

First Regular Session 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.

SENATE ENROLLED ACT No. 442

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-16.2, AS AMENDED BY P.L.225-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16.2. "County voter registration office" means the following:

- (1) A board of registration established by a ~~county executive acting~~ under IC 3-7-12.
- (2) A board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.
- (3) The office of the circuit court clerk, in a county in which a board has not been established under subdivision (1) or (2).

SECTION 2. IC 3-5-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) Except as provided in subsection (b), during the period that begins ninety (90) days before a municipal primary election and continues until the day after the following municipal election, all expenses of the primary election and election that cannot be chargeable directly to any municipality shall be apportioned as follows:

- (1) Twenty-five percent (25%) to the county.
- (2) Seventy-five percent (75%) to the municipalities in the county holding the municipal primary election and municipal election.

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(b) The apportionment made under subsection (a) does not apply to a town that has entered into an agreement with the county under IC 3-10-7-4 to pay the county a fixed amount for the expenses described in subsection (a).

(c) This subsection applies to a county that is designated as a vote center county under IC 3-11-18.1. During the period that begins ninety (90) days before a municipal primary election and continues until the day after the following municipal election, all expenses incurred by the county in conducting the municipal primary election and municipal election shall be apportioned among the municipalities in the county holding a municipal primary and municipal election.

SECTION 3. IC 3-5-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) Except as provided in ~~subsection~~ **subsections (c) and (d)**, whenever more than one (1) municipality in a county conducts a municipal primary election, the seventy-five percent (75%) of expenses that cannot be chargeable directly to any particular municipality under section 8 of this chapter shall be apportioned to each municipality in the same ratio that the number of voters who cast a ballot in the municipality at the municipal primary election bears to the total number of voters who cast a ballot in all of the municipalities in the county at that municipal primary election.

(b) Except as provided in ~~subsection~~ **subsections (c) and (d)**, whenever more than one (1) municipality in a county conducts a municipal election, the seventy-five percent (75%) of expenses that are not chargeable directly to any particular municipality under section 8 of this chapter must be apportioned to each municipality in the same ratio that the number of voters who cast a ballot in the municipality at the municipal election bears to the total number of voters who cast a ballot in all of the municipalities in the county that conducted a municipal election.

(c) The apportionment made under subsection (a) does not apply to a town that has entered into an agreement with the county under IC 3-10-7-4 to pay the county a fixed amount for the expenses described in subsection (a).

(d) This subsection:

(1) applies to a county designated as a vote center county under IC 3-11-18.1; and

(2) does not apply to a town that has entered into an agreement with the county under IC 3-10-7-4 to pay the county a fixed amount for its municipal primary election and



municipal election expenses.

All expenses incurred by the county in conducting the municipal primary election and municipal election shall be apportioned to each municipality in the same ratio that the number of voters who cast a ballot in the municipality at the municipal primary election or the municipal election bears to the total number of voters who cast a ballot in all of the municipalities in the county at that municipal primary election or municipal election.

SECTION 4. IC 3-5-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 12. (a) This section applies to a special election that is conducted:**

- (1) on the same date as another election; and**
- (2) in precincts in which the other election is not conducted on that date.**

(b) This section does not apply to a special election conducted in a county at the same time as:

- (1) a primary election conducted in a general election year; or**
- (2) a general election.**

(c) If a statute requires that a political subdivision pay all costs of conducting a special election, then the political subdivision is required to pay only the costs incurred for conducting the special election in the precincts in which the other election is not conducted on that date. The cost incurred by the political subdivision shall be determined based on the ratio that the number of voters who cast a ballot in the precincts in which the other election is not conducted bears to the total number of voters who cast a ballot in all elections conducted within the county on that date.

SECTION 5. IC 3-5-4-1.5, AS AMENDED BY P.L.169-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 1.5. (a) This section applies if this title requires that a legal action be taken at the office of:**

- (1) the secretary of state or the election division; or**
- (2) a circuit court clerk or a political subdivision.**

(b) Notwithstanding IC 4-1-2-2, if the final day **or time for performing the action falls on a day **or time** when the office is not open to conduct public business or on a day observed as a holiday under IC 1-1-9, the legal action may be performed:**

- (1) on the next day that the office is open for public business; or**
- (2) through noon of the next day that the office is open for public business if the action to be performed is the receipt of a filing.**

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SECTION 6. IC 3-5-4-1.7, AS AMENDED BY P.L.219-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.7. (a) Except as otherwise expressly authorized or required under this title, a filing by a person with a commission, the election division, or an election board, **or a county voter registration office** may not be made by fax or electronic mail.

(b) A petition of nomination filed with a county voter registration office under IC 3-8-2, **IC 3-8-2.5**, IC 3-8-3, or IC 3-8-6 or a petition to place a public question on the ballot, **or any other petition filed that requires the county voter registration office to certify the validity of signatures**, may not contain the electronic signature (as defined in IC 5-24-2-2), digital signature (as defined in IC 5-24-2-1), digitized signature, or photocopied signature of a voter.

SECTION 7. IC 3-6-5-15, AS AMENDED BY P.L.219-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. (a) Except as provided in subsection (b), this section applies when an election is conducted in a political subdivision (as defined in IC 36-1-2-13 and other than a county) that contains territory in more than one (1) county.

(b) This section does not apply to an election:

- (1) conducted at the same time as a primary or general election during an even-numbered year; or
- (2) conducted in a town by a town election board under IC 3-10-7.

(c) To the extent authorized by this section, the county election board of the county that contains the greatest percentage of population of the political subdivision shall conduct all elections for the political subdivision. The county election board may designate polling places for the election, which may be located in any county in which the political subdivision is located, and shall appoint precinct election officers to conduct the election upon nomination by the county chairman of the county where the precinct is located, or by filling a vacancy if a nomination is not timely made. However, each county election board shall provide poll lists for voters, receive and approve absentee ballot applications, issue certificates of error or other documents for the voters of that county, print ballots for the municipal **or special** election, and conduct activity required to canvass the votes under IC 3-12-5-2(b).

SECTION 8. IC 3-6-6.5-2, AS ADDED BY P.L.230-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. The program must consist of courses in several aspects of precinct election administration, including the following:

- (1) The duties of precinct election officers and county election

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officials.

(2) The laws governing activity permitted and prohibited in polling places.

(3) The laws and procedures governing the operation of voting systems.

(4) The laws governing voter registration, absentee ballots, provisional ballots, and the tabulation of ballots.

(5) Effective communication and problem solving techniques.

(6) The laws and procedures governing the accessibility of polling places and voting systems for individuals with disabilities.

SECTION 9. IC 3-6-6.5-4, AS ADDED BY P.L.230-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. The designation of an individual as a certified election worker expires January 1 of the ~~fourth~~ **second** year following the individual's certification. The individual's certification may be renewed by the secretary of state after compliance with the requirements for renewal established under this chapter.

SECTION 10. IC 3-6-7-1, AS AMENDED BY P.L.230-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Each political party or independent candidate may appoint challengers and pollbook holders for each precinct in which the political party or independent candidate is on the ballot.

(b) This subsection applies to a public question that is submitted to the electorate. A county election board may appoint challengers and pollbook holders if a petition requesting the appointment is filed with the board. The petition must be signed by:

(1) the chairman of a political action committee organized under IC 3-9 to support or oppose the approval of the public question; and

(2) at least the number of voters equal to two percent (2%) of the votes cast in the last election for secretary of state in the county.

(c) A challenger must be at least eighteen (18) years of age.

(d) The county election board, county chairman, other local chairman of the party, or independent candidate:

(1) must make the appointments in writing; and

(2) shall issue one (1) identification card for each person appointed under this section.

(e) **Except as provided in subsections (f) and (g)**, each political party or independent candidate described in subsection (a) or a political action committee described in subsection (b) may have only one (1)

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challenger and one (1) pollbook holder present at each precinct's polls at any time during election day.

(f) If more than one (1) precinct votes at the same polling place, the number of challengers and pollbook holders of each political party or independent candidate described in subsection (a) or a political action committee described in subsection (b) entitled to be present at the polling place equals the number of precincts voting at the polling place.

(g) In a county designated as a vote center county under IC 3-11-18.1, the number of challengers and pollbook holders of each political party or independent candidate described in subsection (a) or a political action committee described in subsection (b) entitled to be present at the vote center is one (1) challenger and one (1) pollbook holder for:

(1) each electronic poll book station present at the vote center;
or

(2) the number of electronic poll book stations specified in the county vote center plan for the vote center;

whichever is greater.

(h) The challenger and pollbook holder present at the polls must possess an identification card issued under subsection (d).

(f) (i) The identification card issued under subsection (d) must clearly state the following:

(1) The status of the individual as an appointed challenger or pollbook holder.

(2) The name of the individual serving as a challenger or pollbook holder.

(3) The name of the person who appointed the individual as a challenger or pollbook holder, and whether the person is a political party, an independent candidate, or a county election board.

(4) If the challenger or pollbook holder has been appointed by a political party, the name of the political party.

SECTION 11. IC 3-6-8-1, AS AMENDED BY P.L.194-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The state chairman and county chairman of each bona fide political party or an independent candidate for a federal or a state office are entitled to appoint watchers at each precinct in which the political party or independent candidate is on the ballot.

(b) This subsection applies to a public question that is submitted to the electorate. A county election board may appoint watchers if a petition requesting the appointment is filed with the board. The petition

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must be signed by:

(1) the chairman of a political action committee organized under IC 3-9 to support or oppose the approval of the public question; and

(2) at least the number of voters equal to two percent (2%) of the votes cast in the last election for secretary of state in the county.

