



2023 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 2023. 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 2023 Regular Session of the Indiana General Assembly enacted the following election-related bills and joint resolutions:

Public Law 4-2023 (Senate Enrolled Act 106): Local Government Powers Concerning Elections
Public Law 34-2023 (Senate Enrolled Act 177): School Board Candidate Filing Deadlines
Public Law 140-2023 (House Enrolled Act 1334): Absentee Voting
Public Law 141-2023 (House Enrolled Act 1335): Election Date Schedules
Public Law 227-2023 (House Enrolled Act 1336): Various Election Law Matters
Public Law 253-2023 (House Joint Resolution 1): Gubernatorial Line of Succession
Public Law 254-2023 (House Joint Resolution 6): City and Town Court Judges
Public Law 255-2023 (Senate Joint Resolution 1): Limits on Right to Bail

The following bills made other amendments (generally technical, but some substantive) to election statutes:

Public Law 11-2023 (House Enrolled Act 1048): Technical Corrections
Public Law 56-2023 (House Enrolled Act 1013): Indiana Department of Health
Public Law 58-2023 (House Enrolled Act 1040): Requirements for Elected Officials
Public Law 127-2023 (House Enrolled Act 1167): Live Streaming and Archiving Meetings
Public Law 170-2023 (Senate Enrolled Act 80): Code Publication Amendments
Public Law 184-2023 (Senate Enrolled Act 327): Gary Community School Corporation
Public Law 189-2023 (Senate Enrolled Act 391): Charter Schools
Public Law 201-2023 (House Enrolled Act 1001): State Budget
Public Law 236-2023 (House Enrolled Act 1454): Department of Local Government Finance
Public Law 239-2023 (House Enrolled Act 1499): Various Tax Matters

ABSENTEE VOTING

Absentee Applications

Requires that an agency of the state or a political subdivision (meaning a county, city, town, township, school corporation, public library, local housing authority, fire protection district, public transportation corporation, local building authority, local hospital authority or corporation, local airport authority, special service district, special taxing district, or other type of local governmental corporate entity) may only mail any type of absentee ballot application (ABS-Mail, ABS-Traveling Board, ABS-VPD, FPCA, etc.) to an individual who requests the application for themselves or their family members (meaning their spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece).

This limitation does not apply to any private individual, political party, or other entity providing an absentee ballot application to another individual. For example, a political party may mail any type of absentee ballot application to voters, even if the absentee ballot application is unsolicited. Additionally, government forms, like the absentee ballot application, must still be made available to an individual, political party, or other entity appearing in person to request copies of the form.

An absentee ballot application must include a request that the voter:

1. provide on the application the voter's Indiana driver's license number, Indiana identification card number, or the voter's unique voter ID number assigned to their voter registration record in SVRS, or the last four digits of the voter's Social Security number; however, the voter only needs to provide one of the voter identification numbers on their application to be processed; or
2. provide with the absentee ballot application a photocopy of the voter's Indiana driver's license, Indiana identification card, or other proof of identification described in the state's photo ID law (IC 3-5-2-40.5).

The requirement to provide a valid voter ID number or a photocopy of a valid ID that conforms with the statute applies to all absentee ballot applications including the ABS-Mail (English and Spanish), ABS-In Person (English and Spanish), ABS-Traveling Board, ABS-Attorney General, ABS-VPD, and the Federal Post Card Application (FPCA), when the FPCA is used to apply for an absentee ballot.

Note: This new voter identification requirement does not apply to early voting (in-person absentee voting) in counties that use electronic poll books to sign in voters instead of using the ABS-In Person application.

The absentee ballot application must instruct the voter that the voter only needs to provide one of the identification numbers or one of the identification documents described above and that the voter's absentee ballot application may be delayed if the county election board cannot match at least one of the identification numbers with the voter's registration record or with the Indiana Bureau of Motor Vehicles or U.S. Social Security Administration.

Note: All absentee ballot applications can be submitted by mail, fax, or email. For any absentee ballot application that is received by email, a photocopy of the voter's identification can be a digital image of their identification (such as one taken by a phone camera) that is attached to the email along with the voter's absentee ballot application.

The identification number provided on the voter's absentee ballot application, or the photocopy of the identification document provide with the application is confidential. A county voter registration official is only required to redact the confidential information in responding to a public records request under IC 5-14-3.

An absentee ballot application submitted online through the Indiana Voter Portal (www.indianavoters.in.gov) must require the voter to provide the voter's driver's license number, Indiana identification card number, the unique identifying number assigned to the voter's voter registration record, or the last four digits of the voter's Social Security number; however, the voter is only required to provide one of these types of voter identification numbers. The identification number provided on the voter's online absentee ballot application is confidential. A county voter registration official is only required to redact the confidential information in responding to a public records request under IC 5-14-3.

The optional requirement that a voter provide their last four digits of the Social Security number on their absentee ballot application is repealed.

The voter identification requirement is needed at the time the absentee ballot application is received in order to be reviewed, approved, and processed. Under existing law, a voter does not need to show ID when completing or returning the voter's absentee ballot except when appearing in-person to vote during early voting (that is, absentee voting at the Circuit Court Clerk's Office or other satellite voting location).

(HEA 1334 §§ 1, 3-5; Effective date: July 1, 2023; Citations affected IC 3-11-4-2, IC 3-11-4-3, IC 3-11-4-5.1, IC 3-11-4-17)

BMV Providing Credential Information Through SVRS

Requires the BMV provide each day to the Secretary of State and the Indiana Election Division credential information such as the Indiana driver's license numbers, Indiana identification card numbers, and the last four digits of a Social Security Number for the purpose of matching those numbers to voter registration records in SVRS. This information shall be provided to county voter registration official through a module in the SVRS.

The credential information provided by the BMV is confidential and may only be used for the purpose of matching the credential information to a voter's registration record. The information contained within the BMV module is confidential and must be redacted if a public records request is filed under IC 5-14-3. However, the voter's ID number, including the voter's driver's license number, state ID card, or SVRS-generated number, found on the voter's registration record itself is not confidential and is considered public information (except for the full 9-digit Social Security number, which is redacted to the last four digits).

When the BMV provides this credential information, the information shall include whether the individual associated with the credential has been provided to a temporary credential under IC 9-24-11-5(c) or IC 9-24-16-3(f) (referring an individual who holds a temporary immigration status as described in that statute). This information shall also be provided to the county voter registration official through the SVRS module. The temporary credential information provided by the BMV and given to the county voter registration official is confidential and may not be provided to the public.

Note: This is a "point in time" verification, captured at the time of the credential application, and may not reflect the individual's true status or eligibility to register to vote. Records with this indicator reflect one of the following circumstances:

- Individuals who are not US citizens and have temporary lawful status
- Individuals who are not US citizens and have lawful permanent status
- Individuals who may be US citizens and whose lawful status could not be determined at the time of the transaction and verification is pending.

Additional research is required by the election official to determine the individual's eligibility to vote.

If the BMV provides a credential number for an individual that is found not to be part of the individual's voter registration record, then the county voter registration official shall update the voter's registration record to include this information. This update to the voter's registration record shall be treated as a correction to the voter's record and takes effect immediately, without putting the voter's registration into "pending" status. A voter's ID number once placed on their registration record is public information.

(HEA 1334 § 2; Effective date: July 1, 2023; Citations affected IC 3-11-4-2.2[NEW])

Absentee Application for Uniformed Service, Overseas or a Voter with Print Disabilities

Requires that a voter's designation as a uniformed services voter, overseas voters, or a voter with print disabilities in the statewide voter registration system (SVRS) expires January 1 of the calendar year after the year the individual submitted the absentee application indicating that status.

(HEA 1336 § 77; Effective date: January 1, 2024; Citations affected IC 3-11-4-6.2[NEW])

Absentee Ballot Application Delivered to Wrong County

Requires that if a circuit court clerk receives an absentee ballot application for a voter who is registered in another county, the clerk shall forward the absentee ballot application to the correct county and the absentee ballot application forwarded will be considered received as of the time and date it was delivered to the initial county.

(HEA 1336 § 75; Effective date: January 1, 2023; Citations affected IC 3-11-4-3)

Absentee Ballot Printing Security Requirements

Requires that after December 31, 2024, an absentee ballot must be printed on security paper that contains features to authenticate the ballot as official, but do not make the ballot identifiable to a particular voter.

(HEA 1336 § 78; Effective date: July 1, 2023; Citations affected IC 3-11-4-14)

Absentee Ballot Signature Comparison

Permits the county election board or absentee voter board to compare the voter's signature on the absentee ballot application with the signature on the ballot secrecy waiver form (ABS-9 for military and overseas voters; ABS-25 for voters with print disabilities). Clarifies current law regarding different procedures when the board reaches its determination unanimously or not.

(HEA 1336 § 113; Effective date: July 1, 2023; Citations affected IC 3-11.5-4-5)

Absentee Ballot Voter Board Members and Counters

Provides that an absentee voter board member or absentee ballot counter is subject to the same penalties as a precinct poll worker for knowingly, recklessly, or negligently failing to perform an election law duty, being subject to removal as a board member or counter and to a penalty of up to \$500 imposed by the county election board.

(HEA 1336 § 15; Effective date: July 1, 2023; Citations affected IC 3-6-5-35)

Absentee Courier Payments

Repeals obsolete reference to payment for county election board couriers delivering lists of voters who have already cast ballots to precinct in counties that do use an electronic poll book. A separate absentee courier payment law, IC 3-11.5-7-2, remains in effect.

(HEA 1336 § 86; Effective date: July 1, 2023; Citations affected IC 3-11-10-38)

Absentee Ballot Application Defect Notice

Creates an absentee ballot application defect notice process that, depending on the scenario, may be in addition to the bi-partisan application review process contemplated in IC 3-11-4-17.5 for all absentee ballot applications, including ABS-Mail, ABS-Traveling Board, ABS-In Person, FPCA, ABS-Attorney General. Requires that after the bi-partisan review finds an absentee ballot application to be defective, then the county is to follow the defect notice process found IC 3-11-4-17.6 and send a notice of disposition under IC 3-11-4-18.5.

The defect notice processes are established based on the type of absentee ballot application and when the application is received.

Current law is silent with regard to the process to be used when the application is received on the deadline date of 12 days before the election.

Defect Notice Process No. 1

If the application is:

- 1) an application to receive an absentee ballot by mail (ABS-MAIL);
- 2) the application is received by the county more than twelve (12) days before election day (11:59 pm); and
- 3) the circuit court clerk (or election director in Lake County or Porter County) determines that the application does not fully comply with the requirements of the election code, then the clerk (or election director in Lake County or Porter County) must send the voter:
 - A. a new absentee ballot application; and
 - B. a written notice, prescribed by the election division, that includes a brief explanation of defect found in the ABS-Mail application that does not comply with the election code, a statement informing the voter that the voter is not entitled to vote before election day by absentee ballot unless the application complies with all legal requirements, and instructions for submitting a second application for an absentee ballot.

Note: If the absentee ballot application is for any other method of absentee voting (Travel Board, FPCA, ABS-VPD, for example), then the county election board will reject the absentee ballot application under IC 3-11-4-18.5 and generate the notice of disposition in SVRS to send to the voter AND follow *Defect Notice Process No. 3 (if implemented by the circuit court clerk for that election)*.

Defect Notice Process No. 2

If the application is:

- 1) an application to receive an absentee ballot by mail (ABS-MAIL);
- 2) the application is received after the county by the absentee ballot by mail application deadline (11:59 pm, twelve (12) days before the election) and before noon the day before election day; and
- 3) the circuit court clerk (or election director in Lake County or Porter County) determines that the application does not fully comply with the requirements of the election code; then the clerk (or election director in Lake County or Porter County) must:
 - A. send the voter a written notice, prescribed by the election division, that includes a brief explanation of defect found in the application that does not comply with the election code, a statement informing the voter that the voter is not entitled to vote before election day by absentee ballot unless the application complies with all legal requirements, and include a statement that the application was received after the deadline for the application to be processed.

Note: If the absentee ballot application is for any other method of absentee voting (Travel Board, FPCA, ABS-VPD, for example), then the county election board will reject the absentee ballot application under IC 3-11-4-17.5 and generate the notice of disposition in SVRS to send to the voter AND follow *Defect Notice Process No. 3 (if implemented by the circuit court clerk for that election)*.

Defect Notice Process No. 3

This cure process applies to any absentee ballot application:

- 1) that was received before the applicable deadline for that application type under IC 3-11-4-3;
- 2) found to be defective by the county election board (or the absentee voter board) during their review of the application; and
- 3) that the circuit court clerk (or election director in Lake County or Porter County) determines that the application does not fully comply with the requirements of the election code.

The circuit court clerk (or election director in Lake County or Porter County), notwithstanding IC 3-11-10-25(e) (that permits an absentee traveling board to visit an individual already determined to be a voter of the county, and with the unanimous approval of the county election board, permits the voter to complete the absentee application and proceed to cast an absentee ballot before the traveling board during that visit if both members of the absentee voter board approve the application), may:

- A. deliver a new absentee application in person to the voter;
- B. approve the new application if the clerk determines that the defects in the first application have been corrected; and
- C. if accompanied by a bi-partisan absentee voter board, provide an absentee ballot to the voter.

The voter may then return the completed absentee ballot to the absentee voter board that accompanied the clerk with the new application or return the application county election board by 6 pm on election day. If a county circuit court clerk (or election director in Lake County or Porter County) chooses to provide this cure process, it must be done in a uniform manner to all applications covered by this procedure.

Note: If an absentee ballot application is not covered under Cure Process No. 1 or Cure Process No. 2, as described above, and the county circuit court clerk does not implement Cure Process No. 3 in their county for the election, then any absentee ballot application must still go through the standard review process by the county election board or absentee voter board at the clerk's office under IC 3-11-4-17.5 and IC 3-11-4-18.5.

Additionally, the requirement that each voter whose absentee ballot application is denied receive a notice of the denial applies to all application whether or not they are put through one of the cure processes described above.

(HEA 1334 §§ 1, 6-7; Effective date: July 1, 2023; Citations affected IC 3-11-4-2, IC 3-11-4-17.5, IC 3-11-4-17.6[NEW])

Beginning the Central Count of Absentee Ballots on Election Day

Requires all counties, except for Marion County, that use electronic poll books to begin the central count of absentee ballots any time after 6:00 a.m. on election day, if the county has updated all electronic pollbooks used in each polling place or vote center to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day.

The central count of absentee ballots does not need to be delayed for those absentee ballots that may arrive after 12:01 a.m. on election day. The county election board may move forward with the central count, as long as those absentee ballots that were received by 12:01 a.m. were pushed to electronic pollbooks used at election day polling locations or vote centers. There is no requirement for a county election board to adopt a resolution to begin the central count at 6 a.m. if the county is an ePollbook or voter center county but may do so under IC 3-11.5-4-11(e).

(HEA 1336 § 115; Effective date: July 1, 2023; Citations affected IC 3-11.5-4-11)

Clerk Name and Signature on Absentee Ballot

Clarifies state law that restrictions governing the use of the clerk's name and signature on any ballot if the clerk is a candidate for elected office do not apply if the clerk is only a candidate for a political party office, such as convention delegate or precinct committeeman.

(HEA 1336 § 6; Effective date: July 1, 2023; Citations affected IC 3-5-4-9)

County Visiting U.S. Post Office on Election Day

Repeals reference to visiting the US Post Office not later than noon on election day to permit visiting the Post Office as late as 6 p.m. on election day (the deadline for receipt of absentee ballots

(HEA 1336 §§ 82, 114; Effective date: July 1, 2023; Citations affected IC 3-11-10-11, IC 3-11.5-4-7)

Initials of Absentee Board Members in Certain Optical Scan Counties

Permits an absentee voter board, during early voting at the clerk's office or satellite office, to affix their initials to the absentee ballot card after the voter marks and prints their ballot from a ballot marking device used with an optical scan voting system. The absentee ballot must be presented in a manner so that the absentee board cannot see how the voter marked their ballot.

Counties using a ballot marking device with their optical scan voting system for early voting can continue to require absentee board members to affix their initials to the blank absentee ballot card before handing it to the voter. Whichever method is selected, it is critical for bi-partisan initials to be affixed to all absentee ballots before the completed absentee ballot is sealed in the security envelope for storage and counting on Election Day.

(HEA 1336 § 85; Effective date: July 1, 2023; Citations affected IC 3-11-10-27)

Notice of Additional Indiana Residence Documentation Sent to Absentee Voter

Updates state law to require residency documentation, required under the Help America Vote Act (HAVA) for first time voters in Indiana who register to vote by mail, must be filed with the county voter registration office not later than 6 p.m. on election day (rather than the noon deadline on election day under former law) for their absentee ballot to be counted.

