



February 17, 2017

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## HOUSE BILL No. 1521

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DIGEST OF HB 1521 (Updated February 16, 2017 7:59 am - DI 75)

**Citations Affected:** IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12.

**Synopsis:** Various election law matters. Provides for the election of alternate presidential electors to fill vacancies in the office of presidential electors. Requires a nominee for presidential elector or alternate presidential elector to file at the time of nomination or certification a pledge to vote for: (1) the presidential elector's or alternate presidential elector's party nominees for President of the United States and Vice President of the United States; or (2) if the presidential elector or alternate presidential elector is not nominated by a political party, the candidates for President and Vice President on whose behalf the presidential elector or alternate presidential elector is nominated. Provides for replacing a presidential elector who refuses to vote or cast a ballot as the presidential elector has pledged. Establishes other procedures relating to casting Indiana's electoral votes. Amends statutes to conform language to the terminology used for presidential electors. (These provisions are based on the Uniform Faithful Presidential Electors Act.) Provides that if a candidate for president or vice president resigns or dies before the meeting of Indiana's electors,  
(Continued next page)

**Effective:** March 21, 2016 (retroactive); July 1, 2017.

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### Richardson

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January 18, 2017, read first time and referred to Committee on Elections and Apportionment.  
February 16, 2017, amended, reported — Do Pass.

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HB 1521—LS 7436/DI 75



## Digest Continued

the pledge of the electors refers to the successor candidate for that office nominated by the political party in accordance with the party's rules. Provides that, beginning in 2019, the National Voter Registration Act (NVRA) official shall conduct a residency confirmation and outreach procedure in odd-numbered years instead of even-numbered years (which is the requirement under current law). Repeals the existing statute providing for the residency confirmation and outreach procedure in even numbered years. Provides that if a circuit court clerk denies certification of a petition of nomination filed by a candidate in person, the clerk shall notify the candidate in person of the denial of the certification. Makes a technical correction in a statute relating to poll takers that was amended during the 2016 session of the general assembly.

**HB 1521—LS 7436/DI 75**



February 17, 2017

First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1521

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-5-2-40.3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2017]: **Sec. 40.3. (a) "Presidential elector" refers to an elector for**  
4 **President and Vice President of the United States as provided in**  
5 **Article 2, Section 1, clause 2 of the Constitution of the United**  
6 **States and Section 3 of the Fourteenth Amendment to the**  
7 **Constitution of the United States.**

8 (b) **The term includes an alternate presidential elector elected**  
9 **as provided in IC 3-10-4, unless the text or the context of the**  
10 **statute provides otherwise.**

11 SECTION 2. IC 3-6-11-5, AS AMENDED BY P.L.83-2016,  
12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 MARCH 21, 2016 (RETROACTIVE)]: Sec. 5. (a) This section does  
14 not apply to the proprietor or manager of a residential mental health  
15 facility.

16 (b) As used in this section, "place of lodging" refers to any of the  
17 following:

**HB 1521—LS 7436/DI 75**



- 1 (1) A boarding house.  
 2 (2) A lodging house.  
 3 (3) A residential building.  
 4 (4) An apartment.  
 5 (5) Any other place within which persons are lodged.  
 6 (c) The:  
 7 (1) proprietor or manager of a place of lodging; **or**  
 8 (2) **association of co-owners;**  
 9 shall allow a poll taker for a political party or an independent candidate  
 10 for a federal or a state office to enter a place of lodging or a  
 11 condominium during reasonable hours to take a poll of residents.  
 12 SECTION 3. IC 3-7-38.2-2, AS AMENDED BY P.L.169-2015,  
 13 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2017]: Sec. 2. (a) A voter list maintenance program conducted  
 15 under this chapter must:  
 16 (1) be uniform, nondiscriminatory, and in compliance with the  
 17 Voting Rights Act of 1965 (52 U.S.C. 10101);  
 18 (2) not result in the removal of the name of a person from the  
 19 official list of voters solely due to the person's failure to vote; and  
 20 (3) be completed not later than ninety (90) days before a primary,  
 21 general, or municipal election.  
 22 (b) A county voter registration office may conduct a voter list  
 23 maintenance program that complies with subsection (a). In conducting  
 24 a voter list maintenance program, the county voter registration office  
 25 shall mail a notice described in subsection (d) to each voter whose  
 26 registration has not previously been canceled or designated as inactive  
 27 under this chapter at the mailing address:  
 28 (1) listed in the voter's registration record; and  
 29 (2) determined by the county voter registration office not to be the  
 30 voter's current residence address.  
 31 (c) A county voter registration office may use information only from  
 32 the following sources to make the determination under subsection  
 33 (b)(2):  
 34 (1) The United States Postal Service National Change of Address  
 35 Service.  
 36 (2) A court regarding jury duty notices returned because of an  
 37 unknown or insufficient address.  
 38 (3) The return of a mailing sent by the county voter registration  
 39 office to all active voters (as defined in IC 3-11-18.1-2) in the  
 40 county because of an unknown or insufficient address.  
 41 (4) The bureau of motor vehicles concerning the surrender of a  
 42 voter's Indiana license for the operation of a motor vehicle to



- 1 another jurisdiction.
- 2 (5) The return by the United States Postal Service after the
- 3 expiration of the seven (7) day pending period of a notice
- 4 regarding the disposition of a voter registration application under
- 5 IC 3-7-33-5 because of an unknown or insufficient address.
- 6 (6) The return of a mailing sent to voters of a precinct advising
- 7 voters of a change of precinct boundary or the precinct polling
- 8 place because of an unknown or insufficient address, if the county
- 9 sends a similar mailing to the voters of each precinct when a
- 10 boundary or polling place is changed.
- 11 (7) Information received from the election division under section
- 12 ~~16(b)~~ **16.1** of this chapter.
- 13 (d) The notice described in subsection (b) must:
- 14 (1) be sent by first class United States mail, postage prepaid, by
- 15 a method that requires the notice to be forwarded to the voter; and
- 16 (2) include a postage prepaid return card that:
- 17 (A) is addressed to the county voter registration office;
- 18 (B) states a date (which must be at least thirty (30) days after
- 19 the date the notice is mailed) by which the card must be
- 20 returned or the voter's registration will become inactive until
- 21 the information is provided to the county voter registration
- 22 office; and
- 23 (C) permits the voter to provide the voter's current residence
- 24 address.
- 25 (e) If a voter returns the card described in subsection (d)(2) and
- 26 provides a current residence address that establishes that the voter
- 27 resides:
- 28 (1) in the county, the county voter registration office shall update
- 29 the voter's registration record; or
- 30 (2) outside the county, the county voter registration office shall
- 31 cancel the voter's registration.
- 32 (f) If a card is returned as undeliverable due to an unknown or
- 33 insufficient address by the United States Postal Service after the date
- 34 specified in subsection (d)(2)(B), the county voter registration office
- 35 shall, when registration reopens after the next primary, general, or
- 36 municipal election, determine whether the voter voted or appeared to
- 37 vote from the address set forth in the registration record at any election
- 38 occurring after the final day for completing voter list maintenance
- 39 activities, and if not, then designate the voter as inactive.
- 40 (g) If a voter does not return the card described in subsection (d)(2)
- 41 by the date specified in subsection (d)(2)(B), the county voter
- 42 registration office shall indicate in the voter's registration record that



1 the voter's registration is inactive.