(c) Except as provided in ~~subsection~~ **subsections (d), (e), and (f)**, at any time during election day, each political action committee, each political party, or an independent candidate for a federal or a state office may have only one (1) watcher present at each precinct's polls.

(d) If both the state chairman and the county chairman of a political party have appointed watchers within the county, the political party may have two (2) watchers present at the polls of each precinct of the county **or at each electronic poll book station** at any time during election day.

(e) If more than one (1) precinct votes at the same polling place, the number of watchers of each political party, an independent candidate for federal or state office, or each political action committee described in subsection (b) entitled to be present at the polling place equals the number of precincts voting at the polling place.

(f) In a county designated as a vote center county under IC 3-11-18.1, the number of watchers of each political party, an independent candidate for federal or state office, or each political action committee described in subsection (b) entitled to be present at the vote center is one (1) watcher for:

(1) each electronic poll book station present at the vote center; or

(2) the number of electronic poll book stations specified in the county vote center plan for the vote center;

whichever is greater.

SECTION 12. IC 3-6-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. **(a)** Only one (1) watcher representing a candidate or group of candidates may enter or be in the polls for a precinct at the same time, but watchers representing different groups may be in the polls at the same time.

(b) If more than one (1) precinct votes at the same polling place, the number of watchers of each candidate or group of candidates entitled to be present at the polling place equals the number of precincts voting at the polling place.

(c) In a county designated as a vote center county under IC 3-11-18.1, the number of watchers of each candidate or group

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of candidates entitled to be present at the vote center is one (1) watcher for:

- (1) each electronic poll book station present at the vote center;
- or
- (2) the number of electronic poll book stations specified in the county vote center plan for the vote center;

whichever is greater.

SECTION 13. IC 3-6-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The following media may appoint in writing one (1) watcher for each precinct:

- (1) Each ~~daily, weekly, semiweekly, or triweekly~~ newspaper of general circulation in the county where an election is held.
- (2) Each news service operating in the county where an election is held.
- (3) Each radio or television station operating in the county where an election is held.

(b) If more than one (1) precinct votes at the same polling place, the number of watchers for each entity described in subsection (a) entitled to be present at the polling place equals the number of precincts voting at the polling place.

(c) In a county designated as a vote center county under IC 3-11-18.1, the number of watchers for each entity described in subsection (a) entitled to be present at the vote center is one (1) watcher for:

- (1) each electronic poll book station present at the vote center;
- or
- (2) the number of electronic poll book stations specified in the county vote center plan for the vote center;

whichever is greater.

SECTION 14. IC 3-7-13-10, AS AMENDED BY P.L.219-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) After a general or municipal election is conducted, the registration period resumes on the following December 1 (or the first Monday in December if December 1 falls on a Saturday or Sunday).

(b) Except as provided in IC 3-7-36 for absent uniformed services voters and overseas voters, the registration period continues through the twenty-ninth day before the date a primary election is scheduled under this title.

(c) Except as provided in IC 3-7-36 for absent uniformed services voters and overseas voters, the registration period resumes fourteen (14) days after primary election day and continues through the



twenty-ninth day before the date a general or municipal election is scheduled under this article.

(d) This subsection applies in each precinct in which a special election, **municipal primary election, or municipal election** is to be conducted. Except as provided in IC 3-7-36 for absent uniformed services voters and overseas voters, the registration period ceases in that precinct on the twenty-ninth day before a special election, **municipal primary election, or municipal election** is conducted and resumes fourteen (14) days after the special election, **municipal primary election, or municipal election** occurs.

SECTION 15. IC 3-7-38.2-5, AS AMENDED BY P.L.169-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) To assist in performing voter list maintenance under this chapter, the NVRA official shall submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service. The submission under this chapter shall be compiled from the county voter registration information submitted to the election division under IC 3-7-26.3.

(b) This subsection does not require the NVRA official to request voter registration data from a state listed in this subsection if the NVRA official will be receiving voter registration data from that state under the memorandum of understanding described in subsection (d). To assist in performing voter list maintenance under this chapter, not later than December 31 of each calendar year the NVRA official shall request that the chief state election official who is responsible for the coordination of state responsibilities under NVRA in each of the following states provide a list of the registered voters in that state:

- (1) Florida.
- (2) Illinois.
- (3) Kentucky.
- (4) Michigan.
- (5) Ohio.

(c) The NVRA official shall request a list of registered voters from any other state in which the NVRA official determines there is a reasonable possibility that a significant number of individuals who have registered to vote in Indiana may also be registered to vote in that state.

(d) The NVRA official shall execute a memorandum of understanding with the Kansas Secretary of State. Notwithstanding any limitation under IC 3-7-26.4 regarding the availability of certain information from the computerized list, on January 15 of each year, the NVRA official shall provide data from the statewide voter registration



list without cost to the Kansas Secretary of State to permit the comparison of voter registration data in the statewide voter registration list with registration data from all other states participating in this memorandum of understanding and to identify any cases in which a voter cast a ballot in more than one (1) state during the same election. Not later than thirty (30) days following the receipt of information under this subsection indicating that a voter of Indiana may also be registered to vote in another state, the NVRA official shall provide the appropriate county voter registration office with the name of and any other information obtained under this subsection concerning that voter, if the first name, last name, and date of birth of the Indiana voter is identical to the first name, last name, and date of birth of the voter registered in the other state. The county voter registration office shall determine whether the individual:

- (1) identified in the report provided by the NVRA official under this subsection is the same individual who is a registered voter of the county; **and**
- (2) registered to vote in another state on a date following the date that voter registered in Indiana. **and**
- (3) authorized the cancellation of any previous registration by the voter when the voter registered in another state.

(e) If the county voter registration office determines that the voter is described by subsection ~~(d)(1) through (d)(3)~~, **(d)**, the county voter registration office shall cancel the voter registration of that voter. ~~If the county voter registration office determines that the voter is described by subsection (d)(1) and (d)(2), but has not authorized the cancellation of any previous registration, the county voter registration office shall send an address confirmation notice to the Indiana address of the voter.~~

SECTION 16. 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 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

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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) (c)~~ 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) (d)~~ 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) (e)~~ If a card is returned by the United States Postal Service 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) (f)~~ 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) (g)~~ A voter's registration that becomes inactive under subsections ~~(e) (d)~~ through ~~(g) (f)~~ remains in inactive status from the date described in subsection (a)(2)(B) until the earlier of the following:

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(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.

(~~h~~) **(h)** After the day described in subsection (~~h~~)(2); **(g)(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 of this chapter.

SECTION 17. IC 3-7-39-6, AS AMENDED BY P.L.169-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) A voter who has changed residence from the county in which the voter is registered to another county must give the voter's most recent previous address, listed on a form prescribed under this article.

(b) Completion of the form constitutes an authorization of cancellation of registration in each county of previous residence listed on the form. ~~At the time of registering, the voter must sign the authorization to cancel the previous registration.~~

(c) This subsection applies to a county that has adopted an order under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1-1. A voter described in subsection (a) may make a written affirmation of the voter's change of residence on election day using the affidavit described by IC 3-10-11-4. If the voter makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing using the affidavit described by IC 3-10-11-4 and initial the affirmation.

SECTION 18. IC 3-7-46-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) Not later than:

- (1) January 31;
- (2) April 30;
- (3) July 31; and
- (4) October 31;

of each year, a county sheriff shall provide the county voter registration office with a report containing the information set forth in subsection (b) for processing under section 8 of this chapter.

(b) The ~~list~~ **report** required by subsection (a) must identify each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a county correctional facility ~~during the~~



~~previous quarter.~~ **after the last date the sheriff prepared a report required by subsection (a).**

(c) The report must be in the form prescribed by the election division under IC 3-5-4-8 and state:

(1) whether the person remains in lawful custody in a county correctional facility as of the date of the report; and

(2) if the person remains in lawful custody, the date that the person is scheduled to be released from the county correctional facility.

SECTION 19. IC 3-8-1-2, AS AMENDED BY P.L.169-2015, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. **(a) This section does not apply to a candidate challenged under IC 3-8-8.**

~~(a)~~ **(b)** The commission, a county election board, or a town election board shall act if a candidate (or a person acting on behalf of a candidate in accordance with state law) has filed any of the following:

(1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.

(2) A request for ballot placement in a presidential primary under IC 3-8-3.

(3) A petition of nomination or candidate's consent to nomination under IC 3-8-2.5 or IC 3-8-6.

(4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.

(5) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.

(6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.

(7) A contest to the denial of certification under IC 3-8-2.5 or IC 3-8-6-12.

~~(b)~~ **(c)** The commission has jurisdiction to act under this section with regard to any filing described in subsection ~~(a)~~ **(b)** that was made with the election division. Except for a filing under the jurisdiction of a town election board, a county election board has jurisdiction to act under this section with regard to any filing described in subsection ~~(a)~~ **(b)** that was made with the county election board, county voter registration office, or the circuit court clerk. A town election board has jurisdiction to act under this section with regard to any filing that was made with the county election board, the county voter registration office, or the circuit court clerk for nomination or election to a town office.

~~(c)~~ **(d)** Except as provided in subsection ~~(e)~~; **(f)**, before the commission or election board acts under this section, a registered voter

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of the election district that a candidate seeks to represent or a county chairman of a major political party of a county in which any part of the election district is located must file a sworn statement with the election division or election board:

(1) questioning the eligibility of the candidate to seek the office; and

(2) setting forth the facts known to the voter or county chairman of a major political party of a county concerning this question.

