

IC 3-5

ARTICLE 5. GENERAL PROVISIONS

IC 3-5-1

Chapter 1. Applicability; Types of Elections

IC 3-5-1-0.3

P.L.5-1986 intended to be a codification and restatement of law; no effect on rights or liabilities accrued, penalties incurred, crimes committed, or proceedings begun

Sec. 0.3. (a) P.L.5-1986 is intended to be a codification and restatement of applicable or corresponding provisions repealed by P.L.5-1986, SECTION 61 (IC 2-2.1-2, IC 3-1, IC 3-2, IC 3-4, IC 33-13-1, IC 33-13-2, and IC 35-50-1-4). If P.L.5-1986 repeals and replaces a provision in the same form or in a restated form, the substantive operation and effect of that provision continue uninterrupted.

(b) P.L.5-1986 does not affect any:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) violations committed; or
- (4) proceedings begun;

before March 4, 1986. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if P.L.5-1986 had not been enacted.

As added by P.L.220-2011, SEC.10.

IC 3-5-1-0.4

General assembly may preserve background materials related to P.L.5-1986

Sec. 0.4. The general assembly may, by concurrent resolution, preserve any of the background materials related to P.L.5-1986.

As added by P.L.220-2011, SEC.11.

IC 3-5-1-1

Public officials or public questions; application

Sec. 1. This title applies to each election at which the electorate of the state or a political subdivision:

- (1) nominates or chooses by ballot public officials; or
- (2) decides a public question lawfully submitted to the electorate.

As added by P.L.5-1986, SEC.1.

IC 3-5-1-2

Types of elections

Sec. 2. The types of elections to which this title applies are classified as follows:

- (1) General election, which is conducted statewide on the first Tuesday after the first Monday in November of each even-numbered year.

(2) Municipal election, in which the electorate of a municipality chooses by ballot public officials for the municipality or decides a public question lawfully submitted to the electorate of the municipality.

(3) Primary election, which is conducted for the purpose of choosing by ballot the following:

(A) The candidates who will be the nominees of a political party for elected offices in a general or municipal election.

(B) The precinct committeemen of a political party.

(C) The delegates to a political party's state convention.

(4) School district election, in which the electorate of a school district chooses by ballot members of the school board.

(5) Special election, which is conducted for a special purpose as provided by law.

As added by P.L.5-1986, SEC.1.

IC 3-5-2

Chapter 2. Definitions

IC 3-5-2-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this title.
As added by P.L.5-1986, SEC.1.

IC 3-5-2-1.5

"Absent uniformed services voter"

Sec. 1.5. "Absent uniformed services voter" refers to any of the following:

- (1) A member of a uniformed service on active duty who, by reason of active duty, is absent from the place of residence where the member is otherwise qualified to vote.
- (2) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote.
- (3) A member of the Indiana national guard deployed or on assignment outside Indiana.
- (4) A spouse or dependent of a member referred to in subdivision (1), (2), or (3) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

As added by P.L.14-1993, SEC.1. Amended by P.L.12-1995, SEC.1; P.L.3-1997, SEC.3; P.L.126-2002, SEC.1.

IC 3-5-2-1.7

"Active voter"

Sec. 1.7. "Active voter" means the following:

- (1) For purposes of IC 3-11-1.5, refers to a voter who satisfies either of the following:
 - (A) The voter has registered or voted in any election during the preceding four (4) years at the address indicated on the voter's registration record.
 - (B) The voter has not voted in any election during the preceding four (4) years at the address indicated on the voter's registration record and has responded in writing to an address confirmation notice sent under IC 3-7 not later than thirty (30) days after the notice was sent.
- (2) For purposes of IC 3-11-18.1, has the meaning set forth in IC 3-11-18.1-2.

As added by P.L.12-1995, SEC.2. Amended by P.L.4-1996, SEC.1; P.L.38-1999, SEC.1; P.L.225-2011, SEC.2.

IC 3-5-2-2

"Automatic tabulating machine"

Sec. 2. "Automatic tabulating machine" means:

- (1) apparatus necessary to automatically examine and count votes as designated on ballots; and

(2) data processing machines that can be used for counting ballots and tabulating results.

As added by P.L.5-1986, SEC.1. Amended by P.L.6-1986, SEC.1.

IC 3-5-2-2.5

"Auxiliary party organization"

Sec. 2.5. "Auxiliary party organization" means an organization located within or outside Indiana that:

- (1) is affiliated with a political party;
- (2) proposes to influence the election of a candidate for state, legislative, local, or school board office, or the outcome of a public question; and
- (3) has not:
 - (A) had an annual budget of five thousand dollars (\$5,000) or more in at least one (1) of the last two (2) years; or
 - (B) made a contribution of more than one thousand dollars (\$1,000) to another committee or to a candidate.

As added by P.L.3-1995, SEC.3. Amended by P.L.176-1999, SEC.1.

IC 3-5-2-3

"Ballot"

Sec. 3. "Ballot" means:

- (1) the paper ballot prepared, printed, and supplied for use at an election;
- (2) the ballot label prepared, printed, and supplied for use on the front of an electronic voting system; or
- (3) the ballot card prepared, printed, and supplied for use in a ballot card voting system.

As added by P.L.5-1986, SEC.1. Amended by P.L.3-1987, SEC.2; P.L.221-2005, SEC.1.

IC 3-5-2-4

"Ballot card"

Sec. 4. "Ballot card" refers to an optical scan ballot.

As added by P.L.5-1986, SEC.1. Amended by P.L.239-2001, SEC.1; P.L.221-2005, SEC.2.

IC 3-5-2-4.5

"Ballot card voting system"

Sec. 4.5. "Ballot card voting system" refers to an optical scan voting system.

As added by P.L.239-2001, SEC.2. Amended by P.L.221-2005, SEC.3.

IC 3-5-2-5

"Ballot label"

Sec. 5. "Ballot label" means:

- (1) the printed strip or sheet of cardboard or paper, supplied for use on an electronic voting system, that contains the names of the candidates and the public questions on the ballot; or

- (2) the material, supplied for use with a ballot card voting system, that contains those names and questions.

As added by P.L.5-1986, SEC.1. Amended by P.L.3-1987, SEC.3; P.L.221-2005, SEC.4.

IC 3-5-2-5.5

"Bona fide political party"

Sec. 5.5. "Bona fide political party" means:

- (1) a major political party; or
- (2) a political party that has:
 - (A) nominated at least one (1) candidate for political office during the preceding five (5) years;
 - (B) held a convention; or
 - (C) raised money and filed the financial reports required by law.

As added by P.L.3-1993, SEC.3.

IC 3-5-2-6

"Candidate"

Sec. 6. (a) Except as provided in subsection (b), "candidate" means a person who:

- (1) has taken the action necessary to qualify under Indiana law for listing on the ballot at an election or to become a write-in candidate;
- (2) has publicly announced or declared candidacy for an elected office; or
- (3) otherwise seeks nomination for or election to an elected office, regardless of whether the individual wins election to the office.

(b) As used in IC 3-9, an individual becomes a "candidate" when the individual, the candidate's committee, or a person acting with the consent of the individual:

- (1) receives more than one hundred dollars (\$100) in contributions; or
- (2) makes more than one hundred dollars (\$100) in expenditures.

As added by P.L.5-1986, SEC.1. Amended by P.L.4-1991, SEC.1; P.L.3-1997, SEC.4.

IC 3-5-2-7

"Candidate's committee"

Sec. 7. "Candidate's committee" means:

- (1) the principal political committee that each candidate is required to have under IC 3-9-1; or
- (2) an exploratory committee established by a candidate who has not decided whether to become a candidate for a specific office.

As added by P.L.5-1986, SEC.1. Amended by P.L.8-1992, SEC.2; P.L.3-1995, SEC.4.

IC 3-5-2-7.5**"Caucus"**

Sec. 7.5. As used in IC 3-9, "caucus" refers to a caucus to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2. The term does not include a caucus to fill a vacant office under IC 3-13-5 or IC 3-13-11. *As added by P.L.3-1997, SEC.5.*

IC 3-5-2-8**"Central committee"**

Sec. 8. "Central committee" means a state committee, congressional district committee, county committee, city committee, or town committee of a political party.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-8.7**Repealed**

(Repealed by P.L.164-2006, SEC.143.)

IC 3-5-2-9**"Chairman"**

Sec. 9. "Chairman" refers to the chairman of a central committee as follows:

- (1) State chairman, chairman of a state committee.
- (2) District chairman, chairman of a congressional district committee.
- (3) County chairman, chairman of a county committee.
- (4) City chairman, chairman of a city committee.
- (5) Town chairman, chairman of a town committee.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-10**"Chute"**

Sec. 10. "Chute" means the area or pathway that extends fifty (50) feet in length, measured from the entrance to the polls. If the property line of the polling place is less than fifty (50) feet from the door or entrance to the polling place, the chute is measured from the exterior door or entrance to the polling place to one-half (1/2) the distance to the property line of the polling place nearest to the entrance to the polls. Whenever there are two (2) or more doors or entrances to the polls, the inspector of the precinct shall designate one (1) door or entrance as the door for voters to enter for the purpose of voting.