(HEA 1336 § 79; Effective date: July 1, 2023; Citations affected IC 3-11-4-18)

Persons Allowed in Room Where Absentee Voting Occurring

Limits who may be in the room where early in-person absentee voting is occurring before election day at the designated clerk's office or a satellite early voting location to those who can be present inside a polling place on Election Day found in IC 3-11-8-15, including absentee voter board members, watchers, voters for the purposes of voting, minor children accompanying voters, those individuals authorized to assist a voter under IC 3-11-9, and others listed in IC 3-11-8-15.

(HEA 1336 § 84; Effective date: July 1, 2023; Citations affected IC 3-11-10-26.8[NEW])

Primary Ballot Party Choice for Uniformed Services and Civilian Overseas Voters

Provides that if a military or overseas absentee voter requests a Democratic or Republican Party absentee ballot in the May primary election on their federal post card application (FPCA) and then later returns a federal write-in absentee ballot (FWAB) with the opposite party choice, then the original FPCA supersedes the party choice noted on the FWAB.

(HEA 1336 § 119; Effective date: July 1, 2023; Citations affected IC 3-12-1-18)

Returning Absentee Ballots

Clarifies the absentee ballot return procedure so that a voter who receives an absentee ballot by mail shall do one of the following, as provided in IC 3-11-10-24(e), after the ballot is sealed inside the required ballot security envelope:

- (1) deliver the envelope to the county election board in person;
- (2) deliver the sealed envelope to the county election board with not more than one ballot per envelope or authorize delivery by U.S. mail or a bonded courier company; or
- (3) authorize a member of the voter's household or permitted family member or the voter's attorney in fact to deposit the sealed envelope in the US mail or deliver the sealed envelope to the county election board.

(HEA 1336 §§ 81, 83; Effective date: July 1, 2023; Citations affected IC 3-11-10-1, IC 3-11-10-24)

Rejected Absentee Ballots

Removes obsolete reference that used to permit a county to reject an absentee ballot not received by 12:00 pm (noon) on Election Day. The deadline to return an absentee ballot is 6:00 pm on election day, that same time that the polls close.

(HEA 1336 §§ 116-117; Effective date: July 1, 2023; Citations affected IC 3-11.5-4-13, IC 3-11.5-4-21)

AUDITS

Post-Election Audits

Clarifies that the deadline to complete a post-election audit (otherwise known as a risk-limiting audit) in a county where a recount or contest has been filed that affects the county is extended to noon, sixty (60) days after the completion of the recount or contest.

A post-election audit is to be completed not later than the last Friday in June after a primary election; not later than December 20 after a general election; or not later than sixty (60) days after the completion of a recount or contest that affects the county.

(HEA 1336 § 124; Effective date: July 1, 2023; Citations affected IC 3-12-13-7[NEW])

BALLOTS

Candidate Name Listing on Ballot

Requires the ballot be arranged so all candidates for the office appear on the same page or screen of the ballot.

(HEA 1336 § 68; Effective date: July 1, 2023; Citations affected IC 3-11-2-12.3[NEW])

No Candidate for Office on Primary Ballot

Permits a county election board to print “NO CANDIDATE FILED” on a political party primary ballot when no candidate has filed for an office on the primary ballot for the Democratic or Republican Party.

(HEA 1336 § 58; Effective date: July 1, 2023; Citations affected IC 3-10-1-19)

No Candidate for Office on General, Special, or Municipal Election Ballot

Permits a county election board to print “NO CANDIDATE FILED” in the place where a Democratic or Republican party candidate’s name would appear for an office on a general, special, or municipal election ballot when the Democratic or Republican Party has no candidate on the ballot for that office.

(HEA 1336 § 67; Effective date: July 1, 2023; Citations affected IC 3-11-2-12)

Replacement of “Former Candidate” on Ballots

Replaces the term “deceased candidate” with the new defined term “former candidate” in the various sections of election law describing how ballots can be reprinted when a candidate is found to be deceased by the county election board. These procedures will now also apply when an individual is no longer a candidate on the ballot for other reasons, such as withdrawing from the ballot, or being disqualified and removed from the ballot, after the ballots are printed. See related entry “Former Candidate” in the Definitions and Terms section of this document.

(HEA 1336 §§ 72-74, 118; Effective date: July 1, 2023; Citations affected IC 3-11-3-29.3, IC 3-11-3-29.4, IC 3-11-3-29.5, IC 3-12-1-6)

Sample Ballots in Polling Places

Permits a county election board to use an electronic device (other than an electronic poll book) to display a sample ballot. Specifies that an electronic device, whose only function is to display a sample ballot, is not considered a voting system or part of a voting system, and is not required to be certified as part of a voting system.

In a precinct where voting is by paper ballot, optical scan ballot card, or direct record electronic voting systems, the county election board must provide either an adequate number of sample ballots for the precinct or an electronic display of the sample ballot using an electronic device.

Sample ballots or the electronic device that will display the sample ballots are to be provided by the county election board to the inspector of each polling location or vote center as part of the materials given to the inspector on the second or third day before election day.

If sample paper ballots, optical scan ballot cards, or direct record electronic voting systems are used, the inspector must post a copy of the sample ballot near the entrance to the chute and make the sample ballot available to voters throughout election day. If a sample ballot is displayed by using an electronic device, the inspector must post a notice in the same location announcing that the sample ballot is available for review. In a vote center county, the same notices are to be provided regarding the availability to view sample ballots for each precinct in the county.

Clarifies that displaying a sample ballot is not a crime under the law prohibiting the printing or circulation of an imitation ballot of forging the official endorsement of a ballot.

Permits the use of decommissioned electronic pollbooks to be used as the electronic device to display the sample ballot.

(HEA 1336 §§ 70-71, 87-90, 92-94, 98, 101, 105-106, 109, 131; Effective date: July 1, 2023; Citations affected IC 3-11-3-11, IC 3-11-3-25, IC 3-11-11-1.3, IC 3-11-11-1.7, IC 3-11-11-1.9, IC 3-11-11-2, IC 3-11-13-9, IC 3-11-13-10, IC 3-11-13-10.5, IC 3-11-13-27, IC 3-11-14-7, IC 3-11-14-18, IC 3-11-14-18.5, IC 3-11-15-59, IC 3-14-2-19)

CAMPAIGN FINANCE

Clarification of Requirement to File Supplemental Report of Large Contribution

Specifies that a candidate's committee is only required to file a supplemental report for a large contribution received after the end of the last reporting period before an election (or a contribution of more than \$10,000) at any time if the candidate's committee acts to "accept" the contribution (as defined in IC 3-9-1-25(b)) by "manifesting an intent to keep the contribution by depositing the contribution," rather than returning the contribution under IC 3-9-5-14(c)).

(HEA 1336 §§ 56-57; Effective date: July 1, 2023; Citations affected IC 3-9-5-20.1, IC 3-9-5-22)

Deceased or Incapacitated Committee Treasurer

Permits the chairman of a campaign finance committee to file outgoing treasurer's report for the committee when the treasurer is deceased or otherwise cannot make the filing.

(HEA 1336 § 55; Effective date: July 1, 2023; Citations affected IC 3-9-5-12)

Personal Representative (Executor of Decedent) Disbanding Candidate Committee

Permits the personal representative of a deceased campaign finance committee treasurer or candidate for office to disband a campaign finance committee associated with the deceased person's committee.

(HEA 1336 § 137; Effective date: July 1, 2023; Citations affected IC 29-1-8-12[NEW])

Mailing Campaign Finance Report Forms to Committees

Repeals requirement that the Indiana Election Division mail blank campaign finance report forms to each candidate committee.

(HEA 1336 § 54; Effective date: July 1, 2023; Citations affected IC 3-9-4-14)

"Prohibited period" for Certain Candidates and Committees to Solicit or Accept Contributions, or Engage in Other Fundraising Activities

Repeals obsolete language adopted to apply only to the extended 2021 legislative session.

(HEA 1336 § 53; Effective date: July 1, 2023; Citations affected IC 3-9-2-12)

CANDIDATES AND PRESIDENTIAL ELECTORS

Statement of Economic Interests for City and Town Court Judge

Requires a candidate for city or town court judge to file a statement of economic interests with the Commission on Judicial Qualifications like all other judicial office candidates.

Requires that a candidate for city and town court judge attach a copy of their statement of economic interests filed with the Commission on Judicial Qualifications to their declaration of candidacy forms like all other judicial office candidates.

(HEA 1336 §§ 36, 138; Effective date: July 1, 2023; Citations affected IC 3-8-1-33, IC 33-23-11-7)

Establishing or Abolishing City or Town Court

Updates the schedule for a second class city, a third class city, or a town to adopt an ordinance to establish or abolish a city or town court and for voters to elect a judge of a city or town court.

Updates the schedule for when the first election for a city or town court judge must be held after an ordinance establishes the city or town court is adopted.

(HEA 1335 § 22; Effective date: July 1, 2023; Citations affected IC 33-35-1-1)

Candidates for East Chicago School Board

Updates the schedule for the election of the five (5) members of the East Chicago School Board.

(HEA 1335 § 21; Effective date: July 1, 2023; Citations affected IC 20-23-17.2-3.1)

Gary Community School Corporation Advisory Board

Abolishes Gary Community School Corporation Advisory Board, whose members were formerly elected by the voters of the school corporation.

(SEA 327, §§ 2-3, 31-41; Effective date: May 4, 2023, July 1, 2023; Citations affected IC 5-9-4-7, IC 5-9-4-8, IC 20-23-8-5, IC 20-23-12-2, IC 20-23-12-3, IC 20-23-12-4[REPEALED], IC 20-23-12-5[REPEALED], IC 20-23-12-6[REPEALED], IC 20-23-12-7[REPEALED], IC 20-23-12-8[REPEALED], IC 20-23-12-9[REPEALED], IC 20-23-12-10[REPEALED], IC 20-23-12-11[REPEALED])

(HEA 1335 § 18; Effective date: July 1, 2023; Citations affected IC 20-23-12-9)

Timing for Mishawaka School Board Elections and Appointments

Requires the five (5) members school board of the School City of Mishawaka shall be elected or appointed as follows:

- Two (2) members shall be elected during the presidential election year (2024, 2028, 2032, 2036, and every four (4) years thereafter).

- One (1) member shall be elected during the midterm election year (2026, 2030, 2034, 2038, and every four (4) years thereafter).
- One (1) member shall be appointed by the Mayor of Mishawaka in 2026, 2030, 2034, 2038, and every four (4) years thereafter.
- One (1) member shall be appointed by the Mishawaka City Common Council in 2025, 2029, 2033, 2037, and every four (4) years thereafter.

The law regarding when the next election for the school board seats last elected in 2014 and 2016 is repealed.

(HEA 1335 §§ 19-20; Effective date: July 1, 2023; Citations affected IC 20-23-17-3, IC 20-23-17-8 [REPEALED])

Candidate Name Designation

Requires forms used to place a candidate on the ballot to specify on the candidate form how the candidate's ballot name should be printed on the ballot using specific name designations the candidate wants to use as permitted under IC 3-5-7-5. See the entry about on candidacy forms and the require that a line for each name designation be included on the form. This applies to:

1. a primary election candidate using the CAN-2 form;
2. a candidate nominated at a Democratic, Republican, or Libertarian state party convention using the CAN-23 certificate of nomination form;
3. a candidate nominated at a Libertarian party county, city, or town convention using the CAN-22 certificate of nomination form;
4. a school board candidate using the CAN-34 petition of nomination form;
5. an independent or minor party candidate using the CAN-19 or CAN-21 petition of nomination form;
6. a minor party replacement candidate using the CAN-40 form;
7. a small town convention candidate using the CAN-16 form;
8. a write-in candidate for elected office using the CAN-3 form;
9. a write-in candidate for school board using the CAN-26 form; and
10. the CAN-18 small town convention certificate of nomination form.

Requires that candidates filling a ballot vacancy for the November election must specify the candidate's first name, middle name, and surname on the candidate selection form.

(HEA 1336 §§ 37, 39-42, 45, 47-49; Effective date: July 1, 2023, January 1, 2024; Citations affected IC 3-8-2-2.5, IC 3-8-2-7, IC 3-8-2.5-2.5, IC 3-8-5-10.5, IC 3-8-5-13, IC 3-8-6-5, IC 3-8-6-17, IC 3-8-7-8, IC 3-8-7-10)

Candidate Filings for Local Office in More Than One County

Requires the circuit court clerk of the county with greatest population of the election district shall promptly certify to other county clerks in the county where the election district is located the names of candidates who have filed with the clerk of the largest county.

(HEA 1336 § 38; Effective date: July 1, 2023; Citations affected IC 3-8-2-6)

County Commissioner Candidate Residence District Requirement

Makes a technical correction to reflect that in all counties (other than Marion County) a candidate for county commissioner must reside in the district that the candidate seeks to represent.

(HEA 1336 § 35; Effective date: July 1, 2023; Citations affected IC 3-8-1-21)

Independent Candidate Ballot Device

Repeals reference in current law permitting ballot symbols or “devices” to vote for an independent candidate or independent ticket in the straight party ticket section on the general or municipal election ballot. “Independent” candidates are not affiliated with a political party; therefore, voting straight party would not apply to any Independent candidate.

(HEA 1336 §§ 50, 65, 66, 91, 95-96, 99-100, 102; Effective date: July 1, 2023; Citations affected IC 3-8-7-11, IC 3-11-2-9, IC 3-11-2-10, IC 3-11-11-10, IC 3-11-13-11, IC 3-11-13-14, IC 3-11-13-31.7, IC 3-11-14-3.5, IC 3-11-14-14.5)

Party Affiliation Requirement

Requires a candidate for “small town” (population of less than 3,500 after 2020 Census) office to claim affiliation with a major political party (Democratic or Republican) to state that the candidate has either voted in the two most recent Indiana primaries the candidate voted in for that party or obtain a certificate from the county chairman that the candidate is a member of the chairman’s political party.

This does not apply to 2023 elections since the law does not go into effect until January 1, 2024. See *2023 Indiana Candidate Guide* for more information.

(HEA 1336 § 41; Effective date: January 1, 2024; Citations affected IC 3-8-5-10.5)

Political Party Primary Affiliation Requirements for Local Government Appointees

When state law or a political subdivision requires that the membership of a board (or similar body) be based on the political affiliation of the appointee (or that the membership of the board not exceed a certain number of members from the same political party at the time of appointment, then the appointee must have either: (1) voted in the two (rather than just the most recent) primary in Indiana for the party with which the appointee claims affiliation or if the appointee has never voted in an Indiana primary, be certified as a member of that party by the county chairman of that party.

Specifies the “two primary” voting history requirement only applies to an individual appointed after June 30, 2023, and that an individual appointed before July 1, 2023 is only required to comply with the current “one primary” or county chairman certification requirement.

(HEA 1336 § 141; Effective date: July 1, 2023; Citations affected IC 36-1-8-10)

Petition Requirements in Small Towns

Clarifies when an independent or minor party candidate for an office in an election district that is within one precinct, and the election district does not include an entire precinct, then the candidate is only required to collect five signatures of registered voters within the election district on the candidate's petition of nomination form in order to be certified as a candidate for the office at the general or municipal election.

This change impacts the November 2023 municipal election, as the statute was effective on May 4, 2023.

(HEA 1336 § 44; Effective date: May 4, 2023; Citations affected IC 3-8-6-3)

Presidential Elector Meeting and Procedures

Changes the date presidential electors and alternative electors meet on the first Tuesday after the second Wednesday in December following the presidential election. Previously, it was the first Monday after second Wednesday in December following the presidential election.

Requires that the certificate of ascertainment issued by the Governor to certify the individuals chosen as presidential electors: (1) bear the seal of the State of Indiana; and (2) contain at least one security feature, as determined by the Secretary of State, for verifying the authenticity of the certificate. Provides that a security feature contained in the certificate is confidential.

(HEA 1335 §§ 11-12; Effective date: July 1, 2023; Citations affected IC 3-10-4-6.5, IC 3-10-4-7)

Requirement to File Statement of Economic Interest to Receive Salary

Requires a statement of economic interest to be filed for the elected official to receive a salary, whether the candidate was elected to serve a term in office or selected to fill an elected office vacancy for the remainder of the term.

(HEA 1336 § 52; Effective date: July 1, 2023; Citations affected IC 3-8-9-10)

DEFINITIONS AND TERMS

“Candidacy Document”

Repeals the definition for “candidacy document” that applies only IC 3-5-7 (Candidate Designations on the Ballot) and makes the term generally applicable throughout the election code.

A candidate document refers to (1) a declaration of intent to be a write-in candidate; (2) a declaration of candidacy; (3) a consent to the nomination; (4) a consent to become a candidate; (5) a certificate of candidate selection; (6) a consent filed under IC 3-13-2-7; and (7) a statement filed under IC 33-24-2, IC 33-25-2, IC 33-33-45-42, IC 33-33-49-13.3, or IC 33-33-71-43.

(HEA 1336 §§ 1, 7; Effective date: July 1, 2023; Citations affected IC 3-5-2-5.9[NEW], IC 3-5-7-6)

“Former Candidate”

Adds a definition for “former candidate” to IC 3-5-2 to make the term generally applicable throughout the election code. A former candidate is a candidate for election and does any of the following:

- 1) The individual has died before the election, including a candidate certified as deceased under IC 3-8-7-1.
- 2) The individual has withdrawn as a candidate before the election.
- 3) The individual has been disqualified as a candidate under IC 3-8-1-5.
- 4) The individual has been disqualified as a candidate under a court order issued under IC 3-8-7-29(d).

(HEA 1336 §§ 2, 72-74, 118, 126; Effective date: July 1, 2023; Citations affected IC 3-5-2-26.1[NEW], IC 3-11-3-29.3, IC 3-11-3-29.4, IC 3-11-3-29.5, IC 3-12-1-16, IC 3-13-2-1)

“Uniformed Services”

Updates the definition of “Uniformed services” that applies throughout the election code to include the Space Force.

(HEA 1336 § 3; Effective date: July 1, 2023; Citations affected IC 3-5-2-49.3)

“Technician”

Changes the term used to refer an individual working on the equipment in the polls from “mechanic” to “technician”.

Changes the term used to reference this individual from “mechanic” to “technician” for local recount commission members.

(HEA 1336 § 80, 123; Effective date: July 1, 2023; Citations affected IC 3-11-8-15, IC 3-12-6-16)

“Controlled Project”

Updates the term “controlled project” that applies to IC 6-1.1-20 (the controlled project financing statute) to include a project that is in response to a court order holding that a federal law has been violated and the project will address the deficiency or violation. The definition is updated to include any project, where a public hearing to issue bonds or enter into a lease is not held by July 1, 2023, that does not otherwise meet the definition of a “controlled project” and would lead to the political subdivision’s total debt service tax rate to be more than \$0.40 per \$100 of assessed value.

(HEA 1454 § 6; Effective date: May 4, 2023; Citations affected IC 6-1.1-20-1.1)

(HEA 1499 § 6; Effective date: July 1, 2023; Citations affected IC 6-1.1-20-1.1)

FORMS, NOTICE, AND REPORTS

Approval of Forms

Updates the procedure in current law for approval of election forms by the Co-Directors does not apply to a form which is only incorporated into the statewide voter registration system, after approval by the Secretary of State with the consent of the Co-Directors.

(HEA 1336 § 5; Effective date: July 1, 2023; Citations affected IC 3-5-4-8)

Filing of Voting System Public Test with Election Division

Permits a county to file a signed IEC-9 and IEC-10 form, stating that the voting system public test was conducted, with the Indiana Election Division by email or fax.

(HEA 1336 §§ 97, 107; Effective date: July 1, 2023; Citations affected IC 3-11-13-22, IC 3-11-14.5-11[NEW])

Help America Vote Act, NVRA, and State Voter Registration Violation Notices and Reports

Repeals current laws requiring notices and reports regarding these specific violations be sent by certified mail by the Indiana Election Division or the circuit court clerk, and instead permits transmittal by first class mail with tracking and place a copy on file with the election division for the members of the Commission (and to the attorney general by electronic mail).

(HEA 1336 §§ 12-14, 16-18, 21-23, 25-28; Effective date: July 1, 2023; Citations affected IC 3-6-4.5-14, 3-6-4.5-16, IC 3-6-4.5-23, IC 3-6-5.1-14, IC 3-6-5.1-16, IC 3-6-5.1-22, IC 3-7-11-5, IC 3-7-11-7, IC 3-7-11-12, IC 3-7-12-30, IC 3-7-12-32, IC 3-7-12-34, IC 3-7-12-39)

Name Format on Candidacy Document

Requires the Indiana Election Division to design a “candidacy document” so a candidate can designate their ballot name. The ballot name line must have separate fields with each allowable designation so that the candidate can indicate which name, nickname, or initial is the candidate’s first name, middle name, and surname as it should appear on the ballot. See the entry on the new definition for “candidacy document” for more information about the name designations permitted under state law.

(HEA 1336 § 8; Effective date: July 1, 2023; Citations affected IC 3-5-7-6.5)

Notice of County, City, Town, Township or School Corporation Officeholder Death

Repeals provision requiring the certification of the death of a local officeholder to be filed with the county prosecuting attorney. Previously, both the circuit court clerk and county prosecuting attorney needed to receive information about the death of an officeholder so that the circuit court clerk could certify the death to the political party or body that has authority to fill the elected office vacancy, if the clerk was reasonably satisfied the information was true.

(HEA 1336 § 134; Effective date: July 1, 2023; Citations affected IC 5-8-6-3)

Notice of Township Officeholder Death

Requires that if a currently elected township trustee or township board member dies in office and the vacancy is to be filled by the county board of commissioners, then notice of the officeholder's death is to be filed with the circuit court clerk, and not the county auditor, before the elected office vacancy can be filled by the board of commissioners.

(HEA 1336 §§ 128-129; Effective date: July 1, 2023; Citations affected IC 3-13-10-2, IC 3-13-10-4)

Legal Notice of Vote Center Locations

Requires the county election board, rather than the county executive, to publish the required legal notice of vote center locations. This is a separate legal notice than the notice of election (CAN-9, CAN-39).

(HEA 1336 § 111; Effective date: July 1, 2023; Citations affected IC 3-11-18.1-9)

Oath for County Court Magistrate

Clarifies that the magistrate's oath is to be filed with the circuit court clerk of the county where the magistrate judge resides or serves.

(HEA 1336 § 133; Effective date: July 1, 2023; Citations affected IC 5-4-1-4)

Voter List Maintenance Affidavit

Requires that the county voter registration official file the VRG-21 voter list maintenance affidavit with the election division not later than noon, seventy-seven (77) days before each general election and each primary election conducted during a general election year (that is, 2024, 2026, etc.).

The VRG-21 affidavit is required to be filed not later than seventeen (17) days before each municipal election or each primary election conducted during a municipal election year (that is, 2023, 2025, 2027, etc.).

(HEA 1336 § 24; Effective date: July 1, 2023; Citations affected IC 3-7-12-27)

LOCAL OFFICIALS AND POWERS

No “Home Rule” Authority for Conducting Elections

Clarifies that local units of government do not have the power to adopt an ordinance, resolution or order concerning a general election, municipal election, primary election, school district election, or special election that is described in IC 3-5-1-2, or to otherwise conduct an election unless expressly granted by statute. An ordinance, resolution, or order concerning elections and adopted before January 1, 2023, is void unless a statute expressly granted the unit of government the power to adopt the ordinance, resolution, or order.

(SEA 106 § 1; Effective date: January 1, 2023 [retroactive]; Citations affected IC 36-1-3-8)

Dual Lucrative Office

Clarifies law that when an elected official of a local government becomes an employee of that same unit of local government, the individual is considered to have resigned as an elected official.

(HEA 1336 § 9; Effective date: July 1, 2023; Citations affected IC 3-5-9-5)

Redistricting Marion County Township Boards

Clarifies that Marion County township boards are subject to the same time restrictions as other county, city, and township governments when adopting new legislative body districts.

(HEA 1336 § 10; Effective date: July 1, 2023; Citations affected IC 3-5-10-7)

Town Clerk-Treasurer Duties When Office is Vacant

Updates how the duties of a town clerk-treasurer are to be performed when a vacancy occurs. When the office of town clerk-treasurer is vacant and the vacancy is not able to be filled by the town council. If, after reasonable diligence, the town is unable to either enter into an interlocal agreement under IC 36-1-7 or enter into a contract with a certified public accountant, the town may hire any qualified person to perform the duties of the town clerk-treasurer until the vacancy can be filled under IC 3-13-9-3, or until the end of the current clerk-treasurer term of office, whichever occurs first.

(HEA 1040 § 30; Effective date: January 1, 2024; Citations affected IC 36-5-6-9)

Gary Community School Corporation

Establishes a new governing body for the Gary Community School Corporation. The new school board consists of the following five (5) members:

- One (1) member appointed by the mayor of Gary. The member appointed must reside within the boundaries of the Gary Community School Corporation.
- One (1) member appointed by the Gary city common council. The member appointed must reside within the boundaries of the Gary Community School Corporation.
- Three (3) members appointed by the state secretary of education. One (1) of those members must reside within the boundaries of the Gary Community School Corporation. At least one (1) of the other members must reside in Lake County. The state secretary of

education may consider whether a candidate has experience and expertise in kindergarten through grade 12 education, financial management, career development, or higher education.