~~(d)~~ **(e)** The eligibility of a write-in candidate or a candidate nominated by a convention, petition, or primary may not be challenged under this section if the commission or board determines that all of the following occurred:

(1) The eligibility of the candidate was challenged under this section before the candidate was nominated.

(2) The commission or board conducted a hearing on the affidavit before the nomination.

(3) This challenge would be based on substantially the same grounds as the previous challenge to the candidate.

~~(e)~~ **(f)** Before the commission or election board can consider a contest to the denial of a certification under IC 3-8-2.5 or IC 3-8-6-12, a candidate (or a person acting on behalf of a candidate in accordance with state law) must file a sworn statement with the election division or election board:

(1) stating specifically the basis for the contest; and

(2) setting forth the facts known to the candidate supporting the basis for the contest.

~~(f)~~ **(g)** Upon the filing of a sworn statement under subsection ~~(e)~~ **(d)** or ~~(e)~~ **(f)**, the commission or election board shall determine the validity of the questioned:

(1) declaration of candidacy;

(2) declaration of intent to be a write-in candidate;

(3) request for ballot placement under IC 3-8-3;

(4) petition of nomination;

(5) certificate of nomination;

(6) certificate of candidate selection issued under IC 3-13-1-15 or IC 3-13-2-8; or

(7) denial of a certification under IC 3-8-2.5 or IC 3-8-6-12.

~~(g)~~ **(h)** The commission or election board shall deny a filing if the commission or election board determines that the candidate has not complied with the applicable requirements for the candidate set forth in the Constitution of the United States, the Constitution of the State of Indiana, or this title.

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SECTION 20. IC 3-8-1-5, AS AMENDED BY P.L.181-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. ~~However, the term does not include a conviction:~~

(c) A person is not disqualified under this section for:

(1) **a felony conviction** for which the person has been pardoned;

or

(2) **a felony conviction** that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; **or**

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

~~(c)~~ **(d)** A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

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(B) 5 U.S.C. 7321-7326 (the Hatch Act);
and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.

~~(d)~~ (e) The subsequent reduction of a felony to a Class A misdemeanor under ~~IC 35-50-2-7~~ or ~~IC 35-38-1-1.5~~ **IC 35** after the:

- (1) jury has announced its verdict against the person for a felony;
- (2) court has announced its verdict against the person for a felony;
- or
- (3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection ~~(e)~~: **(d)**.

SECTION 21. IC 3-8-2-2.5, AS AMENDED BY P.L.169-2015, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

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

- (1) The candidate's name must be printed or typewritten as:
 - (A) the candidate wants the candidate's name to be certified;
 - and
 - (B) the candidate's name is permitted to appear under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward, **if applicable**, and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.
- (4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). The candidate may not claim affiliation with any political party described by IC 3-8-4-1.
- (5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.
- (6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to



be the candidate's candidates for presidential electors.

(7) The following statements:

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

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

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

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

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

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

(D) A statement that the candidate:

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

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

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

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

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

(A) been a candidate for state, **legislative**, or local office in a previous primary or general election; and

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

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



section 4 of this chapter.

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

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

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

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

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

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

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

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

(f) A write-in candidate for the office of President or Vice President of the United States must list at least one (1) candidate for presidential elector and may not list more than the total number of presidential electors to be chosen in Indiana.

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

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

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

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by



IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

SECTION 22. IC 3-8-2-7, AS AMENDED BY P.L.169-2015, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

- (1) The candidate's name, printed or typewritten as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward, **if applicable**, and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.
- (4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:
 - (A) The most recent primary election in Indiana in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.
 - (B) The county chairman of:
 - (i) the political party with which the candidate claims affiliation; and
 - (ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party. The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A) or (B) applies to the candidate. If a candidate claims party affiliation under clause (B), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (B).
- (5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal



conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) The following statements:

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

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

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

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

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

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

(D) A statement that the candidate:

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

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

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

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

(8) A statement as to whether the candidate has been a candidate for state, legislative, or local office in a previous primary, municipal, special, or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization



for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section ~~11~~ 4 of this chapter.

(10) The candidate's signature.

(b) The election division shall provide that the form of a declaration of candidacy includes the following information:

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

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

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 23. IC 3-8-2-11, AS AMENDED BY P.L.123-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) A declaration of candidacy may be made by mail and is considered filed as of the date and hour the filing occurs in the manner described by IC 3-5-2-24.5 in the office of the election division or circuit court clerk.

~~(b) A declaration is not valid unless filed in the office of the election division or circuit court clerk by noon on the seventy-fourth day before a primary election.~~

~~(c)~~ **(b)** This subsection applies to a candidate required to file a statement of economic interests under IC 2-2.2-2 or IC 33-23-11-15 or a financial disclosure statement under IC 4-2-6-8. This subsection does not apply to a candidate for a local office or school board office required to file a statement of economic interests under IC 3-8-9. The election division shall require the candidate to produce a:

(1) copy of the statement, file stamped by the office required to receive the statement of economic interests; or

(2) receipt or photocopy of a receipt showing that the statement has been filed;

before the election division accepts the declaration for filing. The

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election division shall reject a filing that does not comply with this subsection.

~~(d)~~ (c) This subsection applies to a candidate for a local office or school board office required to file a statement of economic interests under IC 3-8-9. The circuit court clerk shall reject a declaration of candidacy that does not include a statement of economic interests.

SECTION 24. IC 3-8-2-14, AS AMENDED BY P.L.225-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14. (a) All questions concerning the validity of a declaration filed with the secretary of state shall be referred to and determined by the commission in accordance with section 18 of this chapter. A statement questioning the validity of a declaration must be filed with the election division under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not later than noon eighty-one (81) days before the date of the primary election.

(b) All questions concerning the validity of a declaration of candidacy filed with a circuit court clerk shall be referred to and determined by the county election board not later than noon sixty-eight (68) days before the date of the primary election. A statement questioning the validity of a declaration must be filed with the county election board under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not later than noon eighty-one (81) days before the date of the primary election.

(c) A question concerning the validity of a declaration of intent to be a write-in candidate shall be determined by the commission or the county election board not later than noon eighty-one (81) days before election day. A statement questioning the validity of a declaration of intent to be a write-in candidate must be filed with the election division or county election board under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not later than noon eighty-eight (88) days before election day.

SECTION 25. IC 3-8-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A candidate for a town office may be nominated **by a major political party** using any of the following methods:

- (1) By convention conducted under this chapter.
- (2) By a primary election, **if the town legislative body adopts an ordinance under subsection (d).**
- ~~(3) By petition filed under IC 3-8-6.~~
- ~~(4)~~ (3) If a town convention or a primary election is not required under section 10 of this chapter for the political party of which the candidate is a member, by the candidate's declaration of candidacy.

(b) Unless a town legislative body adopts an ordinance under



subsection ~~(c)~~; **(d)**, a town shall use the convention method described in this chapter to nominate **major political party** candidates for town offices.

~~(c) The town legislative body of a town covered by this chapter may adopt an ordinance to specify any other method described in subsection (a) to nominate candidates for town offices. A candidate may also be nominated for a town office by:~~

- (1) a declaration of write-in candidacy under IC 3-8-2-4;**
- (2) a town convention of a political party described in section 17 of this chapter; or**
- (3) a petition under IC 3-8-6.**

~~(d) The town legislative body must may adopt an ordinance under subsection (c) not later than January 1 of the year in which a municipal election is held to establish a primary election for the nomination of major political party candidates.~~ The town clerk-treasurer shall send a copy of the ordinance to the circuit court clerk of the county that contains the greatest percentage of the town's population.

~~(e) If a town described by section 1 of this chapter adopts an ordinance under subsection (c) (d) to nominate major political party candidates by a primary election, the following apply:~~

- (1) The county election board of the county that contains the greatest percentage of the town's population shall conduct the primary election for the town.
- (2) All statutes governing primary elections for towns apply.
- (3) The town may not change the method of nominating candidates for town offices more than one (1) time in any twelve (12) year period.

SECTION 26. IC 3-8-5-10.5, AS AMENDED BY P.L.169-2015, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

- (1) not earlier than the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4; and
- (2) not later than:
 - (A) noon August 1 before a municipal election if the town nominates its candidates by convention; and
 - (B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.



(c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.

(d) The declaration of each candidate required by this section must certify the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

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

(2) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward, **if applicable**, and town), county, and state.

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

(4) The candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat. **For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if one (1) of the following applies:**

(A) The most recent primary election in Indiana in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

(B) The county chairman of:

(i) the political party with which the candidate claims affiliation; and

(ii) the county in which the candidate resides;

certifies in writing that the candidate is a member of the political party.

The declaration of candidacy must inform a candidate how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy whether clause (A) or (B) applies to the candidate. If a candidate claims party affiliation under clause (B), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (B).

(5) That the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and is not ineligible to be a candidate due to a criminal conviction that



would prohibit the candidate from serving in the office.

(6) That the candidate has attached either of the following to the declaration:

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

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

(7) That the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office.

(8) That the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office.

(9) That the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

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

(10) A statement indicating whether or not the candidate:

(A) has been a candidate for state, legislative, local, or school board office in a previous primary, municipal, special, or general election; and

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

(11) The candidate's signature.

(e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is

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disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:

- (1) noon August 1 before the municipal election if the town nominates its candidates by convention; and
- (2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

(i) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 27. IC 3-8-5-12, AS AMENDED BY P.L.230-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. (a) The town chairman and secretary of each town political party committee shall act as chairman and secretary of their respective conventions.