2 (h) A voter's registration that becomes inactive under subsection (f)  
3 or (g) remains in inactive status from the date described in subsection  
4 (d)(2)(B) until the earlier of the following:

5 (1) The date the county voter registration office updates or  
6 cancels the voter's registration under subsection (e) after the voter  
7 provides a current residence address.

8 (2) The day after the second general election in which the voter  
9 has not voted or appeared to vote.

10 (i) After the date described in subsection (h)(2), the county voter  
11 registration office shall remove the voter's registration from the voter  
12 registration records.

13 SECTION 4. IC 3-7-38.2-16 IS REPEALED [EFFECTIVE JULY  
14 1, 2017]. Sec. 16. (a) During each even-numbered year, the NVRA  
15 official shall conduct a residency confirmation and outreach procedure  
16 under this chapter. The NVRA official (or a contractor acting on behalf  
17 of the NVRA official) shall send a nonforwardable mailing by U.S.  
18 mail, postage prepaid, to each active voter (as defined in  
19 IC 3-11-18.1-2) in Indiana at the voter's mailing address.

20 (b) The NVRA official shall, not later than January 31 of each even  
21 numbered year, request information from the:

22 (1) United States District Court for the Northern District of  
23 Indiana; and

24 (2) United States District Court for the Southern District of  
25 Indiana;

26 concerning the return of U.S. mail sent by the court for jury selection  
27 purposes. Not later than twenty-eight (28) days following the primary  
28 election conducted in that year, the state shall provide each county  
29 voter registration office with information concerning any registered  
30 voter who appears to no longer reside at the address set forth in the  
31 voter's registration record due to a mailing returned to the courts. Not  
32 later than forty-two (42) days following the primary election conducted  
33 in that year, the county voter registration office shall send an address  
34 confirmation notice to the voter described by this subsection at the  
35 voter's mailing address.

36 SECTION 5. IC 3-7-38.2-16.1 IS ADDED TO THE INDIANA  
37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2017]: Sec. 16.1. (a) This section applies only  
39 after December 31, 2018.

40 (b) During each odd-numbered year, the NVRA official shall  
41 conduct a residency confirmation and outreach procedure under  
42 this chapter. The NVRA official (or a contractor acting on behalf



1 of the NVRA official) shall send a nonforwardable mailing by U.S.  
 2 mail, postage prepaid, to each active voter (as defined in  
 3 IC 3-11-18.1-2) in Indiana at the voter's mailing address.

4 (c) The NVRA official shall, not later than January 31 of each  
 5 odd-numbered year, request information from the:

6 (1) United States District Court for the Northern District of  
 7 Indiana; and

8 (2) United States District Court for the Southern District of  
 9 Indiana;

10 concerning the return of U.S. mail sent by the court for jury  
 11 selection purposes. Not later than June 15 of that year, the state  
 12 shall provide each county voter registration office with information  
 13 concerning any registered voter who appears to no longer reside at  
 14 the address set forth in the voter's registration record due to a  
 15 mailing returned to the courts. Not later than July 1 of that year,  
 16 the county voter registration office shall send an address  
 17 confirmation notice to the voter described by this subsection at the  
 18 voter's mailing address.

19 SECTION 6. IC 3-7-38.2-17, AS AMENDED BY P.L.64-2014,  
 20 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2017]: Sec. 17. (a) If the mailing to a voter sent under section  
 22 ~~46~~ 16.1 of this chapter is returned by the United States Postal Service  
 23 because of an unknown or insufficient address, the NVRA official shall  
 24 mail a second notice to the voter. The notice must meet the following  
 25 requirements:

26 (1) Be sent by first class, United States mail, postage prepaid, by  
 27 a method that requires the notice to be forwarded to the voter.

28 (2) Include a postage prepaid return card that:

29 (A) is addressed to the NVRA official;

30 (B) states a date (which must be at least thirty (30) days after  
 31 the date the notice was mailed) by which the card must be  
 32 returned or the voter's registration will become inactive until  
 33 the information is provided to the county voter registration  
 34 office; and

35 (C) permits the voter to provide the voter's current residence  
 36 address.

37 (b) If a voter returns the card described in subsection (a)(2) and  
 38 provides a current residence address that establishes that the voter  
 39 resides:

40 (1) in the same county, the county voter registration office shall  
 41 update the voter's registration record; or

42 (2) outside the county, the county voter registration office shall



1 cancel the voter's registration.

2 (c) If a voter returns the card described in subsection (a)(2) after the  
3 final day for completing voter list maintenance activities under section  
4 3 of this chapter, the county voter registration office shall, when the  
5 registration reopens after the next primary, general, or municipal  
6 election following the date specified in the notice, process any updates  
7 or cancellation of the voter registration record indicated on the card by  
8 the voter under subsection (b).

9 (d) If a voter returns the card described in subsection (a)(2) during  
10 the period described in subsection (c) with a request that the voter's  
11 registration record at an address be canceled, the county voter  
12 registration office shall proceed to cancel the registration under section  
13 3 of this chapter.

14 (e) If a card is returned not later than the date specified in  
15 subsection (a)(2)(B) as undeliverable because of an unknown or  
16 insufficient address, the county voter registration office shall designate  
17 the voter as inactive.

18 (f) If a card is returned after the date specified in subsection  
19 (a)(2)(B) as undeliverable because of an unknown or insufficient  
20 address, the county voter registration office shall, when registration  
21 reopens after the next primary, general, or municipal election,  
22 determine whether the voter voted or appeared to vote from the address  
23 set forth in the registration record at any election occurring after the  
24 final day for completing voter list maintenance activities, and if not,  
25 designate the voter as inactive.

26 (g) If a voter does not return the card described in subsection (a)(2)  
27 by the date specified in subsection (a)(2)(B), the county voter  
28 registration office shall indicate in the voter's registration record that  
29 the voter's registration is inactive.

30 (h) A voter's registration that becomes inactive under subsections  
31 (e) through (g) remains in inactive status from the date described in  
32 subsection (a)(2)(B) until the earlier of the following:

33 (1) The date the county voter registration office updates or  
34 cancels the voter's registration under subsection (b) after the voter  
35 provides a current residence address.

36 (2) The day after the second general election in which the voter  
37 has not voted or appeared to vote.

38 (i) After the day described in subsection (h)(2), the county voter  
39 registration office shall remove the voter's registration from the voter  
40 registration records not later than thirty (30) days after the second  
41 general election following the date on which notices are mailed to a  
42 voter under section ~~16~~ 16.1 of this chapter.





1 SECTION 7. IC 3-8-1-6 IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) A candidate for the office of  
 3 President or Vice President of the United States must have the  
 4 qualifications provided in Article 2, Section 1, clause 4 of the  
 5 Constitution of the United States.