The initial members appointed to the school board shall serve staggered terms beginning July 1, 2023, as follows:

- The initial member appointed by the mayor of Gary shall serve for one (1) year.
- The initial member appointed by the Gary city common council shall serve for two (2) years.
- Two (2) of the initial members appointed by the state secretary of education shall serve for one (1) year.
- One (1) of the initial members appointed by the state secretary of education shall serve for two (2) years.

The member's initial term of office expires on June 30 of the year their term ends. After that initial term each member appointed to the school board shall serve for a term of two (2) years. A member may be appointed to an unlimited number of successive terms.

A member serves at the pleasure of the person or body that appointed the member to the school board. The member's replacement shall serve the remainder of the member's term.

(SEA 327 § 42; Effective date; July 1, 2023; Citations affected IC 20-23-12.1[NEW])

PUBLIC MEETINGS

Live Stream or Recording

Requires that state agencies, executive, legislative, and fiscal bodies of a county, city, town, or township and elected school boards must live stream their meetings unless there is no internet capability, then the body may record their meeting and place it online.

This only applies to county election board meetings when the board holds a meeting in the same room where a local governing body is already required to have the equipment to live stream or record their meetings. If the technology is available in the space, then the county election board will need to live stream or, if internet capabilities are not present, record and place the meeting online.

Archived copies of the live stream must provide the agenda, minutes, and memoranda. Meeting notices must include the website for live streaming or archived copies of live streamed meetings in the meeting notice. Recorded meetings must be available for at least 90 days.

If a technology failure disrupts the ability to live stream or record the meeting, it does not prevent the body from conducting the meeting or the validity of actions taken at the meeting.

Violators are subject to civil or criminal liabilities.

(HEA 1167 §§ 1-2; Effective date: July 1, 2025; Citations affected IC 5-14-1.5-2.9[NEW], IC 34-30-2.1-40.5[NEW])

UPDATING OR CORRECTING REFERENCES IN STATE LAW

Technical Corrections and Updates to Dates

Updates statutes to make technical corrections and fix drafting errors.

(HEA 1048 § 1-12; Effective date: July 1, 2022; Citations affected IC 3-5-10-7, IC 3-6-4.2-14, IC 3-6-5.2-1, IC 3-8-2-6, IC 3-10-1-18, IC 3-10-6-2.5, IC 3-10-7-2.5, IC 3-11-2-6, IC 3-11-3-35, IC 3-11-4-2, IC 3-11-11-1.7, IC 3-11-14-8)

(HEA 1336 §§ 10, 38; Effective date: July 1, 2023; Citations affected IC 3-5-10-7, IC 3-8-2-6)

Updates statutes to the reference to the state health department from “state department of health” to “Indiana department of health.”

(HEA 1013 §§ 1-5; Effective date: July 1, 2023; Citations affected IC 3-7-15-2, IC 3-7-26.3-13, IC 3-7-45-2.1, IC 3-7-45-5, IC 3-10-8-4.5)

Updates statutes to make technical corrections.

(SEA 80 § 15; Effective date: July 1, 2023; Citations affected IC 3-11-4-3)

Repeals reference to obsolete affidavit.

(HEA 1336 § 132; Effective date: July 1, 2023; Citations affected IC 3-14-5-2)

Repeals obsolete dates and implementation language in various statutes and updates various election dates in various statutes to reflect future election years.

(HEA 1335 §§ 2-10, 13-18, and 21-22; Effective date: July 1, 2023; Citations affected IC 3-6-4.2-14, IC 3-9-2-12, IC 3-10-1-4.5, IC 3-10-1-4.6, IC 3-10-2-3, IC 3-10-2-4, IC 3-10-2-6, IC 3-10-2-7, IC 3-10-2-12, IC 3-10-6-2, IC 3-10-6-3, IC 3-10-6-5, IC 3-10-6-6, IC 3-11-18.1-5, IC 20-23-12-9, IC 20-23-17.2-3.1, IC 33-35-1-1)

(HEA 1336 §§ 11, 53; Effective date: July 1, 2023; Citations affected IC 3-6-4.2-14, IC 3-9-2-12)

Independent “Ticket” Device

Repeals reference in current law to a ballot symbol, known as a “device”, to vote a straight independent ticket. “Independent” is not a political party; therefore, a straight party device where candidates of the same political party would not be appropriate for Independent candidates.

(HEA 1336 §§ 91, 95, 96, 99, 100, 102; Effective date: July 1, 2023; Citations affected IC 3-11-11-10, IC 3-11-13-11, IC 3-11-13-14, IC 3-11-13-31.7, IC 3-11-14-3.5, IC 3-11-14-14.5)

Marion County Township Board Districts

Makes a technical amendment to correct reference to “ordinance” which should refer to “resolution”.

(HEA 1336 § 143; Effective date: July 1, 2023; Citations affected IC 36-6-6-2.3)

Primary Election Returns

Repeals an obsolete method for a county to provide primary election returns to the Indiana Election Division. These returns are now submitted through the statewide voter registration system (SVRS).

(HEA 1336 § 59; Effective date: July 1, 2023; Citations affected IC 3-10-1-33[REPEALED])

Reference to Federal Statutes and Regulations

Updates all references to federal statutes or regulations in Title 3 of the Indiana Code to those federal statutes and regulations in effect as of January 1, 2023.

(HEA 1335 § 1; Effective date: July 1, 2023; Citations affected IC 3-5-4-7)

POLL WORKERS

Precinct Poll Worker Qualifications

Permits a county election board to adopt a resolution, by unanimous vote of the entire board, to permit an individual who is an opposed candidate for precinct committeemen or state convention delegates (or their relatives who would ordinarily be ineligible to serve as a poll worker in those precincts where the relative's name appears on the ballot) to serve as a poll worker in any precinct, even if their name appears on the ballot, if the county election board finds that not enough individuals are otherwise available to serve as a poll worker. If the county election board adopts this resolution, the resolution expires on December 31 of the same year the resolution was adopted.

(HEA 1336 § 19; Effective date: July 1, 2023; Citations affected IC 3-6-6-7)

Challenge of Precinct Poll Worker Qualifications

Repeals a procedure permitting two or more voters of a precinct to challenge the qualifications of a precinct poll worker before the county election board, asking that the office be declared vacant.

The county election board would still retain the right to remove a poll worker under IC 3-6-6-35.

(HEA 1336 § 20; Effective date: July 1, 2023; Citations affected IC 3-6-6-12[REPEALED])

Determining Optical Scan Ballot Card Voting System Readiness in Vote Center Counties

After a ballot card voting system is delivered to an Election Day vote center, the precinct election board assigned to that vote center (that is, a county using the vote center model) may meet at the polls on the same day and determine whether the voting system is ready for use, in accordance with IC 3-11-13-16. If the voting system is not in compliance with IC 3-11-13-16, then the precinct election board shall immediately get the voting system into working order. This was already a requirement for non-vote center counties.

(HEA 1336 § 98; Effective date: July 1, 2023; Citations affected IC 3-11-13-27)

Determining Direct Record Electronic Voting System Readiness in Vote Center Counties

Requires that in a vote center using a direct record electronic voting system, the precinct election board must meet at the Election Day polling location to determine that the ballots are correct and that the voting systems are secured.

This was already a requirement for non-vote center counties.

(HEA 1336 § 103; Effective date: July 1, 2023; Citations affected IC 3-11-14-15)

PETITIONS

Petition Signature

Forbids the use of the type of electronic signature used in business transactions covered by the Uniform Commercial Code (IC 26-2-8-106) to be used to sign election petitions such as petition used by Democratic and Republican candidates who file to run for President of the United States, United States Senator, and Governor in the May primary election; petition of nominations for school board candidates; independent or minor party candidates for elected office, and public questions.

Specifies that a candidate, campaign finance committee chairman, or treasurer may use an electronic signature, digital signature, digitized signature, or photocopied signature on a campaign finance statement or report filed with the Election Division or a county election board.

(HEA 1336 § 4; Effective date: July 1, 2023; Citations affected IC 3-5-4-1.7)

School Board Petitions

Adjusts the filing period for a petition for nomination to be a candidate for a school board office on the November general election ballot to begin fourteen (14) days after the Primary Election and end at noon, thirty (30) days after the filing period begins. A candidate who files a petition of nomination for a school board office has until noon, July 15 to withdraw their name from the general election ballot.

A statement questioning the validity of a petition of nomination or contesting the denial of a certification to place a school board candidate on the general election ballot must be filed with the county election board not later than noon, seventy-four (74) days prior to the general election. Questions regarding the validity of a petition of nomination or denial of certification for a school board candidate shall be referred to and determined by the county election board not later than sixty (60) days before the general election.

(SEA 177 §§ 1-2; Effective date: July 1, 2023; Citations affected IC 3-8-2.5-4, IC 3-8-2.5-7)

REFERENDUM

School Tax Levy Referendum

Updates the required language for a school tax levy referendum public question to read:

“Shall the school corporation increase property taxes paid to schools by homeowners and businesses for _____ (insert number of years) years immediately following the holding of the referendum for the purpose of funding _____ (insert short description of purposes)? If this public question is approved by the voters, the average property tax paid to schools per year on a residence would increase by _____ % (insert the estimated average percentage of property tax increase paid to the school corporation schools on a residence within the school corporation as determined under subsection (c)) and the average property tax paid to schools per year on a business property would increase by _____ % (insert the estimated average percentage of property tax increase paid to schools on a business property within the school corporation as determined under subsection (d)). The most recent property tax referendum proposed by the school corporation was held in _____ (insert year) and _____ (insert whether the measure passed or failed).”

(SEA 391 § 32; Effective date: May 4, 2023; Citations affected IC 20-46-1-10)

School Tax Levy Extension Referendum

Updates the required language for a referendum public question to extend a school tax levy to read:

“Shall the school corporation continue to impose increased property taxes paid to the school corporation by homeowners and businesses for _____ (insert number of years) years immediately following the holding of the referendum for the purpose of funding _____ (insert short description of purposes)? The property tax increase requested in this referendum was originally approved by the voters in _____ (insert the year in which the referendum tax levy was approved) and if extended will increase the average property tax paid to the school corporation per year on a residence within the school corporation by _____ % (insert the estimated average percentage of property tax increase on a residence within the school corporation) and if extended will increase the average property tax paid to the school corporation per year on a business property within the school corporation by _____ % (insert the estimated average percentage of property tax increase on a business within the school corporation).”

(HEA 1454 § 154; Effective date: July 1, 2023; Citations affected IC 20-46-1-10.1)

School Safety Tax Levy Referendum

Updates the required language for a school safety tax levy referendum public question to read:

“Shall the school corporation increase property taxes paid to schools by homeowners and businesses for _____ (insert number of years) years immediately following the holding of the referendum for the purpose of funding _____ (insert short description of purposes)? If this public question is approved by the voters, the average property tax paid to schools per year on a residence would increase by _____ % (insert the estimated average

percentage of property tax increase paid to schools on a residence within the school corporation as determined under subsection (b)) and the average property tax paid to schools per year on a business property would increase by _____% (insert the estimated average percentage of property tax increase paid to schools on a business property within the school corporation as determined under subsection (c)). The most recent property tax referendum proposed by the school corporation was held in _____ (insert year) and _____ (insert whether the measure passed or failed).”

(SEA 391 § 37; Effective date: May 4, 2023; Citations affected IC 20-46-9-9)

School Safety Tax Levy Extension Referendum

Updates the required language for a referendum public question to extend a school safety tax levy to read:

“Shall the school corporation continue to impose increased property taxes paid to the school corporation by homeowners and businesses for _____ (insert number of years) years immediately following the holding of the referendum for the purpose of funding _____ (insert short description of purposes)? The property tax increase requested in this referendum was originally approved by the voters in _____ (insert the year in which the referendum tax levy was approved) and if extended will increase the average property tax paid to the school corporation per year on a residence within the school corporation by _____% (insert the estimated average percentage of property tax increase on a residence within the school corporation) and if extended will increase the average property tax paid to the school corporation per year on a business property within the school corporation by _____% (insert the estimated average percentage of property tax increase on a business within the school corporation).”

(HEA 1454 § 156; Effective date: July 1, 2023; Citations affected IC 20-46-9-10)

REDISTRICTING AND LOCAL GOVERNMENT DISTRICTS

County Council District Requirements

Makes a technical amendment to relocate the requirement for “contiguous” districts to the correct subsection of this law.

(SEA 1336 § 142; Effective date: July 1, 2023; Citations affected IC 36-2-3-4)

Marion County Township Board Redistricting

Repeals obsolete deadline for Marion County township board to complete redistricting before township election.

(HEA 1336 § 63; Effective date: July 1, 2023; Citations affected IC 3-11-1.5-32.5[REPEALED])

Precinct Names Changed by Decennial Census

Requires the name of a precinct as set forth in the federal decennial census to become the official name of the precinct, if the county commissioners did not make a correction.

(HEA 1336 § 64; Effective date: July 1, 2023; Citations affected IC 3-11-1.5-38.1)

County Commissioner and County Council Districts in Elkhart, St. Joseph, and Tippecanoe County

Applies the statute regarding the makeup and redistricting of the board of county commissioners and county council in St. Joseph County now applies to Elkhart County, St. Joseph County, and Tippecanoe County (counties that have a 2020 census population of more than 185,000 and less than 300,000).

These three counties may establish a three (3) single member board of county commissioners and nine (9) single member district county council (with three (3) county council districts being nested into one of the county commissioner districts), if the county board of commissioners in that county adopts a resolution by majority vote, not later than September 1, 2023, to move the county this model of county commissioner and county council districts.

If the board of county commissioners in Elkhart, St. Joseph, or Tippecanoe County does not adopt the resolution described above by September 1, 2023, then the makeup and redistricting laws that apply currently to 89 counties in Indiana will apply to that county.

(HEA 1001 §§ 265-270; Effective date: July 1, 2023; Citations affected IC 36-2-2-4, IC 36-2-2-4.7, IC 36-2-2-5, IC 36-2-3-2, IC 36-2-3-4, IC 36-2-3.5-1)

Maximum Active Voter Limits for Precincts in Counties Using Vote Centers

Permits counties that have adopted the vote center model of voting on Election Day are not required to comply with the requirement that a precinct contain no more than 2,000 active voters (or 2,500 active voters in some cases). However, the minimum active voter count requirements remain in IC 3-11-1.5.

(HEA 1336 § 62; Effective date: July 1, 2023; Citations affected IC 3-11-1.5-3)

DEATH, FORMER CANDIDATES, AND SPECIAL ELECTION

Acting Chief Deputy Assuming Office to Fill Temporarily

Specifies that the procedure where a chief deputy exercises the duties of the local elected official who has vacated the office does not apply to a city or town council member, or township board member.

(HEA 1336 § 130; Effective date: July 1, 2023; Citations affected IC 3-13-11-12)

Candidates Running for Both Special and Regularly Scheduled Election For U.S. Congress

Provides that a candidate running for both a special and regularly scheduled election for U.S. Representative being conducted on the same date may have the candidate's name appear on the ballot twice at that election, once for each office.

(HEA 1336 § 51; Effective date: July 1, 2023; Citations affected IC 3-8-7-19)

Certification to County Election Board for School Tax Levy Referendum or School Safety Tax Referendum.

Provides that if a school corporation wants to conduct a school tax levy referendum or school safety tax referendum as a special election on the first Tuesday, after the first Monday in May, then the certification to the county election board must be made not later than noon seventy-four (74) days before the date of the special election (rather than 60 days) to conform with certification requirements in current law for other school referendums.

(HEA 1336 §§ 135-136; Effective date: July 1, 2023; Citations affected IC 20-46-1-14, IC 20-46-9-14)

Special Election Notices

Clarifies that county or town election boards are to file a copy of a notice of special election within seven (7) days after the notice of a special election is published according to state law.

(HEA 1336 § 61; Effective date: July 1, 2023; Citations affected IC 3-10-8-4)

Special Election for U.S. Representatives; Ballot Order

Specifies that if a special election for U.S. Representative is conducted on the same date as a regular election for the same office, then the ballot shall list the special election immediately after the election for the regular term.

(HEA 1336 § 67; Effective date: July 1, 2023; Citations affected IC 3-11-2-12)

Vacancy Filling if Incumbent in Local Office Dies or is Disqualified After Election, But Before the Incumbent's New Term of Office Begins

If an incumbent local officeholder is elected to another term in office but dies or is disqualified before their new term of office begins, then after notice of the death or disqualification is given to the proper official, the vacant local office shall be filled by the applicable provisions in IC 3-13.