(b) As the first item of convention business, the town chairman shall make the initial determination regarding which individuals are eligible to vote in the town convention under section 11 of this chapter. If an individual objects to the determination of the chairman, the matter shall be put to the vote of all those individuals whose eligibility to vote is not in dispute.

(c) As the second item of convention business, the town chairman shall submit copies of proposed rules to the members of the convention for adoption. The rules must provide for at least the following:

- (1) The voting method to be used for nominating candidates at the

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convention.

(2) The method to be used for resolving tie votes.

(3) Any method for removing candidates from consideration by the convention if no candidate receives a majority vote from all voters casting a ballot at the convention.

(4) The rights of nonvoting observers, media, candidate watchers, or others attending the convention.

(d) If the town chairman of the political party committee is unable or unwilling to act as chairman of the convention, the secretary acts as chairman until the convention elects a chairman of the convention from among the voters attending the convention. If the town secretary of the political party committee is unable or unwilling to act as secretary of the convention, the convention shall elect a secretary of the convention from among the voters attending the convention.

(e) After adoption of the convention rules, the convention may proceed to vote on the candidates to be nominated. The candidates for town offices must be nominated by a majority of the voters present and voting. **If more than one (1) person may be elected to an at-large town council seat, the convention shall determine the total votes received by each candidate for an at-large town council seat. The candidates who receive the highest number of votes, up to the total number to be elected, are the nominees of the convention.**

(f) The town convention may recess and reconvene if a majority of eligible voters at the convention adopt a motion to recess and reconvene. The motion must state the date, time, and location of the reconvening of the convention. However, a convention may not reconvene on a date following the final date permitted for a convention to be convened under section 10 of this chapter.

SECTION 28. IC 3-8-6-10, AS AMENDED BY P.L.225-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) Except as provided in section 11 of this chapter, a petition of nomination must be submitted to the county voter registration office of each county in which the election district is located.

(b) The petition must be filed during the period beginning on the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4 in the year in which the election will be held and ending at noon June 30 before the election.

(c) The county voter registration office shall certify and file a petition that complies with the requirements of this chapter with the public official authorized to place names on the ballot (and with the town clerk-treasurer, if the petition of nomination is for a town office)

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not later than noon July 15.

(d) This subsection applies to a county in which the county voter registration office is a board of registration established under IC 3-7-12. A candidate for a local office is not required to file the candidate's written consent to become a candidate with the circuit court clerk until the petition of nomination for the candidate is filed in accordance with section 12 of this chapter.

(e) Following certification of a petition under this section, the office may, upon the request of a candidate named in the petition, return the original petition to the candidate for filing with the appropriate official in accordance with this subsection. **The candidate must file the certified petition with the appropriate official not later than noon July 15.**

(f) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a petition of nomination may be filed for an office that will appear on the primary election ballot that year as a result of the new tabulation of population or corrected population count.

SECTION 29. IC 3-8-6-12, AS AMENDED BY P.L.169-2015, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The **certified** petition of nomination must be accompanied by the following:

- (1) The candidate's written consent to become a candidate.
- (2) The following statements:
 - (A) A statement that the candidate has attached either of the following to the petition:
 - (i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.
 - (ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

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

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a



candidate for a federal office or legislative office.

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

(D) A statement that the candidate:

- (i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
- (ii) agrees to comply with the provisions of IC 3-9.

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

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

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

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

- (A) The candidate receives more than five hundred dollars (\$500) in contributions.
- (B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(5) A statement indicating whether or not each candidate:

- (A) has been a candidate for state or local office in a previous primary or general election; and
- (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed



by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(c) The statement required under subsection (b)(7) must:

- (1) be certified by each circuit court clerk; and
- (2) indicate the number of votes cast for secretary of state:
 - (A) at the last election for secretary of state; and
 - (B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

- (1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and
- (2) do one (1) of the following:
 - (A) If the petition includes a sufficient number of signatures, certify the petition.
 - (B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon on the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:

- (1) certify; or
- (2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

(f) The election division shall provide that the form of a petition of nomination includes the following information:

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

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.



(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the ~~circuit court clerk's or board of registration's~~ **county voter registration office's** failure to certify, under section 8 of this chapter, qualified petitioners; or

(2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 30. IC 3-8-6-14, AS AMENDED BY P.L.194-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14. (a) A person may not be selected as a candidate by petition of nomination without giving written consent and having it filed with the public official with whom certificates and petitions of nomination are required to be filed.

(b) Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of statements of economic interest.

(c) All questions concerning the validity of a petition of nomination filed with the secretary of state or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the commission. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the election division under ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(d)** or ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(f)** not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(d) All questions concerning the validity of a petition of nomination filed with a circuit court clerk or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the county election board. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the county election board under ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(d)** or ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(f)** not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(e) The commission or a county election board shall rule on the validity of the petition of nomination or the denial of certification under section 12(d) of this chapter not later than noon sixty (60) days before

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the date on which the general or municipal election will be held for the office.

SECTION 31. IC 3-8-9-5, AS AMENDED BY P.L.76-2014, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. An individual required to file a statement under section 4 of this chapter shall file the statement as follows:

- (1) With the individual's:
 - (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
 - (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6 **after certification by the county voter registration office;**
 - (C) certificate of nomination under IC 3-10-2-15 or IC 3-10-6-12;
 - (D) statement consenting to be a replacement candidate under IC 3-8-6-17;
 - (E) declaration of intent to be a write-in candidate under IC 3-8-2-2.5; or
 - (F) certificate of candidate selection under IC 3-13-1 or IC 3-13-2.

- (2) When the individual assumes a vacant elected office under IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, IC 3-13-11, or IC 20-23-4-30. A statement filed under this subdivision must be filed not later than noon sixty (60) days after the individual assumes the elected office.

SECTION 32. IC 3-10-1-4.6, AS AMENDED BY P.L.149-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4.6. (a) This section applies to precinct committeemen elected by the Indiana Republican Party.

(b) Precinct committeemen shall be elected on the first Tuesday after the first Monday in May ~~2016~~ **2020** and every four (4) years thereafter.

(c) The rules of the Indiana Republican Party may specify whether a precinct committeeman elected under subsection (b) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 33. IC 3-10-1-31.1, AS AMENDED BY P.L.169-2015, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when



making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots (including provisional ballots) and other material (including election material related to provisional ballots) during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d) and notwithstanding any other provision of state law, after the recount or contest filing period, the election material, including election material related to provisional ballots (except for ballots and provisional ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 52 U.S.C. 20701, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

- (1) IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 52 U.S.C. 10301;

requires the continued preservation of the ballots or other material.

(d) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) Upon delivery of the poll lists, the county voter registration office shall unseal the envelopes containing the poll lists, inspect the poll lists, and update the registration records of the county. The county voter registration office shall use the poll lists and information on affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list and affidavits shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) In addition to the poll lists described in subsection (e), the county voter registration office shall use the affidavits described by **IC 3-10-10-7**, IC 3-10-11-4, **and IC 3-10-12-3.4** to update the registration records of the county as soon as the affidavits are delivered to the county voter registration office.

(g) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public

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questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

(h) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

(i) This subsection applies to a detachable recording unit or compartment used to record a ballot cast on a direct record electronic voting system. After the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election, the circuit court clerk shall transfer the data contained in the unit or compartment to a disc or other recording medium. After transferring the data, the clerk may clear or erase the unit or compartment. The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 52 U.S.C. 20701, after which time the disc or medium may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the disc or medium is issued under the following:

- (1) IC 3-12-6-19.
- (2) IC 3-12-11-16.
- (3) 52 U.S.C. 10301.

SECTION 34. IC 3-10-1-31.3, AS ADDED BY P.L.219-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 31.3. (a) This subsection applies to a primary election within an election district in which more than one (1) political party chooses the party's nominees or in which a nonpartisan ballot is available for a voter to vote for an office or on a public question. A voter whose political party is not recorded on the poll list as required under section 24 of this chapter shall be shown on the voter's registration record as having cast an unknown ballot in that primary.

(b) This subsection applies to a primary election within an election district in which only one (1) political party chooses its nominees and a nonpartisan ballot is not available. A voter:

- (1) whose political party recorded on the poll list is not the political party conducting a primary within the election district;**
- (2) who is indicated on the poll list as having requested a**



nonpartisan ballot; or

(3) whose political party is not recorded on the poll list as required under section 24 of this chapter; shall be shown on the voter's registration record as having cast a ballot for the political party choosing that political party's nominees in that primary election.

SECTION 35. IC 3-10-2-3, AS AMENDED BY P.L.216-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. Electors for President and ~~Vice-President~~ **Vice President** of the United States shall be elected in ~~2016~~ **2020** and every four (4) years thereafter at a general election held in accordance with 3 U.S.C. 1.

SECTION 36. IC 3-10-2-4, AS AMENDED BY P.L.216-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. United States Senators shall be elected at a general election held in accordance with 2 U.S.C. 1 and as follows:

- (1) One (1) in ~~2016~~ **2018** and every six (6) years thereafter.
- (2) One (1) in ~~2018~~ **2022** and every six (6) years thereafter.

SECTION 37. IC 3-10-2-6, AS AMENDED BY P.L.216-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. The following public officials shall be elected in ~~2016~~ **2020** and every four (4) years thereafter:

- (1) Governor.
- (2) Lieutenant governor.
- (3) Attorney general.
- (4) Superintendent of public instruction.