6 (b) A candidate for the office of **presidential** elector ~~for President~~  
 7 ~~and Vice President of the United States~~ **or alternate presidential**  
 8 **elector** must have the qualifications provided in Article 2, Section 1,  
 9 clause 2 of the Constitution of the United States and Section 3 of the  
 10 Fourteenth Amendment to the Constitution of the United States.

11 SECTION 8. IC 3-8-2-2.5, AS AMENDED BY P.L.169-2015,  
 12 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2017]: Sec. 2.5. (a) A person who desires to be a write-in  
 14 candidate for a federal, state, legislative, or local office or school board  
 15 office in a general, municipal, or school board election must file a  
 16 declaration of intent to be a write-in candidate with the officer with  
 17 whom declaration of candidacy must be filed under sections 5 and 6 of  
 18 this chapter.

19 (b) The declaration of intent to be a write-in candidate required  
 20 under subsection (a) must be signed before a person authorized to  
 21 administer oaths and must certify the following information:

22 (1) The candidate's name must be printed or typewritten as:

23 (A) the candidate wants the candidate's name to be certified;  
 24 and

25 (B) the candidate's name is permitted to appear under IC 3-5-7.

26 (2) A statement that the candidate is a registered voter and the  
 27 location of the candidate's precinct and township (or ward and  
 28 city or town), county, and state.

29 (3) The candidate's complete residence address, and if the  
 30 candidate's mailing address is different from the residence  
 31 address, the mailing address.

32 (4) The candidate's party affiliation or a statement that the  
 33 candidate is an independent candidate (not affiliated with any  
 34 party). The candidate may not claim affiliation with any political  
 35 party described by IC 3-8-4-1.

36 (5) A statement of the candidate's intention to be a write-in  
 37 candidate, the name of the office, including the district, and the  
 38 date and type of election.

39 (6) If the candidate is a candidate for the office of President or  
 40 Vice President of the United States, a statement declaring the  
 41 names of the individuals who have consented and are eligible to  
 42 be the candidate's candidates for presidential electors **and each**



1 **candidate for alternate presidential elector for each**  
 2 **presidential elector.**

3 (7) The following statements:

4 (A) A statement that the candidate has attached either of the  
 5 following to the declaration:

6 (i) A copy of a statement of economic interests, file stamped  
 7 by the office required to receive the statement of economic  
 8 interests.

9 (ii) A receipt or photocopy of a receipt showing that a  
 10 statement of economic interests has been filed.

11 This requirement does not apply to a candidate for a federal  
 12 office.

13 (B) A statement that the candidate understands that if the  
 14 candidate is elected to the office, the candidate may be  
 15 required to obtain and file an individual surety bond before  
 16 serving in the office. This requirement does not apply to a  
 17 candidate for a federal office or legislative office.

18 (C) A statement that the candidate understands that if the  
 19 candidate is elected to the office, the candidate may be  
 20 required to successfully complete training or have attained  
 21 certification related to service in an elected office. This  
 22 requirement does not apply to a candidate for a federal office,  
 23 state office, or legislative office.

24 (D) A statement that the candidate:

25 (i) is aware of the provisions of IC 3-9 regarding campaign  
 26 finance and the reporting of campaign contributions and  
 27 expenditures; and

28 (ii) agrees to comply with the provisions of IC 3-9.

29 This requirement does not apply to a candidate for a federal  
 30 office.

31 The candidate must separately initial each of the statements  
 32 required by this subdivision.

33 (8) A statement as to whether the candidate has:

34 (A) been a candidate for state or local office in a previous  
 35 primary or general election; and

36 (B) filed all reports required by IC 3-9-5-10 for all previous  
 37 candidacies.

38 (9) If the candidate is subject to IC 3-9-1-5, a statement that the  
 39 candidate has filed a campaign finance statement of organization  
 40 for the candidate's principal committee or is aware that the  
 41 candidate may be required to file a campaign finance statement of  
 42 organization not later than noon seven (7) days after the final date



1 to file the declaration of intent to be a write-in candidate under  
2 section 4 of this chapter.

3 (10) If the candidate is subject to IC 3-9-1-5.5, a statement that  
4 the candidate is required to file a campaign finance statement of  
5 organization under IC 3-9 after the first of either of the following  
6 occurs:

7 (A) The candidate receives more than five hundred dollars  
8 (\$500) in contributions.

9 (B) The candidate makes more than five hundred dollars  
10 (\$500) in expenditures.

11 (11) A statement that the candidate complies with all  
12 requirements under the laws of Indiana to be a candidate for the  
13 above named office, including any applicable residency  
14 requirements, and that the candidate is not ineligible to be a  
15 candidate due to a criminal conviction that would prohibit the  
16 candidate from serving in the office.

17 (12) The candidate's signature and telephone number.

18 (c) At the time of filing the declaration of intent to be a write-in  
19 candidate, the write-in candidate is considered a candidate for all  
20 purposes.

21 (d) A write-in candidate must comply with the requirements under  
22 IC 3-8-1 that apply to the office to which the write-in candidate seeks  
23 election.

24 (e) A person may not be a write-in candidate in a contest for  
25 nomination or for election to a political party office.

26 (f) A write-in candidate for the office of President or Vice President  
27 of the United States must list ~~at least one~~ **(1) candidate for the**  
28 **following:**

29 **(1) The names of the write-in candidate's candidates for**  
30 **presidential elector. and A write-in candidate** may not list more  
31 than the total number of presidential electors to be chosen in  
32 Indiana **under this subdivision.**

33 **(2) The name of the write-in candidate's candidate for each**  
34 **alternate presidential elector for each presidential elector.**

35 (g) The election division shall provide that the form of a declaration  
36 of intent to be a write-in candidate includes the following information:

37 (1) The dates for filing campaign finance reports under IC 3-9.

38 (2) The penalties for late filing of campaign finance reports under  
39 IC 3-9.

40 (h) A declaration of intent to be a write-in candidate must include  
41 a statement that the candidate requests the name on the candidate's  
42 voter registration record be the same as the name the candidate uses on



1 the declaration of intent to be a write-in candidate. If there is a  
 2 difference between the name on the candidate's declaration of intent to  
 3 be a write-in candidate and the name on the candidate's voter  
 4 registration record, the officer with whom the declaration of intent to  
 5 be a write-in candidate is filed shall forward the information to the  
 6 voter registration officer of the appropriate county as required by  
 7 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
 8 shall change the name on the candidate's voter registration record to be  
 9 the same as the name on the candidate's declaration of intent to be a  
 10 write-in candidate.

11 SECTION 9. IC 3-8-2.5-6, AS ADDED BY P.L.194-2013,  
 12 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2017]: Sec. 6. (a) The circuit court clerk with whom the  
 14 petition of nomination has been filed by a county voter registration  
 15 office under section 5 of this chapter shall:

16 (1) determine whether a sufficient number of signatures as  
 17 required by section 2 of this chapter have been obtained; and

18 (2) do one (1) of the following:

19 (A) If the petition includes a sufficient number of signatures,  
 20 certify the petition.

21 (B) If the petition has an insufficient number of signatures,  
 22 deny the certification.

23 (b) If the circuit court clerk with whom the petition was filed denies  
 24 certification under subsection (a), the clerk shall notify the candidate  
 25 immediately:

26 **(1) in person, if the candidate files the petition in person; or**

27 **(2) by certified mail.**

28 (c) A candidate may contest the denial of certification based on:

29 (1) the county voter registration office's failure to certify  
 30 individual signers as qualified petitioners; or

31 (2) the determination by the clerk that the petition has an  
 32 insufficient number of signatures;

33 using the procedure in IC 3-8-1-2 and section 7 of this chapter that  
 34 applies to questions concerning the validity of a petition of nomination.

35 SECTION 10. IC 3-8-4-2, AS AMENDED BY P.L.169-2015,  
 36 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2017]: Sec. 2. (a) A political party shall conduct a state  
 38 convention to nominate the candidates of the political party for the  
 39 following offices to be voted on at the next general election:

40 (1) Lieutenant governor.

41 (2) Secretary of state.

42 (3) Auditor of state.



- 1 (4) Treasurer of state.
- 2 (5) Attorney general.
- 3 (6) Superintendent of public instruction.
- 4 (b) The convention may also:
  - 5 (1) nominate candidates for presidential electors and alternate
  - 6 **presidential** electors; and
  - 7 (2) elect the delegates and alternate delegates to the national
  - 8 convention of the political party.
- 9 (c) If a political party's state convention does not:
  - 10 (1) nominate candidates for presidential electors and alternate
  - 11 **presidential** electors; or
  - 12 (2) elect the delegates and alternate delegates to the national
  - 13 convention of the political party;
- 14 the candidates shall be nominated or the delegates elected as provided
- 15 in the state party's rules.
- 16 SECTION 11. IC 3-10-2-3, AS AMENDED BY P.L.216-2015,
- 17 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2017]: Sec. 3. **Presidential electors and alternate**
- 19 **presidential** electors for ~~President and Vice-President of the United~~
- 20 ~~States~~ shall be elected in ~~2016~~ **2020** and every four (4) years thereafter
- 21 at a general election held in accordance with 3 U.S.C. 1.
- 22 SECTION 12. IC 3-10-4-1, AS AMENDED BY P.L.1-2006,
- 23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2017]: Sec. 1. (a) The names of the candidates of:
  - 25 (1) a political party;
  - 26 (2) a group of petitioners under IC 3-8-6; or
  - 27 (3) a write-in candidate for the office of President or Vice
  - 28 President of the United States under IC 3-8-2-2.5;
- 29 for **presidential** electors of ~~President and Vice President of the United~~
- 30 ~~States and alternate presidential electors~~ may not be placed on the
- 31 ballot.
- 32 (b) The names of the nominees for President and Vice President of
- 33 the United States of each political party or group of petitioners shall be
- 34 placed:
  - 35 (1) in one (1) column on the ballot if paper ballots are used;
  - 36 (2) either:
    - 37 (A) grouped together on a separate screen; or
    - 38 (B) grouped together below the names of the offices as
    - 39 specified in IC 3-11-14-3.5;
  - 40 if an electronic voting system is used; or
  - 41 (3) grouped together below the names of the offices as specified
  - 42 in IC 3-11-13-11 if a ballot card is used.



1 (c) The ballot must permit a voter to cast a ballot for a write-in  
 2 candidate for the office of President or Vice President of the United  
 3 States in the manner provided under IC 3-11-2-6.

4 SECTION 13. IC 3-10-4-1.5 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 6 1, 2017]: **Sec. 1.5. For each presidential elector position in Indiana:**

7 (1) a political party;

8 (2) a group of petitioners under IC 3-8-6; or

9 (3) a write-in candidate for the office of President or Vice  
 10 President of the United States under IC 3-8-2-2.5;

11 **must submit the names of two (2) qualified individuals. One (1) of**  
 12 **the individuals must be designated "presidential elector nominee"**  
 13 **and the other individual "alternate presidential elector nominee".**  
 14 **Except as otherwise provided in this chapter, Indiana's presidential**  
 15 **electors and alternate presidential electors whose ticket receives**  
 16 **the most votes at the general election in Indiana are the winning**  
 17 **presidential elector and alternate presidential elector nominees**  
 18 **under this title.**

19 SECTION 14. IC 3-10-4-1.7 IS ADDED TO THE INDIANA CODE  
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 21 1, 2017] **Sec. 1.7. (a) Each presidential elector nominee and each**  
 22 **alternate presidential elector nominee of a political party shall**  
 23 **execute the following pledge: "If selected for the office of**  
 24 **presidential elector, I agree to serve and to mark my ballots for**  
 25 **President and Vice President for the nominees for those offices of**  
 26 **the party that nominated me."**

27 (b) Each presidential elector nominee and each alternate  
 28 presidential elector nominee of a candidate not affiliated with a  
 29 political party shall execute the following pledge: "If selected for  
 30 the office of elector for a presidential candidate not affiliated with  
 31 a political party, I agree to serve and to mark my ballots for that  
 32 candidate and for that candidate's vice-presidential running  
 33 mate."

34 (c) The executed pledges must accompany the certification of  
 35 the names of the presidential electors and alternate presidential  
 36 electors.

37 (d) If a candidate for President or Vice President nominated by  
 38 a political party dies or withdraws as a candidate for that office in  
 39 accordance with the rules of the political party:

40 (1) after the candidate's nomination; and

41 (2) not later than the meeting of Indiana's presidential  
 42 electors and alternate electors under section 7 of this chapter;



1 **the pledge under subsection (a) refers to the successor candidate**  
 2 **for that office nominated by the political party in accordance with**  
 3 **the party's rules.**

4 SECTION 15. IC 3-10-4-3 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. The device, title, and  
 6 names of nominees appearing on a ballot or ballot label shall be  
 7 accompanied by a statement that a ballot cast for the named candidates  
 8 for President and Vice President of the United States is considered a  
 9 ballot cast for the slate of presidential electors **and alternate**  
 10 **presidential electors** nominated by that political party or independent  
 11 candidate.

12 SECTION 16. IC 3-10-4-4, AS AMENDED BY P.L.1-2010,  
 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2017]: Sec. 4. Each vote cast or registered:

15 (1) for the nominees for President and Vice President of the  
 16 United States of:

17 (A) a political party; or

18 (B) a group of petitioners; or

19 (2) for a write-in candidate for President or Vice President of the  
 20 United States;

21 is a vote cast or registered for all of the candidates for presidential  
 22 electors **and alternate presidential electors** of the party, group, or  
 23 write-in candidate and shall be so counted. These votes shall be  
 24 counted, canvassed, and certified in the same manner as the votes for  
 25 candidates for other offices.

26 SECTION 17. IC 3-10-4-5 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) This subsection  
 28 applies to a major political party and to a political party subject to  
 29 IC 3-8-4-10. The state chairman of each political party shall certify to  
 30 the election division the names of the nominees of the party for  
 31 President and Vice President of the United States and the state of which  
 32 each nominee is a resident.

