IC 3

TITLE 3. ELECTIONS

IC 3-1

ARTICLE 1. REPEALED

(Repealed by P.L.5-1986, SEC.61.)

IC 3-2

ARTICLE 2. REPEALED

(Repealed by P.L.5-1986, SEC.61.)

IC 3-3

ARTICLE 3. CONGRESSIONAL APPORTIONMENT

IC 3-3-1

Repealed

(Repealed by Acts 1981, P.L.18, SEC.6.)

IC 3-3-1.1
Repealed

(Repealed by P.L.240-1991(ss2), SEC.124.)

IC 3-3-2

Chapter 2. Redistricting Commission

IC 3-3-2-1

General assembly; redistricting session

Sec. 1. Congressional districts shall be established by law at the first regular session of the general assembly convening immediately following the United States decennial census.

(Formerly: Acts 1969, c.93, s.1; Acts 1971, P.L.18, SEC.5.) As amended by P.L.3-1989, SEC.3.

IC 3-3-2-2

Redistricting commission; establishment; meetings

Sec. 2. (a) If a session of the general assembly adjourns without having complied with the requirements of section 1 of this chapter or if for any other reason at any time the state finds itself without a valid congressional district law, a redistricting commission shall be established which shall consist of the speaker of the house, the president pro tem of the senate, the chairman of the senate and house committees responsible for legislative apportionment and a fifth member who shall be appointed by the governor from the membership of the general assembly.

(b) The redistricting commission shall meet within thirty (30) days after adjournment of the general assembly at a time and place designated by the president pro tem of the senate and shall adopt a congressional redistricting plan in accordance with this chapter.

(c) Any plan so adopted shall be signed by a majority of the redistricting committee and submitted to the governor who forthwith shall issue and publish his executive order establishing congressional districts in accordance with the plan so adopted and directing the commission to place such congressional districts in effect for the primary and general elections next succeeding such general assembly. Congressional districts so established shall continue in effect until changed by statute.

(Formerly: Acts 1969, c.93, s.2.) As amended by P.L.2-1988, SEC.2; P.L.3-1993, SEC.2; P.L.2-1996, SEC.1.

IC 3-3-3
Repealed

(Repealed by P.L.215-2011, SEC.3.)

IC 3-3-4

Chapter 4. General Provisions Relating to Establishing Congressional Districts

IC 3-3-4-1

Terms and references to geographic units

Sec. 1. All terms and references to geographic units made in the descriptions of districts in this article:

(1) have the same meanings as the terms have when used by the United States Department of Commerce, Bureau of the Census, in reporting the 2010 decennial census of Indiana as supplemented by geographic information compiled and documented by the legislative services agency; and

(2) describe the same geographical boundaries as depicted by maps included in the GIS.

As added by P.L.215-2011, SEC.1.

IC 3-3-4-2

"District"

Sec. 2. As used in this chapter, "district" refers to a district described in IC 3-3-5.

As added by P.L.215-2011, SEC.1.

IC 3-3-4-3

"GIS"

Sec. 3. As used in this chapter, "GIS" refers to the geographic information system maintained by the office that contains the following information:

(1) Geographic and population information provided in the official census report to the state by the United States Department of Commerce, Bureau of the Census, in reporting the 2010 decennial census of Indiana.

(2) Election history and supplemental geographic information compiled by the legislative services agency.

As added by P.L.215-2011, SEC.1.

IC 3-3-4-4

"Office"

Sec. 4. As used in this chapter, "office" refers to the office of census data of the legislative services agency.

As added by P.L.215-2011, SEC.1.

IC 3-3-4-5

Resolution of inconsistent inclusions in congressional districts

Sec. 5. (a) Any part of Indiana that has not been described as included in a district is included within the district that:

(1) is contiguous to the part; and

(2) contains the least population of districts contiguous to that part according to the 2010 decennial census of Indiana.

(b) If any part of Indiana is described as being in more than one

(1) district, the part is included within the district that:

(1) is one (1) of the districts in which the part is listed in IC 3-3-5, whichever is applicable;

(2) is contiguous to the part; and

(3) contains the least population according to the 2010 decennial census of Indiana.

(c) If any part of Indiana:

(1) is described in IC 3-3-5 as being in one (1) district; and

(2) is entirely surrounded by another district;

the part shall be incorporated into the district that surrounds the part.

(d) If any part of Indiana:

(1) is described as being in one (1) district; and

(2) is not contiguous to another part of the district that contains the majority of the population in the district;

the part is included with the contiguous district that contains the least population according to the 2010 decennial census of Indiana.

As added by P.L.215-2011, SEC.1.

IC 3-3-4-6

Treatment of geographic slivers

Sec. 6. (a) As used in this section, "geographic sliver" means a polygon contained in the GIS resulting from the overlay of an existing geographic data set onto a more recent version of that geographic data set.

(b) A geographic sliver is considered to be included in the description of the larger unit of geography to which the geographic sliver belongs within the same geographic data set.

(c) If this article provides that a district includes a unit of geography in Indiana, that district contains any geographic slivers included in that unit of geography under subsection (b).

As added by P.L.215-2011, SEC.1.

IC 3-3-4-7

Office modifications to GIS

Sec. 7. The office shall make modifications in the GIS necessary to conform the GIS to the rules stated in sections 5 and 6 of this chapter.

As added by P.L.215-2011, SEC.1.

IC 3-3-4-8

Maintenance of census descriptions and maps

Sec. 8. The legislative services agency shall separately maintain and preserve in the GIS the descriptions and maps included in the 2010 decennial census of Indiana. The legislative services agency shall make those descriptions and maps available for public inspection during regular office hours and on the Internet.

As added by P.L.215-2011, SEC.1.

IC 3-3-4-9

Incorporation of census reports and documents

Sec. 9. The official report and all official documents relating to the report of the 2010 decennial census are incorporated by reference into this article.

As added by P.L.215-2011, SEC.1.