SECTION 38. IC 3-10-6-2, AS AMENDED BY P.L.230-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) Except as otherwise provided in this chapter, a municipal primary election shall be held on the first Tuesday after the first Monday in May ~~2007~~ **2019** and every four (4) years thereafter.

(b) Each political party whose nominee received at least ten percent (10%) of the votes cast in the state for secretary of state at the last election shall nominate all candidates to be voted for at the municipal election to be held in November.

SECTION 39. IC 3-10-6-3, AS AMENDED BY P.L.216-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter each

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political party shall, at the primary election in:

(1) May 2018 and every four (4) years thereafter; and

(2) May 2019 and every four (4) years thereafter;

nominate candidates for the election to be held under section 6(a) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be conducted under this chapter.

(b) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under section 2.6 of this chapter each political party shall, at the primary election in:

(1) May ~~2016~~ **2018** and every four (4) years thereafter; and

(2) May ~~2018~~ **2020** and every four (4) years thereafter;

nominate candidates for the election to be held under section 6(b) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be conducted under this chapter.

(c) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under section 2.6 of this chapter each political party shall, at the primary election in May 2016 and every four (4) years thereafter, nominate candidates for the election to be held under section 6(c) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be held under this chapter.

SECTION 40. IC 3-10-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. Except as otherwise provided in this chapter, a municipal election shall be held on the first Tuesday after the first Monday in November ~~2007~~ **2019** and every four (4) years thereafter. At the election, public officials shall be elected to each municipal office.

SECTION 41. IC 3-10-7-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.7. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city.

(b) A town may adopt an ordinance during the year preceding a municipal election conducted under section 2 of this chapter prescribing the length of the term of office for municipal officers and changing the time municipal elections are held.

(c) The ordinance described in subsection (b) must provide all of the following:

(1) The town legislative body members, clerk-treasurer, or judge elected at the next municipal election not conducted in a general election year serve a term of three (3) years.

(2) The successors of the town legislative body members,

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clerk-treasurer, or judge described in subdivision (1) shall be chosen at the second general election following the municipal election and serve a term of four (4) years.

(3) The municipal elections for town offices shall be held during a general election.

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

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

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

(e) An ordinance described in subsection (b) or an ordinance repealing an ordinance previously adopted under subsection (b) takes effect when the ordinance is filed with the circuit court clerk of the county in which the largest percentage of the population of the town is located.

SECTION 42. IC 3-10-7-2.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.9. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city.

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

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

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

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

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

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

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

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

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

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

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

(e) An ordinance described in subsection (b) or an ordinance repealing an ordinance previously adopted under subsection (b) takes effect when the ordinance is filed with the circuit court clerk of the county in which the largest percentage of the population of the town is located.

SECTION 43. IC 3-10-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. This chapter is enacted to implement ~~42 U.S.C. 1973aa~~ **52 U.S.C. 10502** concerning voting for President and Vice President of the United States.

SECTION 44. IC 3-10-12-3.4, AS AMENDED BY P.L.194-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3.4. (a) This section applies to a voter who:

(1) changes residence from a precinct in a county to another precinct:

(A) in the same county; and

(B) in the same congressional district;

as the former precinct; and

(2) does not notify the county voter registration office of the change of address before election day.

(b) A voter described by subsection (a) may:

(1) correct the voter registration record; and

(2) vote in the precinct where the voter formerly resided;

if the voter makes an oral affirmation as described in subsection (e) or **uses the affidavit prescribed by the election division under IC 3-10-11-6 to make** a written affirmation as described in section 4 of this chapter of the voter's current residence address.

(c) A voter who moved outside of a municipality may not return to the precinct where the voter formerly resided to vote in a municipal election.

(d) A voter who moved from a location outside a municipality to a location within a municipality before a:

(1) municipal primary election;

(2) municipal election; or

(3) special election held only within the municipality;

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may not vote in the municipal primary election, municipal election, or special election held only within the municipality in the precinct of the person's former residence.

(e) A voter entitled to make a written affirmation under subsection (b) may make an oral affirmation. The voter must make the oral affirmation before the poll clerks of the precinct. After the voter makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

SECTION 45. IC 3-11-1.5-32.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 32.7. (a) A precinct boundary does not change automatically whenever either of the following occurs:**

- (1) The boundaries of a political subdivision change as the result of annexation or disannexation of territory.**
- (2) The boundaries of an election district within a political subdivision are changed by the political subdivision.**

(b) A precinct boundary may be changed only as provided in this chapter.

SECTION 46. IC 3-11-2-12.2, AS AMENDED BY P.L.21-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12.2. **(a) Whenever candidates are to be elected to an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.**

(b) Whenever candidates are to be elected to a school board office that includes both an at-large member and a member representing a district, the candidates seeking election as a member representing a district shall be placed on the ballot before candidates seeking election as an at-large member.

SECTION 47. IC 3-11-4-5.1, AS AMENDED BY P.L.169-2015, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5.1. (a) The election division shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

- (1) Require the applicant to swear to or affirm under the penalties

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of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.

(2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section 2(f) of this chapter.

(3) Serve as a verified statement for a voter to indicate a change of name under IC 3-7-41. The form must require the applicant to indicate the applicant's previous name.

(4) Set forth the penalties for perjury.

(c) The form prescribed by the election division shall require that a voter who:

(1) requests an absentee ballot; and

(2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) The election division shall approve absentee ballot application forms that comply with this subsection and section 2(g) of this chapter and permit the applicant to indicate a change of name under subsection (b). The form prescribed by the election division must request that a voter who requests an absentee ballot:

(1) provide the last four (4) digits of the voter's Social Security number; or

(2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter must

~~(1) comply with subsection (d). or~~

~~(2) be an earlier approved version of an application form authorized for use on June 30, 2013.~~

(f) The form prescribed by the election division must include a statement that permits an applicant to indicate whether:

(1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and

(2) the applicant's legal address is the address set forth in the applicant's voter registration.

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address to which the absentee ballot is to be mailed.

SECTION 48. IC 3-11-6-1, AS AMENDED BY P.L.221-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. The legislative body of a county may establish

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a cumulative fund under IC 6-1.1-41 to provide funds for the purchase of ballot card voting systems, ~~or~~ electronic voting systems, **or electronic poll books.**

SECTION 49. IC 3-11-8-7, AS AMENDED BY P.L.64-2014, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. In preparing the polls for an election, the county executive shall:

- (1) have placed within the room a railing separating the part of the room to be occupied by the precinct election board from that part of the room to be occupied by the ballot card voting systems, electronic voting systems, and the three (3) or more booths or compartments for marking paper ballots, whenever either or two (2) of these voting systems are used;
- (2) ensure that the portion of the room set apart for the precinct election board includes a designated area before the voter approaches the precinct election board at which each voter appears for challenge; and
- (3) provide a method or material for designating the boundaries of the chute, such as a railing, rope, or wire on each side, beginning a distance equal to the length of the chute (as defined in IC 3-5-2-10) away from and leading to the door for ~~challenge~~ **and to entering** the room in which the election is held.

SECTION 50. IC 3-11-8-11, AS AMENDED BY P.L.169-2015, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) When the hour for closing the polls occurs, the precinct election board shall permit all voters who:

- (1) ~~have passed the challengers and who~~ are waiting to announce their names to the poll clerks for the purpose of signing the poll list **and have been identified using one (1) of the methods described in subsection (b);**
- (2) have signed the poll list but who have not voted; or
- (3) are in the act of voting;

to vote.

(b) At the time described in subsection (a), an individual **precinct election official** designated by the ~~circuit court clerk~~ **county election board** shall:

- (1) determine the end of the line of voters who are waiting to vote; ~~but have not yet passed the challengers;~~ and
- (2) use one (1) of the following methods to identify the voters in the line who may vote if otherwise qualified to vote according to law:
 - (A) Write down the name of each voter.

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(B) Stamp each voter's hand.

(C) Stand, or designate another individual to stand, immediately behind the last voter who may vote.

(c) This subsection applies if a court order (or other order) has been issued to extend the hours that the polls are open under section 8 of this chapter. As provided in 52 U.S.C. 21082, the inspector shall identify the voters who would not otherwise be eligible to vote after the closing of the polls under subsection (a) and shall provide a provisional ballot to the voters in accordance with IC 3-11.7.

SECTION 51. IC 3-11-8-25.1, AS AMENDED BY P.L.169-2015, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. One (1) of each of the precinct election officers nominated by each county chairman of a major political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter to provide proof of identification. The voter shall produce the proof of identification to each precinct officer requesting the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a

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voter signs in on the electronic poll list. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the voter's registration record provided by the county voter registration office under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If:

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) The electronic poll book (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged". ~~so that the A~~ **voter may whose address is unchanged shall** check the box instead of writing the voter's current address on the poll list, or if an electronic poll book is used, the poll clerk ~~may shall~~ **shall** check the box after stating to the voter the address shown on the electronic poll book and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's

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current residence address on the poll list or reentering the address in the electronic poll book.

(l) If the voter indicates that the voter's current residence is located within another county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. The precinct election board shall provide the voter with a voter registration application for the voter to complete and file with the county voter registration office of the county where the voter's current residence address is located.

(m) If the voter indicates that the voter's current residence is located outside Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county.

SECTION 52. IC 3-11-13-22, AS AMENDED BY P.L.169-2015, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 22. (a) This section applies to:

- (1) a ballot card voting system; and
- (2) a voting system that includes features of a ballot card voting system and a direct record electronic voting system.

(b) ~~At least fourteen (14) days before election day,~~ The county election board of each county planning to use automatic tabulating machines at the next election shall ~~have~~ **randomly select at least ten percent (10%) of the automatic tabulating machines tested for testing** to ascertain that the machines will correctly count the votes cast for all candidates and on all public questions. **If an individual attending the public test requests that additional automatic tabulating machines be tested, then the county election board shall randomly select and test additional machines up to a maximum of fifteen percent (15%) of the machines that will be used at the next election.** Not later than seven (7) days after conducting the test under this subsection, the county election board shall certify to the election division that the test has been conducted in conformity with this subsection. **The testing under this subsection must begin before absentee voting begins in the office of the circuit court clerk under IC 3-11-10-26.**

(c) Public notice of the time and place shall be given at least forty-eight (48) hours before the test. The notice shall be published once in accordance with IC 5-3-1-4.

(d) If a county election board determines that:

- (1) a ballot:
 - (A) must be reprinted or corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political

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party, or public question from the ballot; or
 (B) is an absentee ballot that a voter is entitled to recast under IC 3-11-10-1.5 because the absentee ballot includes a candidate for election to office who:

- (i) ceased to be a candidate; and
- (ii) has been succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2; and

(2) ballots used in the test conducted under this section were not reprinted or corrected to remove the omission of a candidate, political party, or public question, or indicate the name of the successor candidate;

the county election board shall conduct an additional public test described in subsection (b) using the reprinted or corrected ballots. Notice of the time and place of the additional test shall be given in accordance with IC 5-14-1.5, but publication of the notice in accordance with IC 5-3-1-4 is not required.

SECTION 53. IC 3-11-13-31.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 31.5. (a) The exterior of a voting booth or compartment and each area of the polls must be in plain view of the precinct election board. Each voting booth or compartment shall be placed so that a person voting on the opposite side of the railing or a person on the outside of the polls cannot see or determine how a voter votes. The inspector, judges, and poll clerks may not remain or allow any other person to remain in a position or near a position that would permit them to see or ascertain how a voter votes.

(b) Only one (1) voter may occupy a booth or compartment at one time. Booths shall be constructed and arranged so that all members of the precinct election board can see whether more than one (1) voter enters a booth at any one time. **However, a voter who is a parent, grandparent, or other person caring for a minor child may take the child into the voting booth.**

SECTION 54. IC 3-11-14-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 24. (a) Only one (1) voter may occupy a booth **or compartment** at one time. Booths shall be constructed and arranged so that all members of the precinct election board can see whether more than one (1) voter enters a booth at any one time. **However, a voter who is a parent, grandparent, or other person caring for a minor child may take the child into the voting booth.**

(b) If a voter needs additional instruction after entering the voting booth, the voter may request assistance from the two (2) judges. The two (2) judges shall then approach but not enter the booth and call out

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additional instructions to the voter.

SECTION 55. IC 3-11-17-6, AS AMENDED BY P.L.120-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The voting system technical oversight program account is established with the state general fund to provide money for administering and enforcing IC 3-11-7, IC 3-11-7.5, IC 3-11-15, IC 3-11-16, and this chapter.

(b) The election division shall administer the account. With the approval of the budget agency, funds in the account are available to augment and supplement the funds appropriated to the election division for the purposes described in this section.

(c) The expenses of administering the account shall be paid from the money in the account.

(d) The account consists of the following:

- (1) All civil penalties collected under this chapter.
- (2) Fees collected under IC 3-11-15-4.
- (3) Contributions to the account made in accordance with a settlement agreement executed with a voting system vendor.

(4) Money appropriated by the general assembly for the voting system technical oversight program.

(e) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 56. IC 3-11.5-4-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 23. (a) Not later than noon ~~ten (10)~~ **fifty (50)** days before ~~absentee voting begins under IC 3-11-10-26;~~ **election day**, each county election board shall notify the county chairmen of the two (2) political parties that have appointed members on the county election board of the number of:

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

to be appointed under section 22 of this chapter.

(b) The county chairmen shall make written recommendations for the appointments to the county election board not later than noon ~~three (3)~~ **forty-six (46)** days before ~~absentee voting begins under IC 3-11-10-26;~~ **election day**. The county election board shall make the appointments as recommended.

(c) If a county chairman fails to make any recommendations, then the county election board may appoint any voters of the county who comply with section 22 of this chapter.

SECTION 57. IC 3-12-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. **(a) This section**

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does not apply to a candidate for an at-large office of a county council, city common council, town council, or township board, if those offices appear on a ballot.

(a) (b) This section applies to a vote cast for one (1) straight party ticket that includes a candidate for election to office who:

- (1) ceases to be a candidate; and
- (2) is succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2.

(b) (c) A vote cast in the election for the original nominee is considered a vote cast for the successor.

SECTION 58. IC 3-12-12-2, AS AMENDED BY P.L.84-2016, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. A voter who desires a recount under this chapter must file a verified petition no later than noon fourteen (14) days after election day. The petition must be filed:

- (1) in the circuit court, superior court, or probate court of each county in which is located a precinct in which the voter desires a recount; and
- (2) with the election division, **if the recount is to be conducted by the state recount commission under section 23 of this chapter.**

SECTION 59. IC 3-12-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) Each petition filed under section 2 of this chapter must be accompanied by a cash deposit, or a bond with corporate surety to the approval of the court, **if the recount is to be conducted by a county recount commission**, for the payment of all costs of the recount **chargeable to the petitioner**. The minimum amount of the cash deposit or bond is one hundred dollars (\$100). A cash deposit for a recount conducted by a county recount commission shall be deposited in the county general fund. A cash deposit in a recount conducted by the state recount commission shall be deposited in the state recount fund.

(b) This subsection applies to the recount of a public question to which either of the following applies:

- (1) The public question is a local public question under IC 3-10-9 in which, on the face of the election returns, the difference between the number of affirmative and negative votes cast is not more than two hundred (200).
- (2) The public question is covered under section 23 of this chapter and, on the face of the election returns, the difference between the number of affirmative and negative votes cast is not more than two thousand (2,000).

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If the number of precincts to be recounted exceeds ten (10), then the amount of the deposit shall be increased by ten dollars (\$10) for each precinct in excess of ten (10).

(c) This subsection applies to the recount of a public question to which either of the following applies:

(1) The public question is a local public question under IC 3-10-9 and, on the face of the election returns, the difference between the number of affirmative and negative votes cast is more than two hundred (200).

(2) The public question is covered under section 23 of this chapter and, on the face of the election returns, the difference between the number of affirmative and negative votes cast is more than two thousand (2,000).

If the number of precincts to be recounted exceeds ten (10), the amount of the deposit shall be increased by one hundred dollars (\$100) for each precinct in excess of ten (10).

(d) If after a recount, it is determined that the result of the public question is other than what was shown on the face of the election returns, the deposit furnished by the petitioner shall be returned to the petitioner in full.

(e) Any unexpended balance remaining in a deposit after payment of all costs of the recount remains in the county general fund.

(f) This subsection applies to a recount conducted by the state recount commission under this chapter. Any unexpended balance remaining in a deposit after payment of all costs of the recount remains in the state recount fund.

SECTION 60. IC 3-12-12-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 22. **(a) This section does not apply to a recount conducted by the state recount commission under section 23 of this chapter.**

(b) If a recount is made for a public question for which votes were cast in more than one (1) county, each circuit court clerk where the recount was made shall determine whether the votes in the precincts shown by the recount certificate differ from the votes that were tabulated by the county election board. If a circuit court clerk finds that there is a difference between the votes shown by the recount certificate and the votes tabulated by the county election board, the clerk shall prepare a certificate showing the total vote in the county for and against the public question as corrected in accordance with the recount certificate.

SECTION 61. IC 3-12-12-23, AS AMENDED BY P.L.169-2015, SECTION 151, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2017]: Sec. 23. (a) This section applies to a recount of:

(1) a public question concerning the ratification of a state constitutional amendment or the retention of a justice of the Indiana supreme court, ~~or a judge of the Indiana court of appeals,~~ **or the judge of the Indiana tax court;** or

(2) another public question voted on by the electorate of the entire state.

(b) The state recount commission shall conduct a recount proceeding under this section and shall immediately transmit a certificate to the election division showing for each precinct in which a recount was conducted the total vote for and against the public question.

(c) Upon tabulation of the returns under this section by the election division, the secretary of state shall issue a certificate declaring the public question approved or rejected.

(d) The election division shall provide to the office the results of the recount in each precinct in which a recount was conducted.

SECTION 62. IC 3-13-1-13, AS AMENDED BY P.L.216-2015, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13. If ~~no person is fewer than two~~ **(2) persons are** eligible to participate in the filling of a candidate vacancy for an office under section 6(b) of this chapter, the county chairman entitled to call the meeting under section 8 of this chapter shall appoint a person to fill the vacancy.

SECTION 63. IC 3-13-1-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16.5. (a) All questions concerning the validity of a certificate of candidate selection filed with the election division shall be determined by the commission. A statement questioning the validity of a certificate of candidate selection must be filed with the election division under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(b) All questions concerning the validity of a certificate of candidate selection filed with a circuit court clerk shall be referred to and determined by the county election board. A statement questioning the validity of a certificate of candidate selection must be filed with the county election board under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(c) The commission or a county election board shall rule on the

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validity of the certificate of candidate selection not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

SECTION 64. IC 3-13-1-20.5, AS ADDED BY P.L.64-2014, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 20.5. (a) This section applies to a **candidate nominated by a political party** subject to IC 3-8-4-10, IC 3-10-2-15, or IC 3-10-6-12.