33 (b) If candidates for presidential electors **and alternate**  
 34 **presidential electors** are nominated by petitioners instead of by a  
 35 convention of a major political party or a party subject to IC 3-8-4-10,  
 36 the petitioners shall certify with the list of names of **the presidential**  
 37 **electors the following:**

38 (1) The names of their nominees for President and Vice President  
 39 of the United States.

40 (2) The state of which each nominee is a resident. ~~and~~

41 (3) The name of the political party of the nominees, or that the  
 42 nominees are an independent ticket.



1 (c) This subsection applies to a political party described in  
 2 subsection (a) and to candidates nominated by petitioners under  
 3 subsection (b). The names of:

4 (1) all candidates for:

5 (A) presidential electors; and

6 (B) **alternate presidential electors; and**

7 (2) all nominees for President and Vice President of the United  
 8 States;

9 shall be certified to the election division not later than noon on the  
 10 second Tuesday in September before the general election. The election  
 11 division shall certify to each county election board not later than noon  
 12 on the next following Thursday in September before the general  
 13 election the names of the nominees for President and Vice President of  
 14 the United States certified to the election division under this  
 15 subsection.

16 (d) The names of all candidates for presidential electors **and**  
 17 **alternate presidential electors** for a write-in candidate shall be  
 18 included on the declaration for candidacy filed by a write-in candidate  
 19 for the office of President or Vice President of the United States filed  
 20 under IC 3-8-2.

21 SECTION 18. IC 3-10-4-6.5 IS ADDED TO THE INDIANA CODE  
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 23 1, 2017]: **Sec. 6.5. In submitting Indiana's certificate of**  
 24 **ascertainment as required by 3 U.S.C. 6, the governor shall certify**  
 25 **Indiana's presidential electors and state in the certificate the**  
 26 **following:**

27 (1) **That the presidential electors will serve as presidential**  
 28 **electors unless a vacancy occurs in the office of presidential**  
 29 **elector before the end of the meeting at which votes are cast,**  
 30 **in which case an alternate presidential elector will fill the**  
 31 **vacancy as a presidential elector.**

32 (2) **If an alternate presidential elector is appointed to fill a**  
 33 **vacancy, the governor will submit an amended certificate of**  
 34 **ascertainment stating the names on the final list of Indiana's**  
 35 **presidential electors.**

36 SECTION 19. IC 3-10-4-7 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) The presidential  
 38 electors **and alternate presidential electors** who are elected at a  
 39 general election shall assemble in the chamber of the Indiana house of  
 40 representatives on the first Monday after the second Wednesday in  
 41 December as provided by 3 U.S.C. 7, or on another day fixed by the  
 42 Congress of the United States, at 10 a.m. to elect the President and





1 ~~Vice-President~~ **Vice President** of the United States.

2 (b) The secretary of state, or an individual designated by the  
3 secretary, shall preside at this meeting. The election division shall  
4 assist the secretary in conducting the election and in certifying and  
5 transmitting the results in accordance with federal law.

6 (c) As provided by 3 U.S.C. 6, the governor shall deliver to the  
7 **presidential** electors present six (6) duplicate originals of the  
8 certificate of ascertainment of appointment of the **presidential** electors  
9 mailed to the Archivist of the United States.

10 SECTION 20. IC 3-10-4-8 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) **This section**  
12 **applies** if a presidential elector:

13 (1) files the **presidential** elector's resignation with the governor  
14 under IC 5-8-3.5;

15 (2) dies or is otherwise disqualified from holding office, and the  
16 **presidential** elector's death or disqualification is certified to the  
17 governor by the state chairman of the political party of the  
18 **presidential** elector; ~~or~~

19 (3) fails to appear before 11 a.m. on the day prescribed by section  
20 7 of this chapter; ~~or~~

21 (4) **vacates the presidential elector's office as described in**  
22 **section 9(d) of this chapter.**

23 (b) **If the presidential elector's alternate presidential elector is**  
24 **present to vote, the alternate presidential elector shall fill the**  
25 **vacancy. If the alternate presidential elector is not present, the**  
26 **presidential** electors present shall, by paper ballot and a majority vote  
27 of all those present, immediately fill the vacancy upon proof of the  
28 resignation or certification being provided to the **presidential** electors,  
29 or at 11 a.m., whichever occurs first. **The presidential electors must**  
30 **fill the vacancy as follows:**

31 (1) **If the alternate presidential elector for the vacant office is**  
32 **not present to vote, by choosing a presidential elector from**  
33 **among the alternate presidential electors present.**

34 (2) **If the number of alternate presidential electors present is**  
35 **insufficient to fill any vacant position under subdivision (1),**  
36 **by electing any immediately available individual who is**  
37 **qualified to serve as a presidential elector.**

38 (c) **To qualify as an alternate presidential elector under**  
39 **subsection (b), an individual who has not executed the pledge**  
40 **required under section 1.7 of this chapter must execute the**  
41 **following pledge: "I agree to serve and to mark my ballots for**  
42 **President and Vice President consistent with the pledge of the**



1 **individual to whose presidential elector position I have**  
 2 **succeeded."**

3 ~~(b)~~ **(d)** The election shall immediately be certified by a majority of  
 4 the **presidential** electors to the governor, who shall immediately notify  
 5 the ~~person~~ **individual** of the ~~person's~~ **individual's** election by  
 6 presenting the ~~elector~~ **individual** with a commission issued under  
 7 IC 4-3-1-5.

8 SECTION 21. IC 3-10-4-9 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. **(a)** The presidential  
 10 electors, when assembled and after vacancies are filled, shall then vote  
 11 by paper ballot for President and Vice President of the United States  
 12 and perform the duties imposed upon them by the Constitution and  
 13 statutes of the United States and of ~~this state~~: **Indiana**.

14 **(b)** Each presidential elector shall mark the presidential  
 15 elector's presidential and vice-presidential ballots with the  
 16 presidential elector's votes for the offices of President and Vice  
 17 President, respectively, along with the presidential elector's  
 18 signature and the presidential elector's legibly printed name.

19 **(c)** Except as otherwise provided by Indiana law other than this  
 20 chapter, each presidential elector shall present both completed  
 21 ballots to the secretary of state, who shall examine the ballots and  
 22 accept as cast all ballots of presidential electors whose votes are  
 23 consistent with the presidential electors' pledges executed under  
 24 section 1.7 or 8(c) of this chapter. Except as otherwise provided by  
 25 Indiana law other than this chapter, the secretary of state may not  
 26 accept and may not count either a presidential elector's  
 27 presidential or vice-presidential ballot if the presidential elector  
 28 has not marked both ballots or has marked a ballot in violation of  
 29 the presidential elector's pledge.

30 **(d)** A presidential elector who refuses to present a ballot,  
 31 presents an unmarked ballot, or presents a ballot marked in  
 32 violation of the presidential elector's pledge executed under section  
 33 1.7 or 8(c) of this chapter, vacates the office of presidential elector.  
 34 The vacant presidential elector office shall be filled as provided in  
 35 section 8 of this chapter.

36 **(e)** The secretary of state shall distribute ballots to and collect  
 37 ballots from an alternate presidential elector and repeat the  
 38 process under this section of examining ballots, declaring vacant  
 39 offices as required, and recording appropriately completed ballots  
 40 from the alternate presidential electors, until all of Indiana's  
 41 electoral votes have been cast and recorded.

42 SECTION 22. IC 3-10-4-11 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 2 1, 2017]: **Sec. 11. (a) After the vote of Indiana's presidential  
 3 electors is completed, if the final list of presidential electors differs  
 4 from any list that the governor previously included on a certificate  
 5 of ascertainment prepared and transmitted under 3 U.S.C. 6, the  
 6 secretary of state immediately shall prepare an amended certificate  
 7 of ascertainment and transmit it to the governor for the governor's  
 8 signature.**

9 **(b) The governor immediately shall deliver the signed amended  
 10 certificate of ascertainment to the secretary of state and a signed  
 11 duplicate original of the amended certificate of ascertainment to all  
 12 individuals entitled to receive Indiana's certificate of  
 13 ascertainment, indicating that the amended certificate of  
 14 ascertainment is to be substituted for the previously submitted  
 15 certificate of ascertainment.**

16 **(c) The secretary of state shall prepare a certificate of vote. The  
 17 presidential electors listed on the final certificate of ascertainment  
 18 shall sign the certificate of vote. The secretary of state shall process  
 19 and transmit the signed certificate of vote with the amended  
 20 certificate of ascertainment under 3 U.S.C. 9, 3 U.S.C. 10, and 3  
 21 U.S.C. 11.**

22 SECTION 23. IC 3-10-7-2.9 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 2.9. (a) This section  
 24 does not apply to a town located wholly or partially within a county  
 25 having a consolidated city.**

26 **(b) During the year preceding a municipal election conducted under  
 27 section 2 of this chapter, a town may adopt an ordinance changing the  
 28 time municipal elections are held for the offices of the town legislative  
 29 body members, clerk-treasurer, and judge.**

30 **(c) The ordinance described in subsection (b) must provide all the  
 31 following:**

32 **(1) The years in which town elections shall be held. A town  
 33 election may not be held in a year following a year in which an  
 34 election for **presidential** electors for **President of the United  
 35 States** is held.**

36 **(2) That the elections for town offices shall be held during general  
 37 elections or municipal elections, or both.**

38 **(3) Which town officers are to be elected in each of the years of  
 39 the town election cycle. The ordinance must provide that at least  
 40 two (2) town officers shall be elected in each year of the town  
 41 election cycle. The ordinance may provide for all town officers to  
 42 be elected at the same election.**



1 (4) The term of office of each town officer elected in the first  
 2 election cycle after adoption of the ordinance. A term of office set  
 3 under this subdivision may not exceed four (4) years.

4 (5) That the term of office of each town officer elected after the  
 5 first election cycle after adoption of the ordinance is four (4)  
 6 years.

7 (6) That the term of office of each town officer begins on January  
 8 1 after the election.

9 (d) A town may repeal an ordinance adopted under subsection (b)  
 10 subject to both of the following:

11 (1) The ordinance may not be repealed earlier than twelve (12)  
 12 years after the ordinance was adopted.

13 (2) The ordinance may be repealed only in a year preceding a  
 14 municipal election held at the time described in IC 3-10-6-5.

15 SECTION 24. IC 3-10-10-2 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. Notwithstanding  
 17 other provisions in IC 3-7 concerning residency requirements for  
 18 voting, special procedures apply for voting in presidential elections.  
 19 The presidential voting procedures in this chapter apply only to a  
 20 general election at which **presidential** electors ~~for President and Vice~~  
 21 ~~President of the United States~~ are voted upon.

22 SECTION 25. IC 3-10-10-6 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. All affidavits, forms,  
 24 and records of voter registration must be clearly marked to indicate  
 25 that, in this general election, the voter may only vote for **presidential**  
 26 electors. ~~for President and Vice President of the United States.~~

27 SECTION 26. IC 3-11-3-29.5, AS AMENDED BY P.L.258-2013,  
 28 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2017]: Sec. 29.5. (a) This section applies to a general or  
 30 special election in which the name of a candidate appears on the ballot.  
 31 This section does not apply to an election for presidential electors. ~~in~~  
 32 ~~which the name of a candidate for President of the United States or~~  
 33 ~~Vice President of the United States appears on the ballot.~~

34 (b) The election board shall print new ballots to remove the name  
 35 of a candidate who has died or is no longer a candidate under  
 36 IC 3-13-2-1 if:

37 (1) the candidate's party does not fill the vacancy under IC 3-13-1  
 38 or IC 3-13-2 not later than noon, five (5) days before the election;  
 39 and

40 (2) when a candidate has died, the election board:

41 (A) receives a certificate of death issued under IC 16-37-3 not  
 42 later than noon the seventh day before the election; or



- 1 (B) votes unanimously by the entire membership that there is  
 2 good cause to believe that the candidate has died.
- 3 (c) The election board shall provide the number of ballots necessary  
 4 to reflect a vacancy to the following:
- 5 (1) The absentee voter board.  
 6 (2) The inspector of each precinct in which the candidate is on the  
 7 ballot.  
 8 (3) The circuit court clerk.
- 9 (d) The election board may order the printing of new ballots that  
 10 omit the name of a candidate described in subsection (b). A ballot  
 11 printed under this subsection must contain the statement "NO  
 12 CANDIDATE" or "CANDIDATE DECEASED" or words to that effect  
 13 at the appropriate position on the ballot.
- 14 (e) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled  
 15 after noon five (5) days before the election, the election board is not  
 16 required to reprint ballots to remove the name of an individual who is  
 17 no longer a candidate but may do so upon the vote of the election  
 18 board.
- 19 SECTION 27. IC 3-11-7-4, AS AMENDED BY P.L.21-2016,  
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2017]: Sec. 4. (a) Except as provided in subsection (b), a  
 22 ballot card voting system must permit a voter to vote:
- 23 (1) except at a primary election, a straight party ticket for all of  
 24 the candidates of one (1) political party by a single voting mark  
 25 on each ballot card;  
 26 (2) for one (1) or more candidates of each political party or  
 27 independent candidates, or for one (1) or more school board  
 28 candidates nominated by petition;  
 29 (3) a split ticket for the candidates of different political parties  
 30 and for independent candidates; or  
 31 (4) a straight party ticket and then split that ticket by casting  
 32 individual votes for candidates of another political party or  
 33 independent candidate.
- 34 (b) A ballot card voting system must require that a voter who wishes  
 35 to cast a ballot for a candidate for election to an at-large district on a:  
 36 (1) county council;  
 37 (2) city common council;  
 38 (3) town council; or  
 39 (4) township board;
- 40 make a voting mark for each individual candidate for whom the voter  
 41 wishes to cast a vote. The ballot card voting system may not count any  
 42 straight party ticket voting mark as a vote for any candidate for an



1 office described by this subsection.

2 (c) A ballot card voting system must permit a voter to vote:

3 (1) for all candidates for presidential electors **and alternate**  
 4 **presidential electors** of a political party or an independent ticket  
 5 by making a single voting mark; and

6 (2) for or against a public question on which the voter may vote.

7 SECTION 28. IC 3-11-7.5-10, AS AMENDED BY P.L.21-2016,  
 8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2017]: Sec. 10. (a) Except as provided in subsection (b), an  
 10 electronic voting system must permit a voter to vote:

11 (1) except at a primary election, a straight party ticket for all the  
 12 candidates of one (1) political party by touching the device of that  
 13 party;

14 (2) for one (1) or more candidates of each political party or  
 15 independent candidates, or for one (1) or more school board  
 16 candidates nominated by petition;

17 (3) a split ticket for the candidates of different political parties  
 18 and for independent candidates; or

19 (4) a straight party ticket and then split that ticket by casting  
 20 individual votes for candidates of another political party or  
 21 independent candidates.

22 (b) An electronic voting system must require that a voter who  
 23 wishes to cast a ballot for a candidate for election to an at-large district  
 24 on a:

25 (1) county council;

26 (2) city common council;

27 (3) town council; or

28 (4) township board;

29 make a voting mark for each individual candidate for whom the voter  
 30 wishes to cast a vote. The electronic voting system may not count any  
 31 straight party ticket voting mark as a vote for any candidate for an  
 32 office described by this subsection.

33 (c) An electronic voting system must permit a voter to vote:

34 (1) for as many candidates for an office as the voter may vote for,  
 35 but no more;

36 (2) for or against a public question on which the voter may vote,  
 37 but no other; and

38 (3) for all the candidates for presidential electors **and alternate**  
 39 **presidential electors** of a political party or an independent ticket  
 40 by making a single voting mark.

41 SECTION 29. IC 3-11.5-5-14, AS AMENDED BY P.L.128-2015,  
 42 SECTION 199, IS AMENDED TO READ AS FOLLOWS

HB 1521—LS 7436/DI 75



1 [EFFECTIVE JULY 1, 2017]: Sec. 14. (a) This section applies to the  
 2 counting of federal write-in absentee ballots described in  
 3 IC 3-11-4-12.5.

4 (b) If a voter writes an abbreviation, a misspelling, or other minor  
 5 variation instead of the correct name of a candidate or political party,  
 6 that vote shall be counted if the intent of the voter can be determined.

7 (c) If a voter casts a ballot under this section for President or Vice  
 8 President and writes in the name of a candidate or political party that  
 9 has not:

10 (1) certified a list of **presidential electors and alternate**  
 11 **presidential electors** under IC 3-10-4-5; or

12 (2) included a list of **presidential electors and alternate**  
 13 **presidential electors** on the declaration of intent to be a write-in  
 14 candidate filed by a write-in candidate under IC 3-8-2-2.5;

15 the vote for President or Vice President is void. The remaining votes on  
 16 the ballot may be counted.

17 (d) As required by 52 U.S.C. 20303(b), and except as provided in  
 18 this section, an absentee ballot subject to this section shall be submitted  
 19 and processed in the same manner provided by this title for a regular  
 20 absentee ballot.

21 (e) IC 3-12-1-7 applies to a ballot subject to this section.

22 (f) As required under 52 U.S.C. 20303(b), a ballot subject to this  
 23 section may not be counted if:

24 (1) the ballot was submitted:

25 (A) by an overseas voter who is not an absent uniformed  
 26 services voter; and

27 (B) from within the United States;

28 (2) the overseas voter's application for a regular absentee ballot  
 29 was received by the county election board after the applicable  
 30 absentee ballot application deadline set forth in IC 3-11-4-3;

31 (3) the voter's completed regular state absentee ballot was  
 32 received by the county election board by the deadline for  
 33 receiving absentee ballots under IC 3-11.5-4-7 or IC 3-12-1-17;  
 34 or

35 (4) the ballot subject to this section was not received by the  
 36 county election board by the deadline for receiving absentee  
 37 ballots under IC 3-11.5-4-7 or IC 3-12-1-17.

38 (g) If a federal write-in absentee ballot is received by the county  
 39 election board in an envelope that does not indicate that the envelope  
 40 contains the ballot, and the envelope is opened by the county election  
 41 board, the absentee ballot shall nevertheless be counted if otherwise  
 42 valid. The county election board shall:



1 (1) immediately seal the absentee ballot and the envelope in  
 2 which the ballot was received in a carrier envelope indicating that  
 3 a voted absentee ballot is enclosed; and

4 (2) document the date the absentee ballot was sealed within the  
 5 carrier envelope, attested to by the signature of each member of  
 6 the county election board.

7 SECTION 30. IC 3-11.7-5-15 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. (a) This section  
 9 applies to the counting of write-in provisional ballots.

10 (b) If a voter writes an abbreviation, a misspelling, or other minor  
 11 variation instead of the correct name of a candidate or political party,  
 12 that vote shall be counted if the intent of the voter can be determined.

13 (c) If a voter casts a ballot under this section for President or Vice  
 14 President of the United States and writes in the name of a candidate or  
 15 political party that has not certified a list of **presidential electors and**  
 16 **alternate presidential electors** under IC 3-10-4-5, the vote for  
 17 President or Vice President of the United States is void. The remaining  
 18 votes on the ballot may be counted.

19 (d) IC 3-12-1-7 applies to write-in provisional ballots.

20 SECTION 31. IC 3-12-2-7.5, AS AMENDED BY P.L.128-2015,  
 21 SECTION 209, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2017]: Sec. 7.5. (a) This section applies to the  
 23 counting of federal write-in absentee ballots described in  
 24 IC 3-11-4-12.5.

25 (b) If a voter writes an abbreviation, misspelling, or other minor  
 26 variation instead of the correct name of a candidate or political party,  
 27 that vote shall be counted if the intent of the voter can be determined.

28 (c) If a voter casts a ballot under this section for President or Vice  
 29 President of the United States and writes in the name of a candidate or  
 30 political party that has not:

31 (1) certified a list of **presidential electors and alternate**  
 32 **presidential electors** under IC 3-10-4-5; or

33 (2) included a list of **presidential electors and alternate**  
 34 **presidential electors** on the declaration for candidacy filed by a  
 35 write-in candidate under IC 3-8-2-2.5;

36 the vote for President or Vice President is void. The remaining votes on  
 37 the ballot may be counted.

38 (d) As required by 52 U.S.C. 20303(b), and except as provided in  
 39 this section, an absentee ballot subject to this section shall be submitted  
 40 and processed in the same manner provided by this title for a regular  
 41 absentee ballot.

42 (e) IC 3-12-1-7 applies to a ballot subject to this section.





1 (f) As required by 52 U.S.C. 20303(b), a ballot subject to this  
2 section may not be counted if:

3 (1) the ballot was submitted:

4 (A) by an overseas voter who is not an absent uniformed  
5 services voter; and

6 (B) from within the United States;

7 (2) the overseas voter's application for a regular absentee ballot  
8 was received by the county election board after the applicable  
9 absentee ballot application deadline set forth in IC 3-11-4-3;

10 (3) the voter's completed regular state absentee ballot was  
11 received by the county election board by the deadline for  
12 receiving absentee ballots under IC 3-11-10-11; or

13 (4) the ballot subject to this section was not received by the  
14 county election board by the deadline for receiving absentee  
15 ballots under IC 3-11-10-11.