IC 3-3-5

Chapter 5. Indiana Congressional Districts, 2011 Plan

IC 3-3-5-1

First Congressional District

Sec. 1. The First Congressional District consists of the following:

COUNTIES:

Lake County, Porter County

LaPorte County TOWNSHIPS:

Cass, Clinton, Coolspring, Dewey, Michigan, New Durham, Springfield

LaPorte County CENSUS BLOCKS:

180910417002047, 180910417002039, 180910417002069, 180910417002016, 180910417002031, 180910417002033, 180910417002042, 180910417002067, 180910417002038, 180910417002018, 180910417002015, 180910417002008, 180910417002014, 180910417002017, 180910417002029, 180910417002032, 180910417002003, 180910417002009, 180910417002036, 180910417002044, 180910417002041, 180910417002046, 180910417002051, 180910417002012, 180910417002005, 180910417002007, 180910417002068, 180910417002043, 180910417002002, 180910417002004, 180910417002006, 180910417002026, 180910417002028, 180910417002013, 180910417002001, 180910417002045, 180910417002037, 180910417002025, 180910417002040, 180910417002027, 180910417002000

As added by P.L.215-2011, SEC.2.

IC 3-3-5-2

Second Congressional District

Sec. 2. The Second Congressional District consists of the following:

COUNTIES:

Elkhart County, Fulton County, Marshall County, Miami County, Pulaski County, St. Joseph County, Starke County, Wabash County

Kosciusko County TOWNSHIPS:

Clay, Etna, Franklin, Harrison, Jefferson, Lake, Prairie, Scott, Seward, Turkey Creek, Van Buren

LaPorte County TOWNSHIPS:

Center, Hanna, Hudson, Johnson, Kankakee, Lincoln, Noble, Pleasant, Prairie, Scipio, Union, Washington, Wills

Kosciusko County CENSUS BLOCKS:

180859613002008

LaPorte County CENSUS BLOCKS:

180910417001008, 180910418001020, 180910417001054, 180910417001061, 180910417001007, 180910417001041, 180910417001047, 180910417001044, 180910418001047, 180910417001017, 180910417001051, 180910417001009, 180910418002004, 180910417001040, 180910417001052,

180910417001062, 180910417002022, 180910418003012, 180910417001020, 180910417001039, 180910417001038, 180910417001058, 180910417002054, 180910417001005, 180910418003008, 180910417001057, 180910417001013, 180910417001059, 180910418001024, 180910417001034, 180910417001055, 180910417001053, 180910418001023, 180910417001043, 180910417001048, 180910417001018, 180910417002030, 180910418001044, 180910418001026, 180910418001025, 180910418001049, 180910418001043, 180910417001006, 180910417001019, 180910417002034, 180910418002012, 180910418003032, 180910418003033, 180910417001016, 180910418002003, 180910418001045, 180910418001027, 180910418001041, 180910418001022, 180910418001048, 180910417001065, 180910417001046, 180910417001045, 180910417001015, 180910417002021, 180910417002023, 180910418001021, 180910418002001, 180910418002011, 180910417001011, 180910418002002, 180910418001042, 180910417001010, 180910417001050, 180910417001066, 180910417001042, 180910417001067, 180910417001060, 180910418002000, 180910418001040, 180910417001049, 180910417001012, 180910418003007, 180910417002035, 180910418002005, 180910418001046, 180910418001080, 180910417001056, 180910417001014

As added by P.L.215-2011, SEC.2.

IC 3-3-5-3

Third Congressional District

Sec. 3. The Third Congressional District consists of the following:

COUNTIES:

Adams County, Allen County, DeKalb County, Huntington County, Jay County, LaGrange County, Noble County, Steuben County, Wells County, Whitley County

Blackford County TOWNSHIPS:

Harrison

Kosciusko County TOWNSHIPS:

Jackson, Monroe, Tippecanoe, Washington, Wayne

Kosciusko County PRECINCTS:

PLAIN 01, PLAIN 03, PLAIN 04, PLAIN 05 CITY OF WARSAW

Blackford County CENSUS BLOCKS:

180099751003033, 180099751003086, 180099751003085, 180099751003034, 180099751003061, 180099751003068, 180099751003035, 180099751003064, 180099751003022, 180099751003004, 180099751003028, 180099751003025, 180099751003001, 180099751003091, 180099751003109, 180099751003055, 180099751003062, 180099751003107, 180099751003083, 180099751003060, 180099751003031, 180099751003092, 180099751003003, 180099751003020, 180099751003088, 180099751003084, 180099751003067, 180099751003037, 180099751003023, 180099751003094,

180099751003021, 180099751003000, 180099751003081, 180099751003065, 180099751003096, 180099751003095, 180099751003016, 180099751003027, 180099751003036, 180099751003058, 180099751003030, 180099751003063, 180099751003024, 180099751003059, 180099751003066, 180099751003005, 180099751003029, 180099751003017, 180099751003082, 180099751003087, 180099751003032, 180099751003079, 180099751003090, 180099751003080, 180099751003019, 180099751003002, 180099751003006, 180099751003018, 180099751003106, 180099751003089, 180099751003093

Kosciusko County CENSUS BLOCKS:

180859612004016, 180859613002009, 180859613003037, 180859613002094, 180859613002090, 180859613002060, 180859613002087, 180859613002084, 180859613002075, 180859613002072, 180859612004024, 180859612004023, 180859613002047, 180859613002074, 180859613002077, 180859613002068, 180859613002040, 180859613002054, 180859613002010, 180859613002012, 180859613002065, 180859613002045, 180859613002051, 180859612004011, 180859613002048, 180859612004012, 180859612004013, 180859612004015, 180859613002089, 180859613002007, 180859613002081, 180859613002046, 180859613002011, 180859613002062, 180859613002073, 180859612004022, 180859612004018, 180859613002055, 180859612004017, 180859613002091, 180859613002005, 180859613002052, 180859612004064, 180859612004006, 180859613002038, 180859612004010, 180859612004021, 180859613002080, 180859612004036, 180859613002076, 180859612004009, 180859613002058, 180859613002093, 180859613002061, 180859613002006, 180859613002050, 180859613002066, 180859613002086, 180859613002070, 180859613002095, 180859613002082, 180859612004008, 180859613002085, 180859613002079, 180859613002057, 180859613002083, 180859612004007, 180859613002063, 180859613002067, 180859613002097, 180859613002078, 180859613002059, 180859612004020, 180859613002092, 180859613002053, 180859612004000, 180859613002043, 180859612004019, 180859613002088, 180859613002003, 180859613002064, 180859613002044, 180859613002071, 180859613002049, 180859613002056, 180859613002069, 180859613002039, 180859613002004

As added by P.L.215-2011, SEC.2.

IC 3-3-5-4

Fourth Congressional District

Sec. 4. The Fourth Congressional District consists of the following:

COUNTIES:

Benton County, Carroll County, Cass County, Clinton County,

Fountain County, Hendricks County, Jasper County, Montgomery County, Newton County, Putnam County, Tippecanoe County, Warren County, White County

Boone County TOWNSHIPS:

Center, Clinton, Harrison, Jackson, Jefferson, Perry, Sugar Creek, Washington, Worth

Howard County TOWNSHIPS:

Center, Clay, Ervin, Harrison, Honey Creek, Monroe

Morgan County TOWNSHIPS:

Adams, Brown, Gregg, Monroe

Howard County PRECINCTS:

HOWARD 02, PRECINCT 16 NV, PRECINCT 57, TAYLOR 01, TAYLOR 03, TAYLOR 04, TAYLOR 05

Morgan County PRECINCTS:

ASHLAND 01

Howard County CENSUS BLOCKS:

180670102003056, 180670102003037, 180670102003046, 180670102003014, 180670102003013, 180670102003016, 180670102003055, 180670102003036, 180670102003045, 180670102003015

Morgan County CENSUS BLOCKS:

181095110003086, 181095110003055, 181095110003083, 181095110003087, 181095110003080, 181095110003079, 181095110003054, 181095110003085, 181095110002033, 181095110003052, 181095110003082, 181095110003053, 181095110002046

As added by P.L.215-2011, SEC.2.

IC 3-3-5-5

Fifth Congressional District

Sec. 5. The Fifth Congressional District consists of the following:

COUNTIES:

Grant County, Hamilton County, Madison County, Tipton County

Blackford County TOWNSHIPS:

Jackson, Licking

Boone County TOWNSHIPS:

Eagle, Marion, Union

Howard County TOWNSHIPS:

Jackson, Liberty, Union

Howard County PRECINCTS:

TAYLOR 02, TAYLOR 06

Marion County PRECINCTS:

20-001, 20-002, 21-001, 21-002, 21-003, 21-004, 21-005, 21-006, 21-007, 21-008, 21-009, 21-010, 21-011, 21-012, 21-013, 21-014, 22-001, 22-002, 22-006, LA001, LA002, LA003, LA004, LA005, LA006, LA007, LA008, LA009, LA010, LA011, LA012, LA013, LA014, LA015, LA016, LA017, LA018, LA019, LA020, LA021, LA022, LA023, LA024, LA025, LA026, LA027, LA028, LA029, LA030,

LA031, LA032, LA033, LA034, LA035, LA036, LA037, LA038, LA039, LA042, LA044, LA045, LA046, PK001, PK002, PK003, PK004, PK005, PK006, PK007, PK008, PK009, PK010, PK011, PK012, PK013, PK014, PK015, PK016, PK017, PK018, PK029, PK030, PK031, PK032, WS001, WS002, WS003, WS004, WS005, WS006, WS007, WS008, WS009, WS010, WS011, WS012, WS013, WS014, WS015, WS016, WS017, WS018, WS019, WS020, WS021, WS022, WS023, WS024, WS025, WS026, WS027, WS028, WS029, WS030, WS031, WS032, WS033, WS034, WS035, WS036, WS039, WS040, WS041, WS044, WS048, WS051, WS052, WS053, WS054, WS055, WS056, WS057, WS058, WS059, WS060, WS061, WS066

Blackford County CENSUS BLOCKS:

180099751003044, 180099751003008, 180099751003070, 180099751003056, 180099751003014, 180099751003013, 180099751003073, 180099751003046, 180099751003049, 180099751003050, 180099751003102, 180099751003069, 180099751003015, 180099751003038, 180099751003047, 180099751003054, 180099751003077, 180099751003105, 180099751003101, 180099751003007, 180099751003074, 180099751003078, 180099751003104, 180099751003097, 180099751003071, 180099751003057, 180099751003100, 180099751003098, 180099751003043, 180099751003012, 180099751003103, 180099751003048, 180099751003072, 180099751003011, 180099751003051, 180099751003026, 180099751003041, 180099751003075, 180099751003040, 180099751003009, 180099751003042, 180099751003053, 180099751003108, 180099751003039, 180099751003045, 180099751003010, 180099751003076, 180099751003099, 180099751003052

Howard County CENSUS BLOCKS:

180670102003030, 180670102005000, 180670102003058, 180670102003029, 180670102003020, 180670102003018, 180670102005004, 180670102003060, 180670102003033, 180670102003059, 180670102003034, 180670102005003, 180670102005010, 180670102003044, 180670102003035, 180670102005002, 180670102003032, 180670102003043, 180670102003031, 180670102005001, 180670102003054, 180670013001018, 180670102003017, 180670013001000, 180670102003019, 180670013001019

Marion County CENSUS BLOCKS:

180973223001012, 180973223002003, 180973223002012, 180973223001010, 180973223002010, 180973223001013, 180973223001011, 180973223001017, 180973223001014, 180973223002011

As added by P.L.215-2011, SEC.2.

IC 3-3-5-6
Sixth Congressional District

Sec. 6. The Sixth Congressional District consists of the following:
COUNTIES:

Bartholomew County, Dearborn County, Decatur County, Delaware County, Fayette County, Franklin County, Hancock County, Henry County, Jefferson County, Jennings County, Ohio County, Randolph County, Ripley County, Rush County, Shelby County, Switzerland County, Union County, Wayne County

Scott County TOWNSHIPS:

Jennings, Johnson

Scott County PRECINCTS:

LEXINGTON 01

Scott County CENSUS BLOCKS:

181439671001051, 181439671001049, 181439671002012, 181439671001052, 181439671002019, 181439671002041, 181439671002018, 181439671001046, 181439671001044, 181439671002010, 181439671002036, 181439671002085, 181439671004012, 181439671002014, 181439671002034, 181439671002069, 181439671002016, 181439671001008, 181439671002020, 181439671001048, 181439671001009, 181439671002042, 181439671002086, 181439671001050, 181439671001040, 181439671002035, 181439671002071, 181439671001041, 181439671002022, 181439671002011, 181439671004040, 181439671002087, 181439671004013, 181439671001055, 181439671002073, 181439671002039, 181439671002040, 181439671002021, 181439671002043, 181439671002072, 181439671001045, 181439671002074, 181439671002070, 181439671004014, 181439671002075, 181439671001023, 181439671004015, 181439671002023, 181439671002038, 181439671002037, 181439671002013, 181439671002017, 181439671002015, 181439671001047

As added by P.L.215-2011, SEC.2.

IC 3-3-5-7

Seventh Congressional District

Sec. 7. The Seventh Congressional District consists of the following:

Marion County TOWNSHIPS:

Center, Decatur, Franklin, Perry, Warren, Wayne

Marion County PRECINCTS:

20-003, 20-004, 20-005, 20-006, 20-007, 20-008, 20-009, 20-010, 20-011, 20-012, 22-003, 22-005, 22-007, 22-008, 22-009, 27-001, 27-002, 27-003, 27-004, 27-005, 27-006, 27-007, 27-008, 27-009, 27-010, 27-011, 27-012, 27-013, 27-014, 27-015, 27-016, 31-001, 31-002, 31-003, 31-004, 32-001, 32-002, 32-003, LA040, LA041, LA043, LA047, LA048, LA049, LA050, LA051, LA052, LA053, LA054, LA055, LA056, LA057, LA058, PK019, PK020, PK021, PK022, PK023, PK024, PK025, PK026, PK027, PK028, PK033, PK034, PK035, PK036, PK037, PK038, PK039,

PK040, PK041, PK042, PK043, PK044, PK045, PK046, WS037, WS038, WS042, WS043, WS045, WS046, WS047, WS049, WS050, WS062, WS063, WS064, WS065

Marion County CENSUS BLOCKS:

180973222001001, 180973222001002, 180973223001016, 180973222002003, 180973223002001, 180973222002002, 180973222002001, 180973223001015, 180973222001000, 180973222002000, 180973222001003, 180973223002002, 180973223002000

As added by P.L.215-2011, SEC.2.

IC 3-3-5-8

Eighth Congressional District

Sec. 8. The Eighth Congressional District consists of the following:

COUNTIES:

Clay County, Daviess County, Dubois County, Gibson County, Greene County, Knox County, Martin County, Owen County, Parke County, Perry County, Pike County, Posey County, Spencer County, Sullivan County, Vanderburgh County, Vermillion County, Vigo County, Warrick County

Crawford County TOWNSHIPS:

Boone

Crawford County PRECINCTS:

OHIO 02, PATOKA 02, UNION 02

Crawford County CENSUS BLOCKS:

180259520002059, 180259520002037, 180259520002041, 180259520002130, 180259520002111, 180259520002136, 180259520002133, 180259520002106, 180259520002091, 180259520002039, 180259520002103, 180259520002048, 180259520002053, 180259520002124, 180259520002100, 180259520002102, 180259520002134, 180259520002109, 180259520002112, 180259520002115, 180259520002110, 180259520002140, 180259520002045, 180259520002095, 180259520002094, 180259520002035, 180259520002050, 180259520002054, 180259520002043, 180259520002056, 180259520002052, 180259520002139, 180259520002127, 180259520002051, 180259520002099, 180259520002135, 180259520002092, 180259520002146, 180259520002132, 180259520002125, 180259520002040, 180259520002147, 180259520002107, 180259520002058, 180259520002049, 180259520002044, 180259520002123, 180259520002036, 180259520002108, 180259520002096, 180259520002042, 180259520002101, 180259520002117, 180259520002116, 180259520002119, 180259520002137, 180259520002055, 180259520002093, 180259520002128, 180259520002098, 180259520002060, 180259520002105, 180259520002104, 180259520002118, 180259520002131, 180259520002113, 180259520002126, 180259520002138, 180259521002052, 180259520002057, 180259521002051, 180259520002038,

180259520002114, 180259520002090
As added by P.L.215-2011, SEC.2.

IC 3-3-5-9
Ninth Congressional District

Sec. 9. The Ninth Congressional District consists of the following:

COUNTIES:
Brown County, Clark County, Floyd County, Harrison County, Jackson County, Johnson County, Lawrence County, Monroe County, Orange County, Washington County

Crawford County TOWNSHIPS:
Jennings, Liberty, Sterling, Whiskey Run

Morgan County TOWNSHIPS:
Baker, Clay, Green, Harrison, Jackson, Jefferson, Madison, Ray, Washington

Scott County TOWNSHIPS:
Finley, Vienna

Crawford County PRECINCTS:
OHIO 01, PATOKA 01, UNION 01

Crawford County CENSUS BLOCKS:
180259520002097, 180259520002047, 180259520002046

Morgan County CENSUS BLOCKS:
181095110003003, 181095104013060, 181095110003045, 181095110003022, 181095110003021, 181095110003048, 181095110002042, 181095110002036, 181095110003005, 181095110003047, 181095110002041, 181095110002016, 181095110003051, 181095110003043, 181095110002017, 181095110002040, 181095110002037, 181095110003044, 181095110002039, 181095110003049, 181095110002015, 181095110003000, 181095110003050, 181095110003046, 181095110003042, 181095110003041, 181095110002035, 181095110003002, 181095110003001, 181095110003084, 181095110003081, 181095110003004, 181095110002034, 181095110002038

Scott County CENSUS BLOCKS:
181439671002052, 181439671002024, 181439671002044, 181439671002062, 181439671002045, 181439671002063

As added by P.L.215-2011, SEC.2.

IC 3-3-5-10
2001 congressional district plan void

Sec. 10. Beginning November 6, 2012, the 2001 Congressional District Plan:

(1) adopted by the redistricting commission under IC 3-3-2; and
(2) published in the governor's executive order 01-11 in the Indiana Register at 24 IR 3293-3298;

is void.

As added by P.L.215-2011, SEC.2.

ARTICLE 4. REPEALED

(Repealed by P.L.5-1986, SEC.61.)

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.

IC 3-6

ARTICLE 6. POLITICAL PARTY AND ELECTION OFFICERS

IC 3-6-1

Chapter 1. State Committees

IC 3-6-1-1
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-2
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-3
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-4
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-5
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-6
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-7
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-8
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-9
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-10
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-11
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-11.5
Repealed
(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-1-12
State committee; adoption of rules or resolutions
Sec. 12. Unless otherwise provided in the political party's rules, the state committee of each political party is the highest party authority and may adopt rules or resolutions for:
(1) the organization of the congressional district committees and city committees, including uniformly fixing the time that each committee is to be organized; and
(2) the government of all central committees.
As added by P.L.5-1986, SEC.2. Amended by P.L.4-1996, SEC.4.

IC 3-6-1-13
State committee; powers
Sec. 13. Unless otherwise provided in the political party's rules, the state committee of each political party may:
(1) adopt rules and resolutions to provide for all matters of internal party government;
(2) remove a member or officer of a regular party committee, after reasonable notice and hearing, for refusing to obey or conform to a rule or resolution adopted by the state committee; and
(3) maintain civil actions, in the committee's own name, to enforce obedience to its rules or resolutions.
As added by P.L.5-1986, SEC.2. Amended by P.L.4-1996, SEC.5; P.L.3-1997, SEC.20.

IC 3-6-1-14
Actions to enforce rules or resolutions
Sec. 14. An action brought under section 13 of this chapter:
(1) must be commenced, prosecuted, and tried in the circuit or superior court of the county where the defendant resides;
(2) shall be tried by the court without a jury;
(3) has precedence over all other cases pending in the court, except murder trials; and
(4) may not be venued from the county.
Process shall be served and proceedings conducted as in other civil actions, except that process shall be returned three (3) days from the date of service. An appeal from the judgment entered in any case may be taken by either party.
As added by P.L.5-1986, SEC.2.

IC 3-6-1-15
Political party positions not considered to be holding office
Sec. 15. Notwithstanding any other statute, an individual serving in any of the following political party offices is not considered to be

holding an office for purposes of Article 15 of the Constitution of the State of Indiana:

(1) Precinct committeeman.

(2) Precinct vice committeeman.

(3) State convention delegate.

(4) Chair or other officer of a central committee.

(5) Any other political party office (as defined in IC 3-5-2-17).

As added by P.L.38-1999, SEC.4.

IC 3-6-2

Chapter 2. Precinct Committeemen

IC 3-6-2-1

Political parties entitled to precinct committee members

Sec. 1. 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 for that office may have precinct committeemen elected at the same time as a primary election in accordance with IC 3-10-1-4.5 or IC 3-10-1-4.6 if provided by the rules of the political party.

As added by P.L.5-1986, SEC.2. Amended by P.L.4-1996, SEC.6; P.L.124-2012, SEC.2.

IC 3-6-2-2

Repealed

(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-2-3

Repealed

(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-2-4

Repealed

(Repealed by P.L.5-1989, SEC.120.)

IC 3-6-2-5

Repealed

(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-2-6

Repealed

(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-2-7

Repealed

(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-2-8

Repealed

(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-2-9

Repealed

(Repealed by P.L.4-1996, SEC.108.)

IC 3-6-2-10.5

Duty to furnish names and addresses of precinct committeemen and vice committeemen

Sec. 10.5. (a) This section applies to all counties after June 30,

2013.

(b) The county chairman of a major political party shall, upon the request of a person who is serving in an elected office (as defined in IC 3-5-2-17), provide to that person the name and address of the precinct committeeman and vice committeeman of that party for each precinct in the county.

As added by P.L.205-2013, SEC.53.

IC 3-6-3

Chapter 3. Political Party Name Change

IC 3-6-3-1

Right to change name

Sec. 1. Any political party may change its name by complying with this chapter.

As added by P.L.5-1986, SEC.2.

IC 3-6-3-2

Repealed

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

IC 3-6-3-3

Repealed

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

IC 3-6-3-4

Repealed

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

IC 3-6-3-5

Repealed

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

IC 3-6-3-6

Use of new name; rights; effect on ballots already printed

Sec. 6. (a) After the state chairman of a political party files a statement with the election division certifying that the party's name has been changed in accordance with all applicable party rules, a political party shall be known by the political party's new name, and the party has all the rights it had under its former name.

(b) If the state chairman of a political party files a statement under subsection (a) after the printing of ballots for use at an election conducted under this title has begun, the election board responsible for printing the ballots is not required to alter the ballots to state the new name of the political party.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.6; P.L.3-1997, SEC.21; P.L.225-2011, SEC.6.

IC 3-6-3.7

Chapter 3.7. The Secretary of State

IC 3-6-3.7-1

Secretary of state as state's chief election official; exception

Sec. 1. Except as provided by IC 3-7-11-1, the secretary of state is the state's chief election official.

As added by P.L.209-2003, SEC.7.

IC 3-6-3.7-2

Election duties of secretary of state; consent of co-directors required

Sec. 2. In addition to performing the duties related to elections specified in this title, the secretary of state, with the consent of the co-directors of the election division shall do the following:

(1) Work with the federal Election Assistance Commission to encourage students enrolled at postsecondary educational institutions (including community colleges) to assist state and local governments in the administration of elections by serving as nonpartisan poll workers or assistants.

(2) Consult with the federal Election Assistance Commission in the development of materials, seminars, and advertising targeted at students to implement the Help America Vote College Program conducted by the Election Assistance Commission under 42 U.S.C. 15521.

(3) Consult with the Help America Vote Foundation established under 36 U.S.C. 1526 in developing programs to encourage secondary school students (including students educated in the home) to participate in the election process in a nonpartisan manner as poll workers or assistants to local election officials in precinct polling places.

(4) Consult and coordinate with (and provide administrative support to) the co-directors of the election division in the development and implementation of the state plan under HAVA (42 U.S.C. 15401 through 15406).

(5) Perform all duties required to be performed by the state or the chief state election official under HAVA.

As added by P.L.209-2003, SEC.7. Amended by P.L.2-2007, SEC.7.

IC 3-6-3.7-3

Programs to encourage students to assist election administration

Sec. 3. The secretary of state may develop programs to encourage Indiana secondary school students and students in postsecondary educational institutions in Indiana to assist state and local governments in the administration of elections.

As added by P.L.209-2003, SEC.7. Amended by P.L.2-2007, SEC.8.

IC 3-6-3.7-4

Voter education outreach fund; purpose; administration; administrative expenses; investment of money in fund

Sec. 4. (a) The voter education outreach fund is established for the purpose of receiving, holding, and disbursing funds for education and outreach to citizens concerning voter rights and responsibilities, including voter identification requirements.

(b) The fund shall be administered by the secretary of state.

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

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

As added by P.L.258-2013, SEC.17.

IC 3-6-4
Repealed

(Repealed by P.L.8-1995, SEC.72.)

IC 3-6-4.1

Chapter 4.1. Indiana Election Commission

IC 3-6-4.1-1

Establishment

Sec. 1. The Indiana election commission is established.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-2

Membership

Sec. 2. (a) The commission consists of four (4) individuals appointed by the governor.

(b) Each member of the commission must be a registered voter.

(c) Each member of the commission must be a member of a major political party of the state. Not more than two (2) members of the commission may be a member of the same political party.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-3

Term of office

Sec. 3. (a) The term of an individual serving as a member of the commission begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the individual is appointed.

(b) The term of a member expires July 1 of the second year after the member's current term begins.

(c) A member may be reappointed to the commission. A member reappointed to the commission is the member's own successor for purposes of subsection (a).

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-4

Nominations and appointments for succeeding term

Sec. 4. (a) Before May 1 of a year that the term of a member of the commission expires, the state chairman of the major political party of the state represented by that member may nominate, in writing, two (2) individuals of the state chairman's own political party to succeed the member whose term will expire.

(b) The state chairman of a political party may nominate the individual whose term will expire that year to serve a new term.

(c) If the state chairman makes the nominations before May 1, the governor shall appoint one (1) of the nominees to the commission.

(d) If the state chairman fails to make the nominations before May 1, the governor shall, within another ten (10) days, appoint a member of the same political party as the state chairman. The state chairman may disapprove the selection by notifying the governor within seven (7) days after receiving notice of the governor's appointment.

(e) If the state chairman disapproves the selection within the seven (7) day period under subsection (d), the governor shall make

another appointment under subsection (d) that is also subject to the disapproval of the state chairman under subsection (d).

(f) If the state chairman does not disapprove an appointment under subsection (d) within the seven (7) day period, the individual appointed by the governor is a member of the commission.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-5

Vacancies

Sec. 5. (a) If a member of the commission resigns, dies, or becomes unable to serve on the commission, the governor shall notify the state chairman of the major political party of the state represented by the member.

(b) The state chairman may nominate in writing, within ten (10) days after notice of the vacancy, two (2) individuals of the state chairman's own political party to succeed the member. If the state chairman makes the nominations within ten (10) days, the governor shall appoint one (1) of the nominees to the commission.

(c) If the state chairman fails to make the nominations within ten (10) days, the governor shall, within another ten (10) days, appoint a member of the same political party as the state chairman. The state chairman may disapprove the selection by notifying the governor within seven (7) days after receiving notice of the governor's appointment.

(d) If the state chairman disapproves the selection within the seven (7) day period under subsection (c), the governor shall make another appointment under subsection (c) that is also subject to the disapproval of the state chairman under subsection (c).

(e) If the state chairman does not disapprove an appointment under subsection (c) within the seven (7) day period, the individual appointed by the governor is a member of the commission.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-6

Chair and vice chair of commission

Sec. 6. (a) The governor shall appoint one (1) of the members of the commission to be the chair and one (1) of the members of the commission to be the vice chair of the commission. The chair of the commission must be a member of the same political party as the individual who is the secretary of state. The vice chair and the chair may not be affiliated with the same political party.

(b) The individuals appointed as chair and vice chair serve in their respective positions until each individual's term as a member of the commission expires.

As added by P.L.8-1995, SEC.18. Amended by P.L.4-1996, SEC.8; P.L.122-2000, SEC.2.

IC 3-6-4.1-7

Quorum

Sec. 7. (a) Three (3) members of the commission constitute a

quorum.

(b) Except as otherwise provided in this title, the affirmative vote of at least three (3) members of the commission is necessary for the commission to take official action other than to meet to take testimony.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-8

Designation of proxy

Sec. 8. (a) A member of the commission may designate another individual to serve as a proxy of record in the member's place as a member of the commission by filing a written instrument designating the proxy of record with the election division. The proxy of record has the same authority to act and vote on all matters as does the member. The member may revoke the authority of the proxy of record at any time. The authority of the proxy of record may be either limited or general with regard to duration or subject matter as set forth by the member in the written instrument designating the proxy.

(b) If both the member and the member's proxy of record are unavailable, the member may designate another individual in writing to serve as an alternate proxy in the member's place as a member of the commission. This designation must be filed with the election division before taking effect. The alternate proxy has the same authority to act and vote on all matters as does the member. The member may revoke the authority of the alternate proxy at any time. The authority of the alternate proxy may be either limited or general with regard to duration or subject matter as set forth by the member in the written instrument designating the proxy.

As added by P.L.8-1995, SEC.18. Amended by P.L.3-1997, SEC.22.

IC 3-6-4.1-9

Meetings

Sec. 9. The chair shall call a meeting of the commission whenever the chair considers it necessary for the performance of the commission's duties.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-10

Failure of chair to call meeting

Sec. 10. If the chair for any reason fails to call a meeting of the commission, then:

(1) the vice chair, with the written approval of the remaining two (2) commission members, may convene a meeting of the commission; and

(2) the three (3) members of the commission may meet to execute the powers and perform the duties of the commission.

As added by P.L.8-1995, SEC.18. Amended by P.L.4-1996, SEC.9.

IC 3-6-4.1-11

Compensation and expenses

Sec. 11. (a) Each member of the commission who is not a state employee is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-12

Failure of commission to meet and discharge duties

Sec. 12. If the commission fails to meet and discharge the duties imposed upon it by law, the governor may order the commission to meet in the performance of the commission's duties if the governor:

(1) considers a meeting to be necessary; or

(2) receives a petition signed by at least one (1) voter from each congressional district of Indiana.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-13

Minutes of meetings

Sec. 13. The election division shall keep minutes of all meetings of the commission, including a written record of the yes and no vote of each member on all questions coming before the commission.

As added by P.L.8-1995, SEC.18. Amended by P.L.3-1997, SEC.23.

IC 3-6-4.1-14

Powers and duties

Sec. 14. (a) In addition to other duties prescribed by law, the commission shall do the following:

(1) Administer Indiana election laws.

(2) Adopt rules under IC 4-22-2 to do the following:

(A) Govern the fair, legal, and orderly conduct of elections, including the following:

(i) Emergency rules described in section 16 of this chapter to implement a court order requiring the commission, the election division, or an election board or official to administer an election in a manner not authorized by this title.

(ii) Rules (including joint rules with other agencies when necessary) to implement and administer NVRA.

(B) Carry out IC 3-9 (campaign finance).

(C) Govern the establishment of precincts under IC 3-11-1.5.

(D) Specify procedures and fees for the processing of an application from a vendor for voting systems approval and testing.

(E) Prescribe formats for the storage and submission of computerized voter registration records by county and state agencies or offices.

(3) Prescribe a uniform set of election and registration forms for use throughout Indiana, except when prescribed by this title.

(4) Advise and exercise supervision over local election and registration officers.

(b) This section does not divest a county election board of any powers and duties imposed on the board in IC 3-6-5, except that if there is a deadlock on a county election board, the county election board shall submit the question to the commission for final determination.

As added by P.L.8-1995, SEC.18. Amended by P.L.4-1996, SEC.10; P.L.3-1997, SEC.24.

IC 3-6-4.1-15
Repealed

(Repealed by P.L.3-1997, SEC.474.)

IC 3-6-4.1-16
Emergency rules

Sec. 16. The commission, by unanimous vote of the entire membership of the commission, may adopt emergency rules under IC 4-22-2-37.1 to implement a court order requiring the commission, the election division, or an election board or official to administer an election in a manner not authorized by this title.

As added by P.L.8-1995, SEC.18. Amended by P.L.3-1997, SEC.25.

IC 3-6-4.1-17
Extension of time

Sec. 17. (a) If the commission by unanimous vote of the entire membership of the commission finds that a natural disaster or other emergency makes it impossible or unreasonable for a person to perform a duty or file a document by the time specified in this title, the commission may issue an order extending the time for performing the duty or filing the document.

(b) An order described in subsection (a) expires not later than thirty (30) days after the order is issued. The order must include the following:

(1) The geographic area subject to the order.

(2) The election board or official subject to the order.

(3) The duty or filing subject to the order.

(4) The specific date by which the duty must be performed or the document filed under the order.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-18

Repealed

(Repealed by P.L.3-1997, SEC.474.)

IC 3-6-4.1-19

Subpoena power

Sec. 19. (a) The commission has the power of subpoena and may require a person to appear before the commission, a member of the commission, or the co-directors to be examined with regard to any matter with which the commission or the co-directors are charged with a duty under this title.

(b) The commission or the co-directors may require appearances at the office of the commission or at a place fixed by the commission or co-directors in the county of residence of the person subpoenaed.

(c) A witness who is subpoenaed under this section is entitled to be paid the same mileage and fee as witnesses in court actions. Mileage and fees shall be paid as other election expenses are paid.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-20

Administration of oath

Sec. 20. A member of the commission, the co-directors, or an employee of the election division may administer an oath required or permitted by this title.

As added by P.L.8-1995, SEC.18. Amended by P.L.3-1997, SEC.26.

IC 3-6-4.1-21

Actions of commission upon determination of violation

Sec. 21. (a) This section does not apply to a violation of NVRA or IC 3-7.

(b) If the commission determines that there is substantial reason to believe an election law violation has occurred, it shall expeditiously make an investigation.

(c) If in the judgment of the commission, after affording due notice and an opportunity for a hearing, a person has engaged or is about to engage in an act or practice that constitutes or will constitute a violation of this title or of a rule or an order issued under this title, the commission shall take the action it considers appropriate under the circumstances, including the following:

(1) Referring the matter to the attorney general if the commission requests that a civil action be filed under section 22 of this chapter.

(2) Referring the matter to the appropriate prosecuting attorney if the case concerns a criminal violation of this title.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-22

Civil action

Sec. 22. (a) Upon referral under section 21 of this chapter, the attorney general shall institute on behalf of the state, a civil action for relief including any of the following:

(1) A permanent or temporary injunction.
(2) A restraining order.
(3) Another appropriate order.

(b) An action under this section may be instituted in a circuit or superior court in the county in which the person is found, resides, or transacts business.

(c) Upon a proper showing that the person has engaged or is about to engage in an act or a practice described by section 21 of this chapter, the court shall grant the requested relief without bond.

As added by P.L.8-1995, SEC.18. Amended by P.L.2-1996, SEC.4.

IC 3-6-4.1-23

Assistance by police in enforcement of election laws

Sec. 23. (a) The state police department and all state police officers shall assist the commission, on request, in the enforcement of the election laws and the discharge of the commission's duties, including the use of state police radio and telephone service on election days.

(b) The state police department or a state police officer may not supplant or interfere with a local law enforcement officer or precinct election officer in the discharge of duties.

As added by P.L.8-1995, SEC.18.

IC 3-6-4.1-24

Campaign finance enforcement account

Sec. 24. (a) The campaign finance enforcement account is established within the state general fund to provide money for the following purposes:

(1) Administering and enforcing IC 3-9.
(2) Creating and operating a campaign finance computer system as authorized under IC 3-9-4-4, including investing in technology to expand the capabilities of the computer system.

(b) The account shall be administered by the election division. Funds in the account are available, with the approval of the budget agency, to augment and supplement the funds appropriated to the election commission for the purposes described in subsection (a).

(c) Expenses of administering the account shall be paid from money in the account. The account consists of all civil penalties collected by the commission under IC 3-9-4.

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

As added by P.L.4-1996, SEC.11. Amended by P.L.3-1997, SEC.27.

IC 3-6-4.1-25

Power to hold hearings and issue advisory opinions

Sec. 25. The commission may do any of the following to administer Indiana election law:

(1) Hold hearings under IC 4-21.5.
(2) Issue advisory opinions.

As added by P.L.3-1997, SEC.28.

IC 3-6-4.2
Chapter 4.2. Election Division

IC 3-6-4.2-1
Establishment
Sec. 1. The election division is established within the office of the secretary of state.
As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-2
Administration
Sec. 2. (a) The secretary of state shall perform all ministerial duties related to the administration of elections by the state.
(b) The election division shall assist the commission and the secretary of state in the administration of this title.
As added by P.L.8-1995, SEC.19. Amended by P.L.3-1997, SEC.29.

IC 3-6-4.2-2.5
Election division to assist secretary of state in HAVA administration
Sec. 2.5. The election division shall assist the secretary of state in the implementation of HAVA.
As added by P.L.209-2003, SEC.8.

IC 3-6-4.2-3
Co-directors
Sec. 3. (a) The governor shall appoint two (2) co-directors for the election division.
(1) The co-directors shall do the following:
(A) Carry out the policies, decisions, and recommendations of the commission.
(B) Maintain an office for the election division.
(b) The co-directors may not be members of the same political party.
(c) The co-directors have equal authority and responsibilities under this title. However, if the co-directors are unable to resolve a dispute between themselves regarding:
(1) the commission's or the election division's budget;
(2) the commission's or the election division's expenditures; or
(3) contracts to which the commission or the election division is a party;
the secretary of state may decide the matter. A decision by the secretary of state regarding the matter is final.
(d) The co-directors must:
(1) be classified the same under the state's personnel system; and
(2) except for differences due to years of service as co-directors, receive the same compensation.
As added by P.L.8-1995, SEC.19. Amended by P.L.153-2013, SEC.1; P.L.219-2013, SEC.4.

IC 3-6-4.2-3.2
Co-directors; terms

Sec. 3.2. A co-director serves a term of four (4) years, beginning January 1, 1999, and continuing until the co-director's successor has been appointed and qualified.

As added by P.L.3-1997, SEC.30.

IC 3-6-4.2-4
Employees

Sec. 4. The co-directors shall employ other employees as necessary in the execution of the powers and duties of the commission.

As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-5
Political affiliation of employees

Sec. 5. The employees of the election division must be divided equally between the major political parties of the state.

As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-5.5
Rights of individuals who serve as co-director or employee on December 31, 1996

Sec. 5.5. An individual who, on December 31, 1996, serves as a co-director or an employee of the commission, serves as a co-director or an employee of the election division after December 31, 1996, with all the rights, duties, and conditions of employment the individual had as a co-director or an employee of the commission before January 1, 1997.

As added by P.L.220-2011, SEC.12.

IC 3-6-4.2-6
Number of employees

Sec. 6. Subject to section 5 of this chapter, the co-directors may each employ an equal number of employees.

As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-7
Funding for employees

Sec. 7. Equal funding shall be provided to each co-director with which to employ employees under section 6 of this chapter.

As added by P.L.8-1995, SEC.19. Amended by P.L.66-2003, SEC.3.

IC 3-6-4.2-8
Vacancy in co-director position

Sec. 8. (a) When a vacancy in a co-director position occurs, the secretary of state shall notify the governor and the state chairman of the political party of which the individual vacating the position is a member.

(b) The state chairman may submit to the governor in writing,

within thirty (30) days after notice of the vacancy, the names of two (2) individuals to fill the vacancy. If the state chairman submits the names of two (2) individuals within the thirty (30) day period, the governor shall appoint one (1) of the two (2) individuals to fill the vacancy. If the state chairman fails to submit the names of two (2) individuals within the thirty (30) day period, the governor shall, within another ten (10) days, appoint an individual of the same political party as the state chairman to fill the vacancy.

(c) If a state chairman fails to submit in writing the name of a qualified successor within thirty (30) days after the state chairman is notified by the secretary of state of a vacancy, the governor shall:

(1) appoint a member of the political party of the state chairman to fill the vacancy; and

(2) notify the state chairman of the selection.

(d) The state chairman may disapprove the selection by notifying the governor within seven (7) days after receiving notice of the governor's appointment. If the state chairman disapproves the selection within the seven (7) day period, the governor shall make another appointment under subsection (b) which is subject to disapproval of the state chairman under this subsection. If the state chairman does not disapprove the appointment within the seven (7) day period, the individual appointed by the governor shall be employed as the co-director.

As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-9

Budget estimates

Sec. 9. The secretary of state shall submit biennial budget estimates for the commission and the election division in the manner and form required by law. Funds shall be expended only in the manner and form required by law.

As added by P.L.8-1995, SEC.19.

IC 3-6-4.2-10

Audits and investigations

Sec. 10. (a) An audit or investigation authorized by the commission concerning administration of election laws shall be conducted by at least two (2) state employees divided equally between the major political parties of the state.

(b) Notwithstanding subsection (a) or any statutory provisions to the contrary, the co-directors shall assist in the following actions upon authorization of the commission:

(1) A hearing or an investigation conducted by the commission under:

(A) IC 3-7-11 (voter registration violations under NVRA or IC 3-7); or

(B) IC 3-9-4-15 (campaign finance violations).

(2) An examination or a test of a voting system for the commission.

As added by P.L.8-1995, SEC.19. Amended by P.L.4-1996, SEC.12.

IC 3-6-4.2-12
Duties

Sec. 12. The election division shall do the following:

(1) Maintain complete and uniform descriptions and maps of all precincts in Indiana.

(2) Promptly update the information required by subdivision (1) after each precinct establishment order is filed with the commission under IC 3-11-1.5.

(3) Issue media watcher cards under IC 3-6-10-6.

(4) Serve in accordance with 42 U.S.C. 1973ff-1(b) as the office in Indiana responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

(5) As required by 42 U.S.C. 1973ff-1(c), submit a report to the federal Election Assistance Commission not later than ninety (90) days after each general election setting forth the combined number of absentee ballots:

(A) transmitted to absent uniformed services voters and overseas voters for the election; and

(B) returned by absent uniformed services voters and overseas voters and cast in the election.

(6) Implement the state plan in accordance with the requirements of HