 2019; Citation affected: IC 20-23-8-8.5)

Obsolete application date for state law regarding Marion County township board elections is repealed.

(SEA 560 § 191; Effective date: July 1, 2019; Citation affected: IC 36-6-6-2)

Obsolete provision concerning the retention of small town election materials by a town election board is repealed since the town election board is required to transfer all election materials to the county circuit court clerk for retention.

(SEA 560 § 28; Effective date: July 1, 2019; Citation affected: IC 3-8-5-15[Repealed])

Obsolete reference to ballots prepared by “state” is repealed since all ballots are prepared by the counties.

(SEA 560 §§ 102, 104, 105; Effective date: July 1, 2019; Citations affected: IC 3-11-11-3, IC 3-11-13-11, IC 3-11-13-18)

Obsolete reference to county court judges is repealed since this office no longer exists.

(SEA 560 § 165; Effective date: July 1, 2019; Citation affected: IC 5-6-8-3)

Erroneous reference to a town clerk-treasurer performing duties relating to a special election is repealed since Indiana law only provides for those duties to be performed by the circuit court clerk .

(SEA 560 § 46; Effective date: July 1, 2019; Citation affected: IC 3-10-8-4)

Reference to beginning date of an Indiana Election Division co-director's term is updated.

(SEA 560 § 6; Effective date: July 1, 2019; Citation affected: IC 3-6-4.2-3.2)

Reference to the schedule for electing Democratic Party Precinct Committeemen, US. Senators, Statewide elected officials, and prosecuting attorneys are updated.

(SEA 560 §§ 35, 38, 39, 40; Effective date: July 1, 2019; Citations affected: IC 3-10-1-4.5, IC 3-10-2-4, IC 3-10-2-7, IC 3-10-2-12)

References to the schedule for electing town council candidates in large towns with a population of 3,500 or more with staggered terms are updated.

(SEA 560 §§ 43, 44; Effective date: July 1, 2019; Citations affected: IC 3-10-6-3, IC 3-10-6-6)

A reference to the schedule for adopting an ordinance to establish or abolish a city or town court is updated.

(SEA 560 § 176; Effective date: July 1, 2019; Citation affected: IC 33-35-1-1)

A misspelling in statute is corrected ("cancelled" corrected to "canceled").

(SEA 558 § 10; Effective date: July 1, 2019; Citation affected: IC 3-10-31.1)

Superfluous reference to not transmitting provisional ballot to the voter's precinct is repealed.

(SEA 558 § 12; Effective date: July 1, 2019; Citation affected: IC 3-11-4-17.5)

Erroneous references to *ballot vacancy* are stricken from state legislative *office vacancy* statute.

(SEA 560 § 155; Effective date: July 1, 2019; Citation affected: IC 3-13-5-5)

Reference to the entity serving as sponsor for the Voting Information Project is updated from Pew Charitable Trusts to Democracy Works, Inc. and obsolete effective date for the Project is repealed.

(SEA 560 § 13; Effective date: May 6, 2019; Citation affected: IC 3-7-26.3-34)