16 (g) If a federal write-in absentee ballot is received by the county  
17 election board in an envelope that does not indicate that the envelope  
18 contains the ballot, and the envelope is opened by the county election  
19 board, the absentee ballot shall nevertheless be counted if otherwise  
20 valid. The county election board shall:

21 (1) immediately seal the absentee ballot and the envelope in  
22 which the ballot was received in a carrier envelope indicating that  
23 a voted absentee ballot is enclosed; and

24 (2) document the date the absentee ballot was sealed within the  
25 carrier envelope, attested to by the signature of each member of  
26 the county election board.

27 SECTION 32. IC 3-12-5-7 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. Upon receipt of the  
29 certified statements from the circuit court clerks under section 6 of this  
30 chapter and not later than noon of the last Tuesday in November, the  
31 election division shall tabulate the number of votes cast for each  
32 candidate for:

33 (1) presidential electors **and alternate presidential electors;**

34 (2) a state office other than governor and lieutenant governor; and

35 (3) a local office for which a declaration of candidacy must be  
36 filed with the election division under IC 3-8-2.

37 Immediately following the election division's tabulation, the secretary  
38 of state shall certify to the governor the candidate receiving the highest  
39 number of votes for each office.

40 SECTION 33. IC 3-12-11-19.5 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19.5. As required under  
42 3 U.S.C. 5, any recount or contest proceeding concerning the election



1 of presidential electors must be concluded not later than six (6) days  
2 before the time fixed by federal law for the meeting of the **presidential**  
3 electors.

4 SECTION 34. **An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1521, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 12 through 36, begin a new paragraph and insert:

"SECTION 3. IC 3-7-38.2-2, AS AMENDED BY P.L.169-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (52 U.S.C. 10101);
- (2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each voter whose registration has not previously been canceled or designated as inactive under this chapter at the mailing address:

- (1) listed in the voter's registration record; and
- (2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

- (1) The United States Postal Service National Change of Address Service.
- (2) A court regarding jury duty notices returned because of an unknown or insufficient address.
- (3) The return of a mailing sent by the county voter registration office to all active voters (as defined in IC 3-11-18.1-2) in the county because of an unknown or insufficient address.
- (4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.
- (5) The return by the United States Postal Service after the expiration of the seven (7) day pending period of a notice



regarding the disposition of a voter registration application under IC 3-7-33-5 because of an unknown or insufficient address.

(6) The return of a mailing sent to voters of a precinct advising voters of a change of precinct boundary or the precinct polling place because of an unknown or insufficient address, if the county sends a similar mailing to the voters of each precinct when a boundary or polling place is changed.

(7) Information received from the election division under section ~~16(b)~~ **16.1** of this chapter.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date (which must be at least thirty (30) days after the date the notice is mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a card is returned as undeliverable due to an unknown or insufficient address by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, then designate the voter as inactive.

(g) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(h) A voter's registration that becomes inactive under subsection (f) or (g) remains in inactive status from the date described in subsection



(d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(i) After the date described in subsection (h)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 4. IC 3-7-38.2-16 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 16. (a) During each even-numbered year, the NVRA official shall conduct a residency confirmation and outreach procedure under this chapter. The NVRA official (or a contractor acting on behalf of the NVRA official) shall send a nonforwardable mailing by U.S. mail, postage prepaid, to each active voter (as defined in IC 3-11-18.1-2) in Indiana at the voter's mailing address.

(b) The NVRA official shall, not later than January 31 of each even numbered year, request information from the:

(1) United States District Court for the Northern District of Indiana; and

(2) United States District Court for the Southern District of Indiana;

concerning the return of U.S. mail sent by the court for jury selection purposes. Not later than twenty-eight (28) days following the primary election conducted in that year, the state shall provide each county voter registration office with information concerning any registered voter who appears to no longer reside at the address set forth in the voter's registration record due to a mailing returned to the courts. Not later than forty-two (42) days following the primary election conducted in that year, the county voter registration office shall send an address confirmation notice to the voter described by this subsection at the voter's mailing address."

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 6. IC 3-7-38.2-17, AS AMENDED BY P.L.64-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 17. (a) If the mailing to a voter sent under section 16.1 of this chapter is returned by the United States Postal Service because of an unknown or insufficient address, the NVRA official shall mail a second notice to the voter. The notice must meet the following requirements:

(1) Be sent by first class, United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter.



(2) Include a postage prepaid return card that:

(A) is addressed to the NVRA official;

(B) states a date (which must be at least thirty (30) days after the date the notice was mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(b) If a voter returns the card described in subsection (a)(2) and provides a current residence address that establishes that the voter resides:

(1) in the same county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(c) If a voter returns the card described in subsection (a)(2) after the final day for completing voter list maintenance activities under section 3 of this chapter, the county voter registration office shall, when the registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any updates or cancellation of the voter registration record indicated on the card by the voter under subsection (b).

(d) If a voter returns the card described in subsection (a)(2) during the period described in subsection (c) with a request that the voter's registration record at an address be canceled, the county voter registration office shall proceed to cancel the registration under section 3 of this chapter.

(e) If a card is returned not later than the date specified in subsection (a)(2)(B) as undeliverable because of an unknown or insufficient address, the county voter registration office shall designate the voter as inactive.

(f) If a card is returned after the date specified in subsection (a)(2)(B) as undeliverable because of an unknown or insufficient address, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, designate the voter as inactive.

(g) If a voter does not return the card described in subsection (a)(2) by the date specified in subsection (a)(2)(B), the county voter



registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(h) A voter's registration that becomes inactive under subsections (e) through (g) remains in inactive status from the date described in subsection (a)(2)(B) until the earlier of the following:

- (1) The date the county voter registration office updates or cancels the voter's registration under subsection (b) after the voter provides a current residence address.
- (2) The day after the second general election in which the voter has not voted or appeared to vote.

(i) After the day described in subsection (h)(2), the county voter registration office shall remove the voter's registration from the voter registration records not later than thirty (30) days after the second general election following the date on which notices are mailed to a voter under section ~~16~~ **16.1** of this chapter."

Page 8, line 34, after "presidential electors" insert "**whose ticket receives the most votes at the general election in Indiana**".

Page 9, between lines 12 and 13, begin a new paragraph and insert:

**"(d) If a candidate for President or Vice President nominated by a political party dies or withdraws as a candidate for that office in accordance with the rules of the political party:**

- (1) after the candidate's nomination; and**
- (2) not later than the meeting of Indiana's presidential electors and alternate electors under section 7 of this chapter;**

**the pledge under subsection (a) refers to the successor candidate for that office nominated by the political party in accordance with the party's rules."**

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1521 as introduced.)

SMITH M

Committee Vote: yeas 13, nays 0.