(HEA 1336 § 122; Effective date: July 1, 2023; Citations affected IC 3-12-5-18[NEW])

Vote Counting Rules for “Former Candidates”

Applies procedures in current law regarding votes cast for a deceased candidate to the broader group of “former candidates” such as withdrawn or disqualified candidates. See related entry “Former Candidates” in the Definitions and Terms section of this document.

(HEA 1336 § 118; Effective date: July 1, 2023; Citations affected IC 3-12-1-6)

TRAINING REQUIREMENTS

Circuit Court Clerk Training

Requires an individual elected to the office of circuit court clerk to certify completion of training (15 hours within 1 year and 40 hours within 3 years) to State Board of Accounts. The report must be filed with the state examiner not later than 60 days after the close of each fiscal year, using the form prescribed by the state examiner and filed electronically.

(HEA 1040 § 15; Effective date: January 1, 2024; Citations affected IC 33-32-2-9)

VOTER REGISTRATION

BMV Transmittal of Voter Registration Application Declinations

Requires the BMV to transmit declinations by an individual who declines to register to vote at the BMV during a credential transaction to county voter registration offices in the same manner as transmittal of voter registration applications.

(HEA 1336 § 29; Effective date: July 1, 2024; Citations affected IC 3-7-14-12)

Law Enforcement Agency Transmittal of Voter Registration Applications

Provides that a local government law enforcement office receiving custody of a voter registration application during a handgun licensing transaction is not required to transmit the applications within ten (10) days after receipt. Instead, the law enforcement agency is required to send the application or declination to the county voter registration official within five (5) days.

(HEA 1336 § 30; Effective date: July 1, 2023; Citations affected IC 3-7-32-8)

Updating Voter Signature in Statewide Voter Registration System

Expands the types of signatures a county voter registration office can use to update a voter's signature in SVRS by including the signatures used on a poll list, a voter registration application or address confirmation notice, a change of address affidavit used to return to the voter's former precinct of residence one last time before transfer, or an absentee ballot application.

(HEA 1336 § 33; Effective date: July 1, 2023; Citations affected IC 3-7-40.5-2[NEW])

Voter Affirmation of Continuing to Reside at Address Shown as Cancelled Record

Amends current law permitting a voter to swear on the VRG-4/12 affidavit that the voter continues to reside at the address where the county voter registration office shows the voter's registration record was cancelled when the voter applies for an absentee ballot in order for the voter's record to be returned to "active" status allowing the voter to receive an absentee ballot.

(HEA 1336 § 34; Effective date: July 1, 2023; Citations affected IC 3-7-48-5)

Voter Registration Applications Potential Non-Residential Address Checks

Requires the statewide voter registration system (SVRS) to include a feature that identifies potential non-residential addresses submitted on voter registration applications. Requires the county voter registration office conduct research on an application for registration at a potential non-residential address to determine if an individual could reside at the address or the applicant resides at a non-traditional address such as a recreational vehicle or a homeless shelter.

(HEA 1336 § 31; Effective date: July 1, 2023; Citations affected IC 3-7-33-5.7[NEW])

Voter Registration List Maintenance Information from Other States

Clarifies that a county voter registration official may rely on written information from a voter registration office in another state to cancel the voter's registration, if the information is provided by the other state to the Indiana county voter registration official or forwarded to the Indiana

Election Division, so long has the information includes a copy of the voter's signed registration document from the other state in which the individual authorizes cancellation of the individual's previous voter registration record. Previously, Indiana's voter list maintenance law was not clear on the requirement that an Indiana county voter registration official was required to have a copy of the voter's signed authorization to cancel previous voter registration that the voter executed in the other state.

Repeals the provision authorizing cancellation in such cases when the Indiana Election Division simply receives notice that an individual registered in Indiana has registered in another state.

(HEA 1336 § 32; Effective date: July 1, 2023; Citations affected IC 3-7-38.2-5.5)

VOTING SYSTEMS AND ELECTRONIC POLL BOOKS

Disposal Methods for Electronic Poll Book; Repurposing to Display Electronic Form of Sample Ballots

Permits an electronic poll book to be disposed of by deleting the electronic poll book software on the unit and repurposing the unit as an electronic device to display an electronic form of a sample ballot. The county election board must file the IEC-6 with the election division for approval. See Sample Ballots in Polling Places entry for more information.

(HEA 1336 § 109; Effective date: July 1, 2023; Citations affected IC 3-11-15-59)

Fee for Application for Approval of De Minimis Change to Voting System or Electronic Poll Book

Clarifies that the \$5,000 fee for an application for certification of a voting system or electronic poll book does not apply to a minimal “de minimis” change to the voting system or electronic poll book.

(HEA 1336 § 108, 112; Effective date: July 1, 2023; Citations affected IC 3-11-15-4, IC 3-11-18.1-12)

Security Requirements for Voting Systems

Clarifies that the certification (CEB-1C) signed by the bi-partisan team returning the voting system from the Election Day polling location to the county election board must include language that the voting system remained in the custody and control of each person when the voting systems were received at the polls and returned to the location designated by the board.

(HEA 1336 §§ 120-121; Effective date: July 1, 2023; Citations affected IC 3-12-3-2.2, IC 3-12-3.5-4.5)

Voting System or Electronic Poll Book Anomaly Reporting Requirement

Updates the two hour deadline for a vendor of a voting system or electronic poll book to report an anomaly with a voting system or electronic poll book to extend to the close of election day (11:59 p.m.).

(HEA 1336 § 110; Effective date: July 1, 2023; Citations affected IC 3-11-17-7)

Voting System Technical Oversight Program

Transfers the administration of the voting system technical oversight fund from the Indiana Election Division to the Secretary of State.

(HEA 1001 § 50; Effective date: July 1, 2023; Citations affected IC 3-11-17-7)

Zero Vote Tests in Vote Centers Counties

Requires that in a vote center county, the county election board must determine that the systems used at the vote center have zero votes cast on them for each candidate and public question and complete the certification that each voting system is in perfect order.

This was already a requirement in non-vote center counties.

(HEA 1336 §§ 98, 104; Effective date: July 1, 2023; Citations affected IC 3-11-13-27, IC 3-11-14-17)

INDIANA CONSTITUTIONAL AMENDMENTS

Removing Superintendent of Public Instruction from Gubernatorial Line of Succession

The General Assembly adopted a joint resolution proposing to amend Article 5, Section 10 of the Constitution of the State of Indiana to repeal a reference to the Superintendent of Public Instruction in the list of officeholders who discharge the powers and duties of the governor if the offices of Governor and Lieutenant Governor (and other statewide and state legislative offices) are vacant. The statutes establishing the elected office of Superintendent of Public Instruction were repealed, effective January 10, 2021.

NOTE: This proposed amendment has been agreed to by the 122nd and 123rd General Assembly. Therefore, the next step to amend the state constitution is to submit the proposed amendment to the state's voters for ratification. The amendment will take effect if ratified by a majority of the state's voters voting on amendment as a public question on the ballot at the November 5, 2024 general election.

Residence of City or Town Court Judge

The General Assembly adopted a joint resolution proposing to amend Article 6, Section 6 of the Constitution of the State of Indiana to allow a judge of a city or town court to live in the county where the court is located or the bordering Indiana county that is the closest Indiana county to the city or town in which the court is located, calculated by measuring the shortest distance from the city or town limits to the county line.

NOTE: This proposed amendment has not been previously agreed to by the General Assembly. Before the amendment can be made to the state constitution, the joint resolution must be approved by the 124th General Assembly in 2025 or 2026 and ratified by a majority of the state's voters voting on the amendment as a public question on the ballot at the November 2026 general election.

Limitation on Right to Bail

The General Assembly adopted a joint resolution proposing to amend Article 1, Section 17 of the Constitution of the State of Indiana to change the standard for who is eligible for bail after being charged with a crime. The amendment would allow the court to restrict bail to a person charged with a crime when the accused poses a substantial risk to any other person or the community. An offense other than murder or treason shall not be bailable if: (1) the proof is evident or the presumption strong; and (2) the state proves by clear and convincing evidence that no release conditions will reasonably protect the safety of any other person or the community.

NOTE: This proposed amendment has not been previously agreed to by the General Assembly. Before the amendment can be made to the state constitution, the joint resolution must be approved by the 124th General Assembly in 2025 or 2026 and ratified by a majority of the state's voters voting on the amendment as a public question on the ballot at the November 2026 general election.