As added by P.L.5-1986, SEC.1. Amended by P.L.69-2003, SEC.1; P.L.14-2004, SEC.1.

IC 3-5-2-11**"City"**

Sec. 11. "City" means a first class city, second class city, or third class city as classified under IC 36-4-1-1. The term does not include towns.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-11.5

"Commission"

Sec. 11.5. "Commission" refers to the Indiana election commission established by IC 3-6-4.1-1.

As added by P.L.8-1995, SEC.3.

IC 3-5-2-12

"Consolidated city"

Sec. 12. "Consolidated city" refers to a first class city that has become a consolidated city under IC 36-3-1.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-13

"Contestee"

Sec. 13. "Contestee" means a candidate whose nomination or election is being contested by a contestor.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-14

"Contestor"

Sec. 14. "Contestor" means a person who initiates a proceeding to contest the result of an election.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-15

"Contribution"

Sec. 15. (a) "Contribution" means a donation (whether characterized as an advance, a deposit, a gift, a loan, a subscription, or a contract or promise to make a donation) of property (as defined in IC 35-31.5-2-253) that satisfies both of the following:

(1) The donation is made for the purpose of influencing any of the following:

(A) The nomination or election to office of a candidate.

(B) The election of delegates to a state constitutional convention.

(C) The outcome of a public question.

(2) The donation is accepted by any of the following:

(A) A candidate.

(B) A candidate's committee.

(C) A regular party committee.

(D) A political action committee.

(E) A legislative caucus committee.

(b) Whenever funds are transferred from one (1) committee to another, the accepting committee is considered to be receiving a contribution in the amount of the funds transferred.

(c) Whenever a candidate or a committee accepts the personal services of a person whose compensation is being paid by a third person, the candidate or committee is considered to be receiving a

contribution from the third person in the amount of the compensation paid.

(d) Notwithstanding subsection (a), whenever a candidate or a committee accepts the personal services of a volunteer who is not being compensated, the candidate or committee is not considered to be receiving a contribution.

(e) Notwithstanding subsection (a), whenever a political action committee accepts a donation of:

- (1) rent;
- (2) office expenses;
- (3) management fees;
- (4) costs of solicitations of contributions; or
- (5) other administrative costs;

the committee is not considered to be receiving a contribution.

As added by P.L.5-1986, SEC.1. Amended by P.L.3-1987, SEC.4; P.L.5-1989, SEC.2; P.L.3-1997, SEC.6; P.L.114-2012, SEC.2.

IC 3-5-2-16

"Convention"

Sec. 16. "Convention" means an organized body of delegates assembled for the purpose of selecting their political party's nominees for elected offices.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-16.2

"County voter registration office"

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).

As added by P.L.3-1997, SEC.7. Amended by P.L.144-2001, SEC.1; P.L.225-2011, SEC.3.

IC 3-5-2-16.3

"De minimus change"

Sec. 16.3. (a) "De minimis change", with respect to a certified voting system's hardware, refers to a change to the hardware, the nature of which will not materially alter the system's reliability, functionality, capability, or operation.

(b) For a hardware change to qualify as a de minimis change, the change must:

- (1) maintain, unaltered, the reliability, functionality, capability, and operability of a system; and
- (2) ensure that when hardware is replaced, the original hardware and the replacement hardware are electronically and mechanically interchangeable and have identical functionality and tolerances.

(c) The following are not de minimis changes:

- (1) Software and firmware modifications.
- (2) The change has reasonable and identifiable potential to affect the system's operation and compliance with applicable voting system standards.

As added by P.L.76-2014, SEC.1.

IC 3-5-2-16.4

"Domicile"

Sec. 16.4. "Domicile" means residence, as determined under IC 3-5-5.

As added by P.L.258-2013, SEC.1.

IC 3-5-2-16.5

"Elderly"

Sec. 16.5. "Elderly" means a voter who is at least sixty-five (65) years of age.

As added by P.L.4-1991, SEC.2.

IC 3-5-2-17

"Elected office"

Sec. 17. "Elected office" means a federal office, state office, legislative office, school board office, or local office. Political party offices (such as precinct committeeman and state convention delegate) are not considered to be elected offices.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-18

"Election day"

Sec. 18. "Election day" refers to the calendar day on which an election is held.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-19

"Election district"

Sec. 19. "Election district" means the area comprised by precincts where voters who are qualified to vote for a candidate or on a public question reside and whose votes a candidate or committee proposes to influence.

As added by P.L.5-1986, SEC.1. Amended by P.L.219-2013, SEC.1.

IC 3-5-2-19.5

"Election division"

Sec. 19.5. "Election division" refers to the election division of the secretary of state's office established by IC 3-6-4.2-1.

As added by P.L.8-1995, SEC.4.

IC 3-5-2-20

"Electorate"

Sec. 20. "Electorate" means all the voters eligible to vote in an

election in the state or a political subdivision.
As added by P.L.5-1986, SEC.1.

IC 3-5-2-20.5

"Electronic poll book"

Sec. 20.5. "Electronic poll book" means the combination of mechanical, electromechanical, and electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to access and maintain the electronic poll list.

As added by P.L.64-2014, SEC.1.

IC 3-5-2-20.7

"Electronic poll list"

Sec. 20.7. "Electronic poll list" means a poll list that is maintained in a computer data base.

As added by P.L.64-2014, SEC.2.

IC 3-5-2-21

"Electronic voting system"

Sec. 21. "Electronic voting system" means a system in which:

- (1) voters record their votes by activating touch-sensitive marking devices; and
- (2) votes are counted by automatic tabulating machines.

As added by P.L.5-1986, SEC.1. Amended by P.L.6-1986, SEC.2; P.L.3-1987, SEC.5.

IC 3-5-2-21.5

Repealed

(Repealed by P.L.221-2005, SEC.144.)

IC 3-5-2-22

"Executive"

Sec. 22. "Executive" means the:

- (1) board of county commissioners, for a county that:
 - (A) does not have a consolidated city; and
 - (B) is not subject to IC 36-2-2.5;
- (2) single county executive elected under IC 3-10-2-13, for a county that:
 - (A) does not have a consolidated city; and
 - (B) is subject to IC 36-2-2.5;
- (3) mayor of the consolidated city, for a county having a consolidated city;
- (4) mayor, for a city;
- (5) president of the town council, for a town; or
- (6) trustee, for a township.

As added by P.L.5-1986, SEC.1. Amended by P.L.8-1989, SEC.1; P.L.77-2014, SEC.1.

IC 3-5-2-23

"Expenditure"

Sec. 23. (a) "Expenditure" means a disbursement (whether characterized as an advance, a deposit, a distribution, a gift, a loan, a payment, a purchase, or a contract or promise to make a disbursement) of property (as defined in IC 35-31.5-2-253) that:

- (1) is made for the purpose of influencing:
 - (A) the nomination or election to office of a candidate;
 - (B) the election of delegates to a state constitutional convention; or
 - (C) the outcome of a public question; and
- (2) is made by:
 - (A) an individual, except that a contribution made by an individual is not considered to be an expenditure;
 - (B) a candidate's committee;
 - (C) a regular party committee; or
 - (D) a political action committee.

(b) Whenever funds are transferred from one (1) committee to another, the disbursing committee is considered to be making an expenditure in the amount of the funds transferred.

As added by P.L.5-1986, SEC.1. Amended by P.L.114-2012, SEC.3.

IC 3-5-2-23.2

"Expedited basis"

Sec. 23.2. (a) Except as provided in subsection (b), "expedited basis" refers to the processing of:

- (1) a voter registration application;
- (2) a cancellation of a voter registration application;
- (3) a transfer of a voter registration application; or
- (4) another document that creates or amends the voter registration record of an individual;

not later than forty-eight (48) hours after the document is received by a county voter registration office or an agency required under IC 3-7 to transmit voter registration documents to a county voter registration office.

(b) If a voter registration application or other document listed in subsection (a) includes a partial Social Security number that must be submitted to the Commissioner of Social Security for verification under 42 U.S.C. 405(r), "expedited basis" refers to the processing of the application or document not later than forty-eight (48) hours after the bureau of motor vehicles commission receives verification from the Commissioner regarding the partial Social Security number.

(c) This subsection applies to the processing of a voter registration document described in subsection (a)(1) that is received by a county voter registration office not more than seven (7) days before the close of a registration period under IC 3-7-13-10. The processing of a document subject to this subsection on an "expedited basis" refers to processing not later than seven (7) days following the receipt of the document.

As added by P.L.14-2004, SEC.2. Amended by P.L.258-2013, SEC.2.

IC 3-5-2-23.7**"Fax"**

Sec. 23.7. "Fax" refers to transmission of information by a facsimile (fax) machine.

As added by P.L.126-2002, SEC.2.

IC 3-5-2-24**"Federal office"**

Sec. 24. "Federal office" refers to President of the United States, Vice President of the United States, and Senator and Representative in the Congress of the United States.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-24.5**"Filing"**

Sec. 24.5. "Filing" means the following:

(1) For purposes of filing an electronic report under IC 3-9-4-4 or IC 3-9-5-7, when the requirements of IC 3-9-4-4 or IC 3-9-5-7 have been met.