(b) This section does not apply to a candidate nominated under IC 3-8-5-14 and subject to IC 3-8-5-14.7.

~~(b)~~ (c) All questions concerning the validity of a certificate of candidate selection filed under section 20 of this chapter with the election division shall be determined by the commission. A statement questioning the validity of a certificate of candidate selection must be filed with the election division under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not later than noon seventy-four (74) days before the date on which the general election will be held for the office.

~~(c)~~ (d) All questions concerning the validity of a certificate of candidate selection filed under section 20 of this chapter with a circuit court clerk shall be referred to and determined by the county election board. A statement questioning the validity of a certificate of candidate selection must be filed with the county election board under ~~IC 3-8-1-2(c)~~ **IC 3-8-1-2(d)** not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

~~(d)~~ (e) The commission or a county election board shall act upon a question concerning the validity of a certificate of candidate selection not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

SECTION 65. IC 3-13-1-21, AS AMENDED BY P.L.216-2015, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 21. (a) This section applies to a certificate of candidate selection filed under section 15 or 20 of this chapter.

(b) To enforce the requirements of IC 3-5-4-1.9, the election division, a circuit court clerk, or any other official responsible for receiving a certificate of candidate selection may not receive a filing of a certificate of candidate selection if:

- (1) a notice of a caucus or meeting;
- (2) a notice of intent to fill a vacancy under section 20 of this chapter;**
- ~~(2)~~ **(3) a declaration of candidacy filed by the individual selected as the candidate;** or

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(3) **(4)** the certificate of candidate selection;

is or was offered to be filed after the deadline for the filing provided by this chapter or was not offered for filing at or before the deadline for the filing provided by this chapter.

SECTION 66. IC 3-13-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) All questions concerning the validity of a certificate of candidate selection filed with the election division shall be determined by the commission. A statement questioning the validity of a certificate of candidate selection must be filed with the election division under ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(d)** not later than noon fourteen (14) days before general election day.

(b) All questions concerning the validity of a certificate of candidate selection filed with a circuit court clerk shall be determined by the county election board. A statement questioning the validity of a certificate of candidate selection must be filed with the county election board under ~~IC 3-8-1-2(e)~~ **IC 3-8-1-2(d)** not later than noon fourteen (14) days before general election day.

(c) The commission or a county election board shall rule on the validity of the certificate of candidate selection not later than noon seven (7) days before general election day.

SECTION 67. IC 3-13-11-3, AS AMENDED BY P.L.194-2013, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) Except as provided in subsections (b) and (e) and section 3.5 of this chapter, **after a vacancy occurs and** not later than ten (10) days after a vacancy occurs in an office subject to this chapter, the county chairman:

- (1) of the county in which the greatest percentage of the population of the election district of the office is located; and
- (2) of the same political party that elected or selected the official who vacated the office;

shall give notice of a caucus to all eligible precinct committeemen.

(b) A county chairman may give notice of a caucus before the time specified under subsection (a) if a vacancy will exist because the official has:

- (1) submitted a written resignation under IC 5-8-3.5; or
- (2) been elected to another office.

(c) Notwithstanding IC 5-8-4, a person may not withdraw the person's resignation after the resignation has been accepted by the person authorized to accept the resignation less than seventy-two (72) hours before the announced starting time of a caucus under this section.

(d) Except as provided in subsection (e) and section 3.5 of this

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chapter, a caucus under this section shall be held after giving notice to caucus members under section 4 of this chapter and not later than thirty (30) days after the vacancy occurs.

(e) If a vacancy exists in an office because of the death of the officeholder, the caucus shall meet and select an individual to fill the vacancy not later than thirty (30) days after the county chairman receives notice of the death under IC 5-8-6. The county chairman shall give notice to caucus members under section 4 of this chapter. The county chairman may not give the notice required by section 4 of this chapter until the county chairman receives notice of the death under IC 5-8-6.

SECTION 68. IC 3-13-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. The members of a caucus held under this chapter shall select, by a majority vote of those casting a vote for a candidate, a person to fill the vacancy described in the written notice of the caucus. **If more than one (1) person seeks to fill the vacancy**, the selection shall be conducted by secret ballot.

SECTION 69. IC 5-9-4-8, AS AMENDED BY P.L.120-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) Except as provided in subsection (b) and IC 36-5-6-9, during the officeholder's leave of absence, the officeholder's office must be filled by a temporary appointment made under:

- (1) IC 3-13-4;
- (2) IC 3-13-5;
- (3) IC 3-13-6;
- (4) IC 3-13-7;
- (5) IC 3-13-8;
- (6) IC 3-13-9;
- (7) IC 3-13-10;
- (8) IC 3-13-11;
- (9) IC 20-23-4;
- (10) IC 20-26;
- (11) IC 20-23-12;
- (12) IC 20-23-14;
- (13) IC 20-23-15;
- (14) IC 20-23-17;
- (15) IC 20-23-17.2;
- (16) IC 20-25-3;
- (17) IC 20-25-4; or
- (18) IC 20-25-5;

in the same manner as a vacancy created by a resignation is filled. A

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temporary appointment may be made in accordance with the applicable statute after the written notice required under section 7 of this chapter has been filed.

(b) For an officeholder who:

(1) is:

(A) a justice of the supreme court, a judge of the court of appeals, or a judge of the tax court; or

(B) a judge of a circuit, city, probate, or superior court; and

(2) is taking a leave of absence under this chapter;

the supreme court shall appoint a judge pro tempore to fill the officeholder's office in accordance with the court's rules and procedures.

(c) The person selected or appointed under subsection (a) or (b) serves until the earlier of:

(1) the date the officeholder's leave of absence ends as provided in section 10 of this chapter; or

(2) the officeholder's term of office expires.

(d) The person selected or appointed to an office under subsection (a) or (b):

(1) assumes all the rights and duties of; and

(2) is entitled to the compensation established for;

the office for the period of the temporary appointment.

SECTION 70. IC 20-23-12-9, AS AMENDED BY P.L.216-2015, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in ~~2016~~ **2020** and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2018 and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the general election to be held in ~~2016~~ **2020** and every four (4) years thereafter.

SECTION 71. IC 20-23-14-9, AS AMENDED BY P.L.216-2015, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the general election to be held in ~~2016~~ **2020** and every four (4) years thereafter.

(2) Two (2) of the members are elected at the general election to be held in 2018 and every four (4) years thereafter.

SECTION 72. IC 20-23-17-8, AS ADDED BY P.L.179-2011,

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SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) This section applies if the voters of the school corporation approve choosing the members of the governing body under this chapter in a referendum described in section 1 of this chapter.

(b) (a) This subsection applies to ~~the appointed~~ a member of the governing body whose term expires December 31, 2011. Before December 31, 2011, the city legislative body shall appoint the successor of this member for a term that expires January 1, 2013. **electd at the 2016 general election.** The successors of ~~the a~~ a member appointed under this subsection **electd at the 2016 general election** shall:

- (1) be elected at the ~~2012~~ **2020** general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and
- (2) take office as provided in section 4 of this chapter.

(c) This subsection applies to ~~the appointed~~ member of the governing body whose term expires December 31, 2012. The successors of the member described in this subsection shall:

- (1) be elected at the ~~2012~~ general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and
- (2) take office as provided in section 4 of this chapter.

(d) (b) This subsection applies to the appointed member of the governing body whose term expires December 31, ~~2013~~. **2017.** The successors of this member shall be appointed by the city legislative body as provided in section 3(a)(3) of this chapter and take office as provided in section 4 of this chapter.

(e) The appointed members of the governing body whose terms expire December 31, 2014, may serve as members of the governing body under this chapter for the remainder of their appointed terms.

(c) This subsection applies to the member of the governing body **electd at the 2014 general election.** The successors of ~~these members~~ a member **electd at the 2014 general election** shall: ~~be chosen as follows:~~

(1) ~~One (1) member shall:~~

(A) **(1)** be elected at the ~~2014~~ **2018** general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

(B) **(2)** take office as provided in section 4 of this chapter.

(d) This subsection applies to the appointed member of the governing body whose term expires December 31, 2018. The successors of this member

(2) ~~One (1) member~~ shall be appointed by the city executive as



provided in section 3(a)(2) of this chapter and take office as provided in section 4 of this chapter.

(f) ~~On January 1, 2013, all powers, duties, and functions adhering to the appointed governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established by this chapter.~~

(g) ~~On January 1, 2013, the property and records of the appointed governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established by this chapter.~~

SECTION 73. IC 20-23-17.2-3.1, AS AMENDED BY P.L.127-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3.1. (a) ~~After December 31, 2016,~~ The governing body of the school corporation consists of five (5) members, elected as provided in this chapter.

(b) Three (3) members shall be elected as follows:

- (1) From districts established as provided in section 4.1 of this chapter.
- (2) On a nonpartisan basis.
- (3) At the general election held in the county in 2018 and every four (4) years thereafter.

(c) Two (2) members shall be elected as follows:

- (1) At large by all the voters of the school corporation.
- (2) On a nonpartisan basis.
- (3) At the general election held in the county in 2016 and every four (4) years thereafter.

(d) The term of office of a member of the governing body:

- (1) is four (4) years; and
- (2) begins January 1 after the election of members of the governing body.

(e) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 74. IC 33-33-45-41, AS AMENDED BY P.L.201-2011, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 41. (a) Each judge appointed under section 38 of this chapter serves an initial term, which begins on the effective date of the appointment of the judge and continues through December 31 in the year of the general election that follows the expiration of two (2) years after the effective date of the judge's appointment.

(b) Unless **the judge:**

- (1) is rejected by the electorate of Lake County; or**
- (2) does not file the statement required;**

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under section 42 of this chapter, a judge of the superior court shall serve successive six (6) year terms.

(c) Each six (6) year term begins on the first day of January following the expiration of the preceding initial term or the preceding six (6) year term, as the case may be, and continues for six (6) years.

SECTION 75. IC 33-33-45-42, AS AMENDED BY P.L.201-2011, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 42. (a) The question of the retention in office or rejection of each judge of the superior court of Lake County shall be submitted to the electorate of Lake County at the general election immediately preceding expiration of the term of the judge.

(b) At the general election, the question of the retention in office or rejection of a judge described in subsection (a) shall be submitted to the electorate of Lake County in the form prescribed by IC 3-11 and must state "Shall Judge (insert name) of the superior court of Lake County be retained in office for an additional term?".

(c) If a majority of the ballots cast by the electors voting on any question is "Yes", the judge whose name appeared on the question shall be approved for a six (6) year term beginning January 1 following the general election as provided in section 41(b) of this chapter.

(d) If a majority of the ballots cast by the electors voting on any question is "No", the judge whose name appeared on the question shall be rejected. The office of the rejected judge is vacant on January 1 following the rejection. The vacancy shall be filled by appointment by the governor under section 38 of this chapter.

(e) The Lake County election board shall submit the question of the retention in office or rejection of a judge described in subsection (a) to the electorate of Lake County. The submission of the question is subject to the provisions of IC 3 that are not inconsistent with this chapter.

(f) A judge who wishes to be retained in office shall file a statement with the secretary of state, not later than noon July 15 of the year in which the question of retention of the judge is to be placed on the general election ballot, indicating that the judge wishes to have the question of the judge's retention placed on the ballot. The judge's statement must include a statement of the judge's name as:

- (1) the judge wants the judge's name to appear on the ballot;**
- and**
- (2) the candidate's name is permitted to appear on the ballot under IC 3-5-7.**

~~(f)~~ (g) If a judge who is appointed does not desire to serve any



further term, the judge shall notify in writing the clerk of the Lake circuit court at least sixty (60) days before any general election; in which case file the statement required under subsection (f), the question of that judge's retention in office or rejection shall not be submitted to the electorate, and the office becomes vacant at the expiration of the term.

SECTION 76. IC 33-33-71-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 42. (a) Each judge appointed serves an initial term that begins on the effective date of the judge's appointment and continues through December 31 in the year of the general election that follows the expiration of two (2) years after the effective date of the judge's appointment.

(b) Thereafter, unless **the judge:**

(1) is rejected by the electorate of St. Joseph County under this chapter; or

(2) does not file the statement required under section 43 of this chapter;

each judge of the St. Joseph superior court serves successive six (6) year terms. Each successive six (6) year term begins on the first day of January following the expiration of the preceding initial term or the preceding six (6) year term and continues for six (6) years.

SECTION 77. IC 33-33-71-43, AS AMENDED BY P.L.58-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 43. (a) The question of the retention in office or rejection of each judge of the St. Joseph superior court shall be submitted to the electorate of St. Joseph County at the general election immediately preceding expiration of the term of that judge.

(b) A judge who wishes to be retained in office shall file a statement with the secretary of state, not later than noon July 15 of the year in which the question of retention of the judge is to be placed on the general election ballot, indicating that the judge wishes to have the question of the judge's retention placed on the ballot. The judge's statement must include a statement of the judge's name as:

(1) the judge wants the judge's name to appear on the ballot; and

(2) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

~~(b)~~ (c) If a judge subject to this chapter does not desire to serve a further term, the judge shall notify the judge's intention in writing to the clerk of the St. Joseph circuit court at least sixty (60) days before the general election immediately preceding expiration of the judge's term



in which case file the statement required under subsection (b), the question of the judge's retention in office or rejection may not be submitted to the electorate, and the office is vacant at the expiration of the term.

(c) (d) The St. Joseph County election board shall submit the question of the retention in office or rejection of any judge to the electorate of St. Joseph County. The submission of this question is subject to the provisions of IC 3 that are not inconsistent with this chapter.

(d) (e) At the general election, the question of the retention in office or rejection of a judge shall be submitted to the electorate of St. Joseph County in the form prescribed by IC 3-1-1 and must state "Shall Judge (insert name) of the St. Joseph superior court be retained in office for an additional term?".

(e) (f) If a majority of the ballots cast by the electors voting on the question is "No", the judge whose name appeared on such question is rejected. The office of the rejected judge is vacant on January 1 following the rejection. The vacancy shall be filled by appointment of the governor under section 40 of this chapter. The name of the rejected judge may not be included among those submitted to the governor. However, the judge's rejection does not disqualify a rejected judge from being considered for another judicial office that becomes vacant.

SECTION 78. IC 33-35-1-1, AS AMENDED BY P.L.164-2006, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) During ~~2006~~ **2018** and every fourth year after that, a second or third class city or a town may by ordinance establish or abolish a city or town court. An ordinance to establish a city or town court must be adopted not less than one (1) year before the judge's term would begin under section 3 of this chapter.

(b) The judge for a court established under subsection (a) shall be elected under IC 3-10-6 or IC 3-10-7 at the municipal election in November ~~2007~~ **2019** and every four (4) years thereafter.

(c) A court established under subsection (a) comes into existence on January 1 of the year following the year in which a judge is elected to serve in that court.

(d) A city or town court in existence on January 1, 1986, may continue in operation until it is abolished by ordinance.

(e) A city or town that establishes or abolishes a court under this section shall give notice of its action to the division of state court administration of the office of judicial administration under IC 33-24-6.

SECTION 79. IC 36-5-2-4.1, AS AMENDED BY P.L.271-2013, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2017]: Sec. 4.1. (a) The legislative body may, by ordinance, divide the town into districts for the purpose of conducting elections of town officers.

(b) A town legislative body district must comply with the following standards:

- (1) The district must be composed of contiguous territory, except for territory that is not contiguous to any other part of the town.
- (2) The district must be reasonably compact.
- (3) The district must contain, as nearly as is possible, equal population.
- (4) The district may not cross a census block boundary except when following a precinct boundary line or unless the ordinance specifies that the census block has no population and is not likely to ~~ever~~ have population **before the effective date of the next federal decennial census.**
- (5) The district may not cross precinct lines, except as provided in subsection (c).

(c) The boundary of a town legislative body district established under subsection (a) may cross a precinct boundary line if:

- (1) the legislative body provides by ordinance under section 5 of this chapter that all legislative body members are to be elected at large by the voters of the whole town; or
- (2) the district would not otherwise contain, as nearly as is possible, equal population.

(d) If any territory in the town is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

(e) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

(f) The ordinance may be appealed in the manner prescribed by IC 34-13-6. If the town is located in two (2) or more counties, the appeal may be filed in the circuit or superior court of any of those counties.

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(g) This subsection does not apply to a town with an ordinance described by subsection (h). Except as provided in subsection (k), the division permitted by subsection (a) shall be made:

- (1) during the second year after a year in which a federal decennial census is conducted, subject to IC 3-11-1.5-32; and
- (2) when required to assign annexed territory to a municipal legislative body district.

The division may also be made in any other year.

(h) This subsection applies to a town having a population of less than three thousand five hundred (3,500). The town legislative body may adopt an ordinance providing that:

- (1) town legislative body districts are abolished; and
- (2) all members of the legislative body are elected at large.

(i) An ordinance described by subsection (h):

- (1) may not be adopted or repealed during a year in which a municipal election is scheduled to be conducted in the town under IC 3-10-6 or IC 3-10-7; and
- (2) is effective upon passage.

(j) A copy of the ordinance establishing districts or a recertification under this section must be filed with the circuit court clerk of the county that contains the greatest population of the town not later than thirty (30) days after the ordinance or recertification is adopted. The filing must include a map of the district boundaries:

- (1) adopted under subsection (a); or
- (2) recertified under subsection (k).

(k) This subsection applies during the second year after a year in which a federal decennial census is conducted. If the legislative body determines that a division under subsection (a) is not required, the legislative body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(l) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.

(m) If a conflict exists between:

- (1) a map showing the boundaries of a district; and
- (2) a description of the boundaries of that district set forth in the ordinance;

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the district boundaries are the description of the boundaries set forth in the ordinance, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

(n) This subsection applies to a town having a population of less than three thousand five hundred (3,500). If the town legislative body has not:

- (1) adopted an ordinance under subsection (a) and subject to subsection (g) after December 31, 2011; or**
- (2) adopted an ordinance recertifying districts under subsection (k) after December 31, 2011;**

the town legislative body districts are abolished, effective January 1, 2018. A town described by this subsection may adopt an ordinance to establish town legislative body districts in accordance with subsection (a) and subject to subsection (g) after January 1, 2018.

SECTION 80. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "elections committee" refers to the interim study committee on elections established by IC 2-5-1.3-4.

(b) The general assembly urges the legislative council to assign to the elections committee or another appropriate interim study committee the topic of the notification of an offender being released from custody of:

- (1) the offender's right to vote; and**
- (2) the requirement that the offender re-register in order to vote.**

(c) If the legislative council assigns the topic described in subsection (b) to the elections committee or another appropriate interim study committee, the interim study committee shall complete the study required by this SECTION and report its findings and conclusions, if any, including any recommended legislation, to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2017.

(d) This SECTION expires January 1, 2018.

SECTION 81. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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