(2) For all other purposes, when all of the following have occurred:

(A) The presentation of a document to an individual required to receive the document under this title.

(B) The receipt of the document by the individual.

(C) The recording of the date and time the document was received by the individual.

As added by P.L.10-1988, SEC.1. Amended by P.L.126-2002, SEC.3.

IC 3-5-2-25**"Fiscal body"**

Sec. 25. "Fiscal body" means:

(1) county council, for a county not having a consolidated city;

(2) city-county council, for a consolidated city or county having a consolidated city;

(3) common council, for a second or third class city;

(4) town council, for a town;

(5) township board, for a township; or

(6) governing body or budget approval body, for any other political subdivision.

As added by P.L.5-1986, SEC.1. Amended by P.L.8-1987, SEC.1; P.L.8-1989, SEC.2.

IC 3-5-2-26**"Fiscal officer"**

Sec. 26. "Fiscal officer" means the city controller of a second class city or the clerk-treasurer of a town or third class city.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-26.2**"HAVA"**

Sec. 26.2. "HAVA" refers to the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).
As added by P.L.209-2003, SEC.2.

IC 3-5-2-26.4

"Inhabitant"

Sec. 26.4. "Inhabitant", for purposes of:

- (1) Article 4, Section 7 of the Constitution of the State of Indiana; and
- (2) Article 6, Section 4 of the Constitution of the State of Indiana;

means a person who resides at a location, as determined under IC 3-5-5.

As added by P.L.258-2013, SEC.3.

IC 3-5-2-26.5

Repealed

(Repealed by P.L.4-1991, SEC.147.)

IC 3-5-2-26.6

"Independent"

Sec. 26.6. "Independent" means a candidate, or a ticket of candidates for President and Vice President of the United States or for governor and lieutenant governor, who states that the candidate or ticket is not affiliated with any political party.

As added by P.L.3-1993, SEC.4.

IC 3-5-2-26.7

"Individual with a nontraditional residence"

Sec. 26.7. "Individual with a nontraditional residence" means a person who:

- (1) does not reside in a private residential dwelling or an institutional structure; and
- (2) maintains a mobile residence or usually sleeps in a shelter, public area, or public right-of-way.

As added by P.L.12-1995, SEC.3.

IC 3-5-2-26.8

"Lawful detention"

Sec. 26.8. "Lawful detention" has the meaning set forth in IC 35-31.5-2-186.

As added by P.L.12-1995, SEC.4. Amended by P.L.114-2012, SEC.4.

IC 3-5-2-27

"Legislative body"

Sec. 27. "Legislative body" means the body having the power to adopt county, city, or town ordinances under IC 36-1-3-6.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-27.3

"Legislative caucus committee"

Sec. 27.3. "Legislative caucus committee" means an organization that satisfies all of the following:

- (1) The organization is organized by members of the general assembly who belong to the same state political party.
- (2) The organization proposes to influence only the election of candidates for legislative office.
- (3) The organization accepts contributions or makes expenditures that in the aggregate exceed one hundred dollars (\$100) during a calendar year to influence only the election of candidates for legislative office.

As added by P.L.3-1997, SEC.9.

IC 3-5-2-28

"Legislative office"

Sec. 28. "Legislative office" refers to senator and representative in the general assembly.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-29

"Local office"

Sec. 29. "Local office" means a circuit office, county office, city office, town office, township office, or other civil office for which the electorate of a political subdivision votes. The term includes all elected offices other than federal, state, legislative, and school board offices.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-30

"Major political party"

Sec. 30. "Major political party" refers to:

- (1) with respect to the state, either of the two (2) parties whose nominees received the highest and second highest numbers of votes statewide for secretary of state in the last election; or
- (2) with respect to a political subdivision, either of the two (2) parties whose nominees received the highest and second highest numbers of votes in that political subdivision for secretary of state in the last election.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-31

"Marking device"

Sec. 31. "Marking device" means:

- (1) a pencil for marking a paper ballot or ballot card; or
- (2) an approved touch-sensitive device that automatically:
 - (A) registers a vote on an electronic voting system; or
 - (B) produces a marked optical scan ballot.

As added by P.L.5-1986, SEC.1. Amended by P.L.6-1986, SEC.3; P.L.3-1987, SEC.6; P.L.221-2005, SEC.5; P.L.13-2014, SEC.1.

IC 3-5-2-31.5

"Member of the military or public safety officer"

Sec. 31.5. "Member of the military or public safety officer" has the meaning set forth in IC 10-14-2-5.

As added by P.L.120-2009, SEC.1.

IC 3-5-2-31.7

"Modification"

Sec. 31.7. "Modification", for a certified voting system, refers to a change:

- (1) in the software or firmware of the voting system; or
- (2) to the hardware of the voting system that:
 - (A) materially alters the system's reliability, functionality, capacity, or operation; or
 - (B) has a reasonable and identifiable potential to affect the voting system's operation and compliance with the applicable voting system standards.

As added by P.L.76-2014, SEC.2.

IC 3-5-2-32

"Municipality"

Sec. 32. "Municipality" means a city or town.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-32.5

Repealed

(Repealed by P.L.176-1999, SEC.132.)

IC 3-5-2-32.7

"Nomination date"

Sec. 32.7. "Nomination date" refers to the following:

- (1) For candidates nominated in a primary election, the date of the primary election.
- (2) For candidates nominated in a convention, the date the convention is scheduled to be called to order, according to the call of the convention issued by the political party.
- (3) For candidates selected to fill a ballot vacancy, the date the certificate of selection of the candidate is filed under IC 3-13-1-15 or IC 3-13-2-8.
- (4) For candidates nominated by petition, the final date the petition of nomination is permitted to be filed under IC 3-8-6-10(c).
- (5) For write-in candidates, the final date the candidate's declaration of intent to be a write-in candidate is permitted to be filed under IC 3-8-2-4.

As added by P.L.3-1997, SEC.11. Amended by P.L.176-1999, SEC.2.

IC 3-5-2-33

"Nominee"

Sec. 33. "Nominee" means a candidate:

- (1) nominated by a political party at a primary election or convention under this title as the party's candidate for an elected office in a general, municipal, or special election; or
- (2) nominated by petition for an elected office.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-33.5

"NVRA"

Sec. 33.5. "NVRA" refers to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg).

As added by P.L.12-1995, SEC.5.

IC 3-5-2-33.7

"NVRA official"

Sec. 33.7. "NVRA official" refers to the designee under IC 3-7-11-1.

As added by P.L.8-1995, SEC.5.

IC 3-5-2-33.8

"Office"

Sec. 33.8. "Office" refers to the office of census data established by IC 2-5-1.1-12.2.

As added by P.L.212-2001, SEC.8. Amended by P.L.1-2002, SEC.7.

IC 3-5-2-33.9

"Optical scan ballot"

Sec. 33.9. (a) "Optical scan ballot" means a card or another paper on which votes are:

- (1) recorded by marking the card with a marking device; and
- (2) tabulated by an optical system that reads the marks on the card or paper.

(b) "Optical scan voting system" means a voting system using optical scan ballots.

As added by P.L.239-2001, SEC.3. Amended by P.L.13-2014, SEC.2.

IC 3-5-2-34

"Organization"

Sec. 34. "Organization" means a person that is not an individual. The term includes a business firm or corporation, a limited liability company, a labor organization, a religious organization, a political club, a trustee, a receiver, or any other type of association or group of individuals.

As added by P.L.5-1986, SEC.1. Amended by P.L.8-1993, SEC.4.

IC 3-5-2-34.5

"Overseas voter"

Sec. 34.5. "Overseas voter" refers to any of the following:

- (1) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved.

(2) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States.

(3) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

As added by P.L.14-1993, SEC.2. Amended by P.L.12-1995, SEC.6; P.L.3-1997, SEC.12; P.L.126-2002, SEC.4.

IC 3-5-2-34.7

"Paper ballot"

Sec. 34.7. (a) "Paper ballot" refers to a ballot that is:

- (1) marked by a voter using a pen or pencil; and
- (2) designed to be counted by hand and not counted on an automatic tabulating machine.

(b) "Paper ballot" does not include a ballot card.

As added by P.L.58-2005, SEC.2.

IC 3-5-2-35

Repealed

(Repealed by P.L.194-2013, SEC.1.)

IC 3-5-2-36

"Person"

Sec. 36. "Person" means an individual or an organization.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-37

"Political action committee"

Sec. 37. (a) Except as provided in subsection (b), "political action committee" means an organization located within or outside Indiana that satisfies all of the following:

- (1) The organization proposes to influence:
 - (A) the election of a candidate for state, legislative, local, or school board office; or
 - (B) the outcome of a public question.
- (2) The organization accepts contributions or makes expenditures during a calendar year:
 - (A) to influence the election of a candidate for state, legislative, local, or school board office or the outcome of a public question that will appear on the ballot in Indiana; and
 - (B) that in the aggregate exceed one hundred dollars (\$100).
- (3) The organization is not any of the following:
 - (A) An auxiliary party organization.
 - (B) A legislative caucus committee.
 - (C) A regular party committee.
 - (D) A candidate's committee.

(b) A corporation or labor organization that makes a contribution in accordance with IC 3-9-2 or makes an expenditure is not

considered a political action committee.
*As added by P.L.5-1986, SEC.1. Amended by P.L.3-1987, SEC.8;
P.L.7-1990, SEC.1; P.L.3-1995, SEC.5; P.L.3-1997, SEC.13;
P.L.2-1998, SEC.2; P.L.176-1999, SEC.3.*

IC 3-5-2-38

"Political subdivision"

Sec. 38. "Political subdivision" means a county, city, town, township, school corporation, public library, local housing authority, fire protection district, public transportation corporation, local building authority, local hospital authority or corporation, local airport authority, special service district, special taxing district, or other type of local governmental corporate entity.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-39

"Polls"

Sec. 39. "Polls" means the room in a structure where the voters of a precinct vote by casting ballots.

As added by P.L.5-1986, SEC.1. Amended by P.L.3-1987, SEC.9.

IC 3-5-2-40

"Precinct"

Sec. 40. "Precinct" means a subdivision of a county or township established for election purposes.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-40.1

"Precinct election officer"

Sec. 40.1. "Precinct election officer" means a person appointed to serve in a precinct as one (1) of the following:

- (1) Inspector.
- (2) Judge.
- (3) Poll clerk.
- (4) Assistant poll clerk.
- (5) Election sheriff.

As added by P.L.3-1987, SEC.10.

IC 3-5-2-40.5

"Proof of identification"

Sec. 40.5. (a) Except as provided in subsection (b), "proof of identification" refers to a document that satisfies all the following:

- (1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.
- (2) The document shows a photograph of the individual to whom the document was issued.
- (3) The document includes an expiration date, and the document:

- (A) is not expired; or

(B) expired after the date of the most recent general election.
(4) The document was issued by the United States or the state of Indiana.

(b) Notwithstanding subsection (a)(3), a document issued by the United States Department of Defense, the United States Department of Veterans Affairs (or its predecessor, the Veterans Administration), a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:

(1) otherwise complies with the requirements of subsection (a); and

(2) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

As added by P.L.109-2005, SEC.1. Amended by P.L.118-2011, SEC.1; P.L.76-2014, SEC.3.

IC 3-5-2-40.6

"Provisional ballot"

Sec. 40.6. "Provisional ballot" refers to a ballot cast in accordance with the provisions of IC 3-11.7.

As added by P.L.126-2002, SEC.5.

IC 3-5-2-40.7

"Provisional voter"

Sec. 40.7. "Provisional voter" refers to an individual who is entitled to cast a provisional ballot under IC 3-11.7.

As added by P.L.126-2002, SEC.6.

IC 3-5-2-41

"Public question"

Sec. 41. "Public question" means a constitutional amendment, proposition, or other issue submitted to the electorate at an election.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-41.5

Repealed

(Repealed by P.L.221-2005, SEC.145.)

IC 3-5-2-41.6

Repealed

(Repealed by P.L.221-2005, SEC.145.)

IC 3-5-2-41.7

"Registration agency"

Sec. 41.7. "Registration agency" refers to any of the following:

(1) The bureau of motor vehicles.

(2) Any other agency at which individuals may register to vote under IC 3-7.

As added by P.L.126-2002, SEC.7.

IC 3-5-2-42

"Regular party committee"

Sec. 42. "Regular party committee" means:

- (1) a central committee; or
- (2) a national committee of a political party.

As added by P.L.5-1986, SEC.1. Amended by P.L.3-1995, SEC.6.

IC 3-5-2-42.5

"Residence"

Sec. 42.5. "Residence" means the place:

- (1) where a person has the person's true, fixed, and permanent home and principal establishment; and
- (2) to which the person has, whenever absent, the intention of returning.

As added by P.L.12-1995, SEC.7.

IC 3-5-2-43

Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-5-2-44

"School board"

Sec. 44. "School board" means the fiscal body of a school corporation.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-45

"School board office"

Sec. 45. "School board office" refers to an elected position on the school board of a school corporation.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-46

"School corporation"

Sec. 46. "School corporation" refers to a public school corporation established under IC 20.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-47

"School district"

Sec. 47. "School district" means the taxing district of a school corporation.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-47.5

"Signing the poll list"

Sec. 47.5. "Signing the poll list" means:

- (1) a voter writing the voter's name on the certified list of registered voters for the precinct prepared in accordance with IC 3-7-29-1; or

(2) a voter writing the voter's name on an electronic poll book using an electronic signature pad, tablet, or other signature capturing device at a polling place, office of the circuit court clerk (under IC 3-11-10-26), or satellite office (as established under IC 3-11-10-26.3) where the use of an electronic poll book is authorized in accordance with IC 3-7-29-6.

As added by P.L.271-2013, SEC.1. Amended by P.L.258-2013, SEC.4; P.L.64-2014, SEC.3.

IC 3-5-2-48

"State office"

Sec. 48. "State office" refers to governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, superintendent of public instruction, attorney general, justice of the supreme court, judge of the court of appeals, and judge of the tax court.

As added by P.L.5-1986, SEC.1. Amended by P.L.14-2004, SEC.3.

IC 3-5-2-48.5

"Testing authority"

Sec. 48.5. "Testing authority" means an independent test authority or independent laboratory:

(1) as described in the Voting System Standards issued by the Federal Election Commission on April 30, 2002; or

(2) accredited under Section 231 of HAVA (42 U.S.C. 15371).

As added by P.L.3-1997, SEC.14. Amended by P.L.126-2002, SEC.8; P.L.66-2003, SEC.2; P.L.221-2005, SEC.6.

IC 3-5-2-49

"Town"

Sec. 49. "Town" refers to an incorporated town of any population. The term does not include cities.

As added by P.L.5-1986, SEC.1. Amended by P.L.3-1995, SEC.7.

IC 3-5-2-49.3

"Uniformed services"

Sec. 49.3. "Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

As added by P.L.3-1997, SEC.15.

IC 3-5-2-49.6

"United States"

Sec. 49.6. "United States", as used in section 34.5 of this chapter, means any of the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

As added by P.L.3-1997, SEC.16.

IC 3-5-2-49.7

"Unknown or insufficient address"

Sec. 49.7. "Unknown or insufficient address" refers to an address on a mailing returned by the United States Postal Service with one (1) or more of substantially the following statements made on the mailing by the United States Postal Service or a person residing at the address to which the mailing was sent:

- (1) Attempted-Not Known.
- (2) Box Closed.
- (3) Deceased.
- (4) Forwarding time expired.
- (5) Insufficient Address.
- (6) Left No Address.
- (7) Moved.
- (8) No such number.
- (9) No such office in state.
- (10) No such street.
- (11) Not deliverable as addressed.
- (12) Refused.
- (13) Returned for better address.
- (14) Returned to sender.
- (15) Unable to forward.
- (16) Unclaimed.
- (17) Undeliverable as addressed.
- (18) Vacant.

As added by P.L.64-2014, SEC.4.

IC 3-5-2-49.8

"Vote center"

Sec. 49.8. "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.

As added by P.L.1-2011, SEC.1.

IC 3-5-2-49.9

Expired

(Expired 12-31-2010 by P.L.108-2008, SEC.1.)

IC 3-5-2-50

"Voter"

Sec. 50. "Voter" means a person who is qualified and registered to vote in an election.

As added by P.L.5-1986, SEC.1.

IC 3-5-2-50.1

"Voter identification number"

Sec. 50.1. "Voter identification number" refers to the number determined for a voter under IC 3-7-13-13.

As added by P.L.199-2001, SEC.1.

IC 3-5-2-50.2

"Voter with disabilities"

Sec. 50.2. "Voter with disabilities" means a voter who has a permanent or temporary physical disability, as set forth in 42 U.S.C. 1973ee-6(4).

As added by P.L.4-1991, SEC.3.

IC 3-5-2-50.4

"Voter's bill of rights"

Sec. 50.4. "Voter's bill of rights" refers to the statement prescribed by the commission under IC 3-5-8.

As added by P.L.126-2002, SEC.9.

IC 3-5-2-50.6

Repealed

(Repealed by P.L.221-2005, SEC.145.)

IC 3-5-2-51

"Voting mark"

Sec. 51. "Voting mark" means any of the following:

- (1) A cross mark or check mark (X or ✓) on a hand-counted paper ballot.
- (2) A shaded-in circle, oval, or square, or a connected arrow on an optical scan ballot card.
- (3) A highlighted area on a direct record electronic voting system.

As added by P.L.6-1986, SEC.4. Amended by P.L.194-2013, SEC.2.

IC 3-5-2-52

"Voting method"

Sec. 52. "Voting method" means the use of:

- (1) paper ballots;
- (2) ballot card voting systems;
- (3) electronic voting systems; or
- (4) any combination of these;

to register votes in a precinct.

As added by P.L.3-1987, SEC.11. Amended by P.L.221-2005, SEC.7.

IC 3-5-2-53

"Voting system"

Sec. 53. "Voting system" means, as provided in 42 U.S.C. 15481:

- (1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support that equipment) that is used:

- (A) to define ballots;
- (B) to cast and count votes;
- (C) to report or display election results; and
- (D) to maintain and produce any audit trail information; and

- (2) the practices and associated documentation used:

- (A) to identify system components and versions of those

components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system; and

(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

As added by P.L.4-1991, SEC.5. Amended by P.L.209-2003, SEC.3; P.L.164-2006, SEC.2.

IC 3-5-2-54

"Write-in candidate"

Sec. 54. "Write-in candidate" means a candidate:

(1) who has filed a declaration of intent to be a write-in candidate; and

(2) whose declaration of intent to be a write-in candidate has been accepted by the appropriate authority under IC 3-8-2-5 and IC 3-8-2-6.

As added by P.L.4-1991, SEC.6.

IC 3-5-3

Chapter 3. Local Government Election Expenses

IC 3-5-3-1

Payment of expenses by county and municipality; appropriations

Sec. 1. (a) Except as provided in sections 7 through 10 of this chapter, the county auditor shall pay the expenses of voter registration and for all election supplies, equipment, and expenses out of the county treasury in the manner provided by law. The county fiscal body shall make the necessary appropriations for these purposes.

(b) The county executive shall pay to the circuit court clerk or board of registration the expenses of:

(1) removing voters from the registration record under IC 3-7-43, IC 3-7-45, or IC 3-7-46; and

(2) performing voter list maintenance programs under IC 3-7; out of the county treasury without appropriation.

(c) Registration expenses incurred by a circuit court clerk or board of registration for:

(1) the salaries of members of a board of registration appointed under IC 3-7-12-9;

(2) the salaries of chief clerks appointed under IC 3-7-12-17; and

(3) the salaries of assistants employed under IC 3-7-12-19;

may not be charged to a municipality. However, the municipality may be charged for wages of extra persons employed to provide additional assistance reasonably related to the municipal election.

As added by P.L.5-1986, SEC.1. Amended by P.L.9-1987, SEC.1; P.L.15-1993, SEC.1; P.L.12-1995, SEC.8; P.L.4-1996, SEC.2.

IC 3-5-3-2

County election and registration fund; tax levy

Sec. 2. The legislative body of a county may establish a county election and registration fund for the purpose of paying for all the expenses specified in section 1 of this chapter. The legislative body may annually levy a tax on all taxable property in the county, in the manner that other taxes are levied, sufficient to meet the average annual expenses specified in section 1 of this chapter. The county shall deposit the revenues from this tax into the fund.

As added by P.L.5-1986, SEC.1.

IC 3-5-3-3

Payment of election and registration expenses from fund

Sec. 3. After a county election and registration fund has been established, the county shall budget and pay for all the expenses specified in section 1 of this chapter from the fund. The county may not use the money in the fund for any other purpose. Whenever a municipality reimburses the county for expenses under this chapter, the county shall deposit the money received from the municipality into the fund.

As added by P.L.5-1986, SEC.1.

IC 3-5-3-4

Monitoring of fund by county executive; ordinance authorizing transfer between funds

Sec. 4. After a county election and registration fund has been established, the county executive shall monitor the fund to determine if it contains sufficient money to meet the obligations of the fund. Whenever the executive finds that there is not sufficient money in the fund, the executive may request that the county fiscal body adopt an ordinance authorizing a transfer between funds. If the ordinance is adopted, the executive shall order the county auditor to transfer the amount specified in the ordinance from the general fund of the county to the election and registration fund.

As added by P.L.5-1986, SEC.1.

IC 3-5-3-5

Counties without election and registration fund; payment of expenses from general fund

Sec. 5. In a county that does not have an election and registration fund established under this chapter, the county shall budget and pay for all the expenses specified in section 1 of this chapter from the general fund of the county.

As added by P.L.5-1986, SEC.1.

IC 3-5-3-6

Repealed

(Repealed by P.L.9-1987, SEC.7.)

IC 3-5-3-7

Municipal elections conducted by county election board; expenses

Sec. 7. All expenses for a municipal primary election or municipal election that is conducted by a county election board shall be allowed by the county executive and shall be paid out of the general fund of the county, without any appropriation being required. The county auditor shall certify the amount of that allowance to the fiscal officer of the municipality not later than thirty (30) days after the municipal primary or municipal election. The fiscal body of the municipality shall make the necessary appropriation to reimburse the county for the expense of the primary election or election not later than December 31 of the year in which the municipal election is conducted.

As added by P.L.5-1986, SEC.1. Amended by P.L.14-2004, SEC.4.

IC 3-5-3-8

Apportionment of municipal election expenses

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.

(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).

As added by P.L.5-1986, SEC.1. Amended by P.L.9-1987, SEC.2; P.L.14-2004, SEC.5.

IC 3-5-3-9

Apportionment among municipalities

Sec. 9. (a) Except as provided in subsection (c), 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 (c), 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).

As added by P.L.5-1986, SEC.1. Amended by P.L.9-1987, SEC.3; P.L.10-1988, SEC.3; P.L.14-2004, SEC.6.

IC 3-5-3-10

Itemization of expenses

Sec. 10. The county election board shall, on a form prescribed under IC 3-6-4.1-14, itemize all the expenses of any election for which a municipality is required to reimburse the county.

As added by P.L.5-1986, SEC.1. Amended by P.L.14-2004, SEC.7.

IC 3-5-3-11

Assessment of town for cost of election

Sec. 11. Notwithstanding section 7 of this chapter, in a year in

which a town election coincides with a general election, the county election board may not assess the town for the cost of the election.
As added by P.L.5-1986, SEC.1.

IC 3-5-4

Chapter 4. Miscellaneous Provisions

IC 3-5-4-1

Time for filing

Sec. 1. Whenever this title specifies a final day for a particular filing but no final hour of that day, the final hour for the receipt of the particular filing is noon, prevailing time, of that final day.

As added by P.L.5-1986, SEC.1.

IC 3-5-4-1.2

Election division or secretary of state filing delivered to county or local election official is void

Sec. 1.2. (a) Whenever this title requires that a document declaring or certifying the candidacy of a person be filed with the election division or the secretary of state as a condition for the filing to be effective:

- (1) a county election board;
- (2) a circuit court clerk;
- (3) a county voter registration office;
- (4) a board of elections and registration; or
- (5) a town election board;

may not accept the filing on behalf of the election division or the secretary of state.

(b) A county election board, circuit court clerk, county voter registration office, board of elections and registration, or town election board that accepts a document that is required to be filed with the election division or the secretary of state as a condition for the filing to be effective:

- (1) may not act as an agent of the election division or the secretary of state; and
- (2) is not required to transmit the filing to the election division or the secretary of state.

(c) If a board, office, or clerk referred to in subsection (a)(1) through (a)(5) accepts a document that is required to be filed with the election division or the secretary of state as a condition for the filing to be effective, the following apply:

- (1) The filing is void.
- (2) The name of a candidate set forth in the filing may not appear on the ballot, unless the document is filed with the election division or the secretary of state in the manner required by this title.

As added by P.L.124-2012, SEC.1.

IC 3-5-4-1.5

Time for commencement of legal actions

Sec. 1.5. (a) This section applies if this title requires that a legal action be taken at the office of a circuit court clerk or a political subdivision.

(b) If the final day for performing the action falls on a day 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.

As added by P.L.3-1993, SEC.5. Amended by P.L.3-1995, SEC.8.

IC 3-5-4-1.7

Filings by fax or electronic mail; electronic, digital, digitized, or photocopied signatures

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 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 3-8-3, or IC 3-8-6 or a petition to place a public question on the ballot 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.
As added by P.L.230-2005, SEC.1. Amended by P.L.219-2013, SEC.2.

IC 3-5-4-1.9

Receiving filing after deadline; exceptions

Sec. 1.9. (a) This section does not apply to a delinquent campaign finance filing received under IC 3-9.

(b) This section does not apply to an application for voter registration received while registration is closed under IC 3-7.

(c) Except as otherwise provided in this title, the election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title may not receive a filing that is offered to be filed after a deadline for the filing provided by this title.

As added by P.L.164-2006, SEC.3. Amended by P.L.225-2011, SEC.4.

IC 3-5-4-2

Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-5-4-3

Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-5-4-4

Immunity from arrest while at or going to and from polls

Sec. 4. A voter is not subject to arrest while going to the polls,

while in attendance there, and while returning from the polls. However, this section does not apply in a case of:

- (1) treason;
- (2) felony; or
- (3) breach of the peace.

As added by P.L.5-1986, SEC.1.

IC 3-5-4-5

Repealed

(Repealed by P.L.3-1993, SEC.282.)

IC 3-5-4-6

Repealed

(Repealed by P.L.225-2011, SEC.93.)

IC 3-5-4-7

References to federal statutes or regulations

Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, 2011.

As added by P.L.12-1995, SEC.9. Amended by P.L.3-1995, SEC.9; P.L.4-1996, SEC.3; P.L.122-2000, SEC.1; P.L.209-2003, SEC.4; P.L.230-2005, SEC.2; P.L.225-2011, SEC.5.

IC 3-5-4-8

Approval and use of forms

Sec. 8. (a) Except as provided in subsection (e), but notwithstanding any other statute, whenever the commission acts under IC 3-6-4.1-14 to approve a uniform election or registration form for use throughout Indiana or to approve a revision to an existing form, a person must use the most recent version of the form approved by the commission to comply with this title after the effective date of the commission's order approving the form.

(b) Except as provided in subsection (d) or (f), before an order approving a form takes effect under this section, the election division shall transmit a copy of each form or revised form approved by the order to the following:

- (1) Each circuit court clerk, if the commission determines that the form is primarily used by a candidate, a county election board member, a county or town political party, or for absentee or provisional ballot purposes.
- (2) Each county voter registration office, if the commission determines that the form is primarily used in voter registration.
- (3) The state chairman of each major political party.
- (4) The state chairman of any other political party who has filed a written request with the election division during the preceding twelve (12) months to be furnished with copies of forms.

(c) The election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title shall reject a filing that does not

comply with this section.

(d) The commission shall specify the effective date of the form or revised form and may do any of the following:

- (1) Delay the effective date of the approval of a form or revised form.
- (2) Permit an earlier approved version of the form or an alternative form to be used before the effective date of the form.
- (3) Provide for a retroactive effective date for the approval of the form.

(e) This subsection applies to a form permitting an individual to apply for voter registration or to amend the individual's existing voter registration record. The commission may allow an earlier approved version of the form to be used if the:

- (1) earlier version of the form complies with all other requirements imposed under NVRA or this title; and
- (2) commission determines that the existing stock of the form should be exhausted to prevent waste and unnecessary expense.

(f) This subsection applies to a form that the commission determines is used primarily by the election division. The commission may provide that an order concerning a form described by this subsection is effective immediately upon adoption, without any requirement to distribute the form to other persons.

As added by P.L.3-1997, SEC.17. Amended by P.L.38-1999, SEC.2; P.L.126-2002, SEC.10; P.L.194-2013, SEC.3.

IC 3-5-4-9

Authentication of ballots by circuit court clerk

Sec. 9. (a) This section applies whenever the individual who holds the office of circuit court clerk is a candidate on the ballot for any office.

(b) As used in this section, "ballot" refers to an absentee ballot, a ballot card, or any other form of ballot.

(c) Notwithstanding any law requiring the name or signature of the circuit court clerk to appear on a ballot for authentication or any other purpose, the name or signature of the individual who is circuit court clerk may not appear on the ballot except to indicate that the individual is a candidate for an office.

(d) The circuit court clerk shall substitute a uniform device or symbol prescribed by the commission for the circuit court clerk's printed name or signature to authenticate a ballot.

As added by P.L.263-2003, SEC.1. Amended by P.L.230-2005, SEC.3.

IC 3-5-4-10

Ownership of ballots, poll lists, and other documents or materials generated or used by a convention or caucus

Sec. 10. (a) This section applies to:

- (1) a convention required or permitted under this title that is conducted by a political party to nominate candidates; or
- (2) a caucus conducted by a political party under IC 3-13 to

nominate candidates.

(b) The ballots, poll lists, and other documents or material generated for or used by the convention or caucus are the property of the political party. This property shall be retained and preserved in the manner specified by the rules of the political party.

As added by P.L.9-2004, SEC.1.

IC 3-5-4-11

Election schedule for members of school corporation governing bodies; expiration of section

Sec. 11. (a) As used in this section, "governing body" refers to the governing body of a school corporation subject to any of the following:

- (1) IC 20-23-4-30.
- (2) IC 20-23-7-8 (before its repeal on July 1, 2011) and IC 20-23-7-8.1 (after June 30, 2011).
- (3) IC 20-23-8-8.
- (4) IC 20-23-10-8.
- (5) IC 20-23-12.
- (6) IC 20-23-13.
- (7) IC 20-23-14.
- (8) IC 20-25-3-4.

(b) This subsection applies to a member of a governing body elected at the 2008 primary election. The successor of such a member shall:

- (1) be elected at the 2012 general election; and
- (2) take office on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1, 2013.

(c) This subsection applies to a member of a governing body elected at the 2010 primary election. The successor of such a member shall:

- (1) be elected at the 2014 general election; and
- (2) take office on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1, 2015.

(d) This section expires July 1, 2016.

As added by P.L.179-2011, SEC.1. Amended by P.L.219-2013, SEC.3.

IC 3-5-4.5

Chapter 4.5. Standards for Challenges to Voters

IC 3-5-4.5-1

Application of chapter

Sec. 1. This chapter applies to a challenge to a voter made by a precinct election officer, a watcher, a challenger, or a pollbook holder under this title.

As added by P.L.164-2006, SEC.4.

IC 3-5-4.5-2

Challenge; residency at educational institution

Sec. 2. A person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:

- (1) enrollment in an educational institution; or
- (2) registration to vote at an address that is housing provided for students by the educational institution.

As added by P.L.164-2006, SEC.4.

IC 3-5-4.5-3

Challenge; party affiliation, support or opposition to candidate or question

Sec. 3. Except as permitted in a primary election under IC 3-10-1, a person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:

- (1) actual or perceived affiliation with a political party; or
- (2) support or opposition to a candidate or the adoption of a public question.

As added by P.L.164-2006, SEC.4.

IC 3-5-4.5-4

Violations; removal of officer; void credentials

Sec. 4. If a county election board determines that a person has violated a provision of this chapter, the board may remove a precinct election officer from office or void the credentials of a watcher, challenger, or pollbook holder.

As added by P.L.164-2006, SEC.4.

IC 3-5-4.5-5

Referral of violation to prosecuting attorney

Sec. 5. If a county election board determines that a person has knowingly violated a provision of this chapter, the county election board may refer the matter to the prosecuting attorney as a violation of IC 3-14-3-4 (obstruction of a voter).

As added by P.L.164-2006, SEC.4.

IC 3-5-5

Chapter 5. Standards for Determining Residency

IC 3-5-5-0.2

Amendments to definitions and chapter by certain amendments enacted in 2013 do not affect rights or liabilities, penalties incurred, violations committed, or proceedings begun before July 1, 2013

Sec. 0.2. Notwithstanding any other law, the additions and amendments to IC 3-5-2 or this chapter made by SEA 519-2013 do not affect any:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) violations committed; or
- (4) proceedings begun;

before July 1, 2013. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if SEA 519-2013 had not been enacted.

As added by P.L.258-2013, SEC.5.

IC 3-5-5-0.5

"Immediate family"

Sec. 0.5. For purposes of this chapter, an individual's "immediate family" includes the spouse, children, stepchildren, parents, or grandparents of the individual.

As added by P.L.258-2013, SEC.6.

IC 3-5-5-1

Purpose of chapter

Sec. 1. This chapter shall be used to determine the residency of the following:

- (1) A voter or a person applying to become a voter.
- (2) A candidate.
- (3) A person holding an elected office.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-2

Methods of establishing residency

Sec. 2. A person's residence may be established by:

- (1) origin or birth;
- (2) intent and conduct taken to implement the intent; or
- (3) operation of law.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-3

Residence in more than one precinct; no residence both within and outside Indiana

Sec. 3. (a) A person does not have residence in more than one (1) precinct within Indiana.

(b) For purposes of this chapter, a person does not have residence

both within Indiana and outside Indiana.
As added by P.L.12-1995, SEC.10. Amended by P.L.258-2013, SEC.7.

IC 3-5-5-4

Abandonment of residence

Sec. 4. A person who has a residence in a precinct retains residency in that precinct until the person abandons the residence by:

- (1) having the intent to abandon the residence;
- (2) having the intent to establish a new residence; and
- (3) acting as provided in this intent by establishing a residence in a new precinct.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-5

Absence due to state or federal business

Sec. 5. As provided in Article 2, Section 4 of the Constitution of the State of Indiana, a person does not lose residence in a precinct in Indiana by reason of the person's absence on the business of:

- (1) the state of Indiana; or
- (2) the United States.

As added by P.L.12-1995, SEC.10. Amended by P.L.3-1995, SEC.10; P.L.258-2013, SEC.8.

IC 3-5-5-6

Presumption of residence specified by individual under penalties for perjury; rebuttable presumptions

Sec. 6. (a) Sections 7 through 17 of this chapter establish presumptions regarding the residency of a person in a precinct. A person can rebut these presumptions by demonstrating intent to reside in another precinct and conduct taken to implement that intent.

(b) An individual who makes a statement regarding the residence of the individual, under the penalties for perjury, is presumed to reside at the location specified by the individual, as of the date of making the statement.

As added by P.L.12-1995, SEC.10. Amended by P.L.258-2013, SEC.9.

IC 3-5-5-7

Temporary residency

Sec. 7. Subject to section 6 of this chapter, a person does not gain residency in a precinct into which the person moves for:

- (1) temporary employment;
- (2) educational purposes;
- (3) preparing to purchase or occupy a residence; or
- (4) other purposes;

without the intent of making a permanent home in the precinct.

As added by P.L.12-1995, SEC.10. Amended by P.L.3-1997, SEC.18; P.L.164-2006, SEC.5; P.L.258-2013, SEC.10.

IC 3-5-5-8**Physical presence outside Indiana with intent to make new residence outside Indiana**

Sec. 8. Subject to section 6 of this chapter, if a person is physically present within another state with the intention of making that state the person's residence, the person loses residency in Indiana.

As added by P.L.12-1995, SEC.10. Amended by P.L.258-2013, SEC.11.

IC 3-5-5-9**Physical presence outside Indiana with intent to remain indefinitely outside Indiana**

Sec. 9. Subject to section 6 of this chapter, if a person is physically present within another state with the intention of remaining in the other state for an indefinite time as a place of residence, the person loses residency in Indiana, even if the person intends to return at some time.

As added by P.L.12-1995, SEC.10. Amended by P.L.258-2013, SEC.12.

IC 3-5-5-10**Physical presence in another Indiana precinct**

Sec. 10. Subject to section 6 of this chapter, if a person is physically present within another precinct in Indiana with the intention of making that precinct the person's residence, the person loses residency in the precinct that the person left.

As added by P.L.12-1995, SEC.10. Amended by P.L.258-2013, SEC.13.

IC 3-5-5-11**Location of immediate family as residence**

Sec. 11. The place where a person's immediate family resides is the person's residence, unless the family's residence is:

- (1) a temporary location for the person's immediate family; or
- (2) for transient purposes.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-12**Living away from family while conducting business**

Sec. 12. Except as provided in section 13 of this chapter, if:

- (1) a person's immediate family resides in one (1) place; and
- (2) the person does business in another place;

the residence of the immediate family is the person's residence.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-13**Living away from family with intent to remain away; conduct to carry out intent**

Sec. 13. Subject to section 6 of this chapter, if a person:

(1) is living at a place other than the residence of the person's immediate family; and

(2) has the intention of remaining at that place and engages in conduct to carry out that intent;

the place where the person lives is the person's residence.

As added by P.L.12-1995, SEC.10. Amended by P.L.258-2013, SEC.14.

IC 3-5-5-14

Establishment of voting residence separate from spouse; intent; conduct to carry out intent

Sec. 14. Subject to section 6 of this chapter, a married person who does not live in a household with the person's spouse may establish a separate residence from the residence of the person's spouse by intending to do so and engaging in conduct to carry out that intent.

As added by P.L.12-1995, SEC.10. Amended by P.L.258-2013, SEC.15.

IC 3-5-5-15

Unmarried person; place where person usually sleeps; intent; conduct to carry out intent

Sec. 15. Subject to section 6 of this chapter, the residence of a person who:

(1) is unmarried; and

(2) does not have an immediate family;

is where the person usually sleeps if that is the intent of the person, and the person engages in conduct to carry out that intent.

As added by P.L.12-1995, SEC.10. Amended by P.L.258-2013, SEC.16.

IC 3-5-5-16

Residents of veterans home

Sec. 16. A person who resides in a veterans home is a resident of the precinct in which the home is located.

As added by P.L.12-1995, SEC.10.

IC 3-5-5-17

Persons committed to mental health institutions

Sec. 17. A person who is:

(1) adjudged mentally ill; and

(2) committed to an institution for individuals with a mental illness;

does not gain residency in the precinct in which the institution is located.

As added by P.L.12-1995, SEC.10. Amended by P.L.99-2007, SEC.4.

IC 3-5-5-18

Nontraditional residence

Sec. 18. Notwithstanding IC 3-5-2-42.5, an individual with a nontraditional residence whose residence is within a precinct, but is

not fixed or permanent, resides in that precinct.
As added by P.L.12-1995, SEC.10.

IC 3-5-6

Chapter 6. Standards for Certifying Documents Signed by Registered Voters

IC 3-5-6-1

Applicability of chapter

Sec. 1. This chapter must be used to determine whether a registered voter has signed a document required or permitted to be certified by a county voter registration office.

As added by P.L.3-1997, SEC.19.

IC 3-5-6-2

Resolution of reasonable doubt in favor of registered voter

Sec. 2. In a case where:

- (1) the county voter registration office is uncertain whether a signature has been affixed by a registered voter; and
- (2) this chapter does not establish a standard to be applied in that case;

a reasonable doubt must be resolved in favor of the registered voter, and the signature must be certified as valid.

As added by P.L.3-1997, SEC.19.

IC 3-5-6-3

Variations from name in county records

Sec. 3. Whenever the name of an individual, as printed or signed, contains a minor variation from the name of a registered voter as set forth in the records of the county voter registration office, the signature must be certified as valid.

As added by P.L.3-1997, SEC.19.

IC 3-5-6-4

Minor variations in addresses

Sec. 4. Whenever the residence address or mailing address of an individual contains a minor variation from the residence address or mailing address of a registered voter, the signature must be certified as valid.

As added by P.L.3-1997, SEC.19.

IC 3-5-6-5

Substantial variations in addresses

Sec. 5. Notwithstanding sections 3 and 4 of this chapter, if the residence address or mailing address of an individual contains a substantial variation from the residence address or mailing address of a registered voter as set forth in the records of the county voter registration office, the signature is invalid and may not be certified.

As added by P.L.3-1997, SEC.19.

IC 3-5-6-6

Substantial conformity of signatures required

Sec. 6. (a) Whenever the signature of an individual does not

substantially conform with the signature of the registered voter with the name and address in the records of the county voter registration office, the signature is invalid and may not be certified.

(b) In determining whether a signature substantially conforms with a voter's signature in the records of the county voter registration office, the office must certify the signature if the office determines that lack of conformity may reasonably be attributed to the age, disability, or impairment of the voter.

As added by P.L.3-1997, SEC.19. Amended by P.L.38-1999, SEC.3.

IC 3-5-7

Chapter 7. Candidate Designations on the Ballot

IC 3-5-7-1

Applicability of chapter

Sec. 1. This chapter does not apply to the following:

- (1) A candidate for precinct committeeman.
- (2) A candidate for delegate to a political party convention.

As added by P.L.202-1999, SEC.1.

IC 3-5-7-2

"Designation" defined

Sec. 2. As used in this chapter, "designation" refers to a name, a nickname, an initial, an abbreviation, or a number used to identify an individual.

As added by P.L.202-1999, SEC.1.

IC 3-5-7-3

"Name" defined

Sec. 3. As used in this chapter, "name" refers to any of the following:

- (1) An individual's given name.
- (2) An individual's surname.
- (3) An individual's middle name.

As added by P.L.202-1999, SEC.1.

IC 3-5-7-4

Candidate's legal name

Sec. 4. (a) For purposes of placement of a candidate's name on the ballot, a candidate's legal name is determined under this section.

(b) Except as provided in subsection (c), a candidate's legal name is considered to be the name shown on the candidate's birth certificate.

(c) If a candidate:

- (1) uses a name after marriage as described in subsection (d); or
- (2) takes a name through a judicial proceeding that is different from the name shown on the candidate's birth certificate;

the most recent name used after marriage or taken in the judicial proceeding is considered to be the candidate's legal name.

(d) A name a candidate uses after marriage is considered the candidate's legal name if the name satisfies any of the following:

- (1) The name is the name appearing on the candidate's birth certificate.
- (2) The name is the name used by the candidate as an applicant for the marriage license.
- (3) The name is any combination of the names the candidate and the candidate's spouse used as applicants for their marriage license.

As added by P.L.202-1999, SEC.1.

IC 3-5-7-5

Designations used on ballot

Sec. 5. (a) A candidate may use on the ballot any combination of designations permitted by this section.

(b) A candidate may not use on the ballot a designation other than a designation permitted by this section.

(c) Subject to subsections (d) and (e), a candidate may use designations on the ballot as follows:

(1) The first designation that a candidate uses on the ballot may be one (1) of the following:

- (A) The candidate's legal given name.
- (B) The initial of the candidate's legal given name.
- (C) The candidate's legal middle name.
- (D) The initial of the candidate's legal middle name.
- (E) The candidate's nickname.

(2) After the designation used under subdivision (1), a candidate may use any of the following designations if not used under subdivision (1):

- (A) The candidate's legal middle name.
- (B) The initial of the candidate's legal middle name.
- (C) The candidate's nickname.
- (D) The candidate's legal surname.

(3) After a designation used under subdivision (2), a candidate may use the following if not used under subdivision (1) or (2):

- (A) The candidate's nickname.
- (B) The candidate's legal surname.

(4) After a designation used under subdivision (3), a candidate may use the candidate's legal surname on the ballot if not used under subdivision (2) or (3).

(5) After a candidate's legal surname, a candidate may use any of the following designations:

- (A) Sr.
- (B) Jr.
- (C) A numerical designation such as "II" or "III".

(d) A candidate may use a nickname on the ballot only if the nickname satisfies the following:

- (1) The nickname is a name by which the candidate is commonly known.
- (2) The nickname does not exceed twenty (20) characters.
- (3) The nickname complies with subsection (e).
- (4) Unless the candidate uses the nickname as the first designation under subsection (c)(1), the nickname must appear in parentheses.

(e) A candidate may not use a:

- (1) title or degree as a designation; or
- (2) designation that implies a title or degree.

As added by P.L.202-1999, SEC.1.

IC 3-5-7-6

Candidacy documents

Sec. 6. (a) This section does not apply to any of the following:

- (1) A candidate in a presidential primary election under IC 3-8-3.
- (2) A candidate for President of the United States.
- (3) A candidate for Vice President of the United States.

(b) As used in this section, "candidacy document" refers to any of the following:

- (1) A declaration of intent to be a write-in candidate.
- (2) A declaration of candidacy.
- (3) A consent to the nomination.
- (4) A consent to become a candidate.
- (5) A certificate of candidate selection.
- (6) A consent filed under IC 3-13-2-7.
- (7) A statement filed under IC 33-24-2 or IC 33-25-2.

(c) Whenever a candidate files a candidacy document on which the candidate uses a name that is different from the name set forth on the candidate's voter registration record, the candidate's signature on the candidacy document constitutes a request to the county voter registration office that the name on the candidate's voter registration record be the same as the name the candidate uses on the candidacy document.

(d) A request by a candidate under this section is considered filed with the county voter registration office when the candidacy document is filed with the election division or the county election board.

(e) The election division or the county election board shall forward a request filed under this section to the county voter registration office not later than seven (7) days after receiving the request.

As added by P.L.202-1999, SEC.1. Amended by P.L.98-2004, SEC.25.

IC 3-5-7-7

Complaints filed against candidates

Sec. 7. (a) A registered voter of the election district a candidate seeks to represent may file a sworn statement with the election division or a county election board under IC 3-8-1-2 if a candidate uses on the ballot a designation not permitted by section 5 of this chapter.

(b) A complaint filed under this section must contain the following information:

- (1) The legal name of the candidate who has used a designation not permitted by section 5 of this chapter.
- (2) The designation the candidate has used that is not permitted under section 5 of this chapter.

(c) If the commission or county election board finds that the candidate used a designation not permitted by section 5 of this chapter, the candidate is considered to have withdrawn the candidate's candidacy.

As added by P.L.202-1999, SEC.1. Amended by P.L.14-2004, SEC.8.

IC 3-5-8

Chapter 8. The Voter's Bill of Rights

IC 3-5-8-1

Election division to prescribe statement of voter's bill of rights

Sec. 1. The election division shall prescribe a statement of the rights of a voter in Indiana that shall be known as "the voter's bill of rights".

As added by P.L.126-2002, SEC.11. Amended by P.L.194-2013, SEC.4.

IC 3-5-8-2

Content of statement of bill of rights

Sec. 2. The statement required by section 1 of this chapter must contain the following:

- (1) A statement of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration.
- (2) A statement describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote.
- (3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in the election.
- (4) A statement describing how a voter who is challenged at the polls may be permitted to vote.
- (5) The date of the election and the hours during which the polls will be open, as required by 42 U.S.C. 15482.
- (6) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot, as required by 42 U.S.C. 15482.
- (7) Instructions for mail-in registrants and first time voters under IC 3-7-33-4.5 and 42 U.S.C. 15483, as required under 42 U.S.C. 15482.
- (8) General information on voting rights under applicable federal and state laws, including the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated, as required under 42 U.S.C. 15482.
- (9) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation, as required under 42 U.S.C. 15482.
- (10) A statement informing the voter what assistance is available to assist the voter at the polls.
- (11) A statement informing the voter what circumstances will spoil the voter's ballot and the procedures available for the voter to request a new ballot.
- (12) A statement describing which voters will be permitted to vote at the closing of the polls.
- (13) Other information that the commission considers important

for a voter to know.
As added by P.L.126-2002, SEC.11. Amended by P.L.209-2003, SEC.5; P.L.230-2005, SEC.4.

IC 3-5-8-2.5

Absentee voter's bill of rights; prescribed by commission

Sec. 2.5. (a) The commission shall prescribe a statement known as the "Absentee Voter's Bill of Rights".

(b) The Absentee Voter's Bill of Rights must be in a form prescribed by the commission and include the following:

- (1) A statement summarizing the rights and responsibilities of the voter when casting and returning the absentee ballot.
- (2) A summary of Indiana and federal laws concerning providing assistance to the voter, completion of the ballot in secret, intimidation of voters, and the return of the absentee ballot to the county election board.
- (3) Information concerning how to report violations of the absentee ballot and election laws.

As added by P.L.103-2005, SEC.1.

IC 3-5-8-3

Posting of voter's bill of rights; distribution of voter's bill of rights with election information

Sec. 3. (a) As required by 42 U.S.C. 15483, the precinct election board shall post the voter's bill of rights in a public place in each polling place on election day.

(b) The commission may require a copy of the voter's bill of rights to be distributed with voter registration materials or other materials that are given to voters.

As added by P.L.126-2002, SEC.11. Amended by P.L.209-2003, SEC.6; P.L.230-2005, SEC.5.

IC 3-5-8-4

Posting voter's bill of rights on the Internet

Sec. 4. The secretary of state or other state agency posting election information on the state's Internet site shall include the voter's bill of rights on the site.

As added by P.L.126-2002, SEC.11.

IC 3-5-8-5

Publication of voter's bill of rights in news media

Sec. 5. Not later than thirty (30) days before a primary, general, or municipal election, the secretary of state shall request Indiana news media to include a copy of the voter's bill of rights as part of election coverage or in public service announcements.

As added by P.L.126-2002, SEC.11.

IC 3-5-9

Chapter 9. Government Employees and Volunteer Firefighters Holding Office

IC 3-5-9-1

"Elected office"

Sec. 1. As used in this chapter, "elected office" refers only to the following:

- (1) The executive or a member of the executive body of a unit.
- (2) A member of the legislative body or fiscal body of a unit.

As added by P.L.135-2012, SEC.1.

IC 3-5-9-2

"Government employee"

Sec. 2. As used in this chapter, "government employee" refers to an employee of a unit. The term does not include an individual who holds only an elected office.

As added by P.L.135-2012, SEC.1.

IC 3-5-9-3

"Unit"

Sec. 3. As used in this chapter, "unit" means a county, city, town, or township.

As added by P.L.135-2012, SEC.1.

IC 3-5-9-4

Firefighters

Sec. 4. (a) An individual who is serving as a volunteer firefighter for a volunteer fire department or a fire department that provides fire protection services to a unit:

- (1) under a contract, excluding a mutual aid agreement; or
- (2) as the unit's fire department;

may not assume or hold an elected office of a unit that receives fire protection services from the department in which the volunteer firefighter serves.

(b) An individual who:

- (1) is an employee of a unit, serving as a full-time, paid firefighter; or
- (2) serves as a volunteer firefighter;

in a department that provides fire protection services to more than one (1) unit, excluding fire protection services provided under mutual aid agreements, may not assume or hold an elected office of any unit that receives fire protection services from the department.

As added by P.L.135-2012, SEC.1.

IC 3-5-9-5

Government employee may not hold elected office

Sec. 5. Except as provided in section 7 of this chapter, an individual is considered to have resigned as a government employee when the individual assumes an elected office of the unit that

employs the individual.
As added by P.L.135-2012, SEC.1.

IC 3-5-9-6

Matters unaffected by chapter

Sec. 6. This chapter does not prohibit:

- (1) a government employee from assuming or holding an elected office of a unit other than the unit that employs the government employee;
- (2) a full-time, paid firefighter or volunteer firefighter from assuming or holding an elected office of a unit other than a unit that receives fire protection services from the department in which the volunteer firefighter serves; or
- (3) an individual who assumes or holds an elected office from also being appointed to and serving on a board, commission, or committee of the unit.

As added by P.L.135-2012, SEC.1.

IC 3-5-9-7

Government employees and volunteer firefighters who hold elected office on January 1, 2013

Sec. 7. (a) Notwithstanding sections 4 and 5 of this chapter:

- (1) a volunteer firefighter who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and serve as a volunteer firefighter; and
- (2) a government employee who assumes or holds an elected office on January 1, 2013, may continue to hold the elected office and be employed as a government employee;

until the term of the elected office that the volunteer firefighter or government employee is serving on January 1, 2013, expires.

(b) After the expiration of the term of the elected office that the volunteer firefighter referred to in subsection (a) is serving on January 1, 2013, the volunteer firefighter is subject to section 4 of this chapter with respect to serving as a volunteer firefighter and assuming or holding an elected office of the unit that receives fire protection services from the department in which the volunteer firefighter serves.

(c) After the expiration of the term of the elected office that the government employee referred to in subsection (a) is serving on January 1, 2013, the government employee is subject to section 5 of this chapter with respect to assuming or holding an elected office and being employed by the unit that employs the government employee.

As added by P.L.135-2012, SEC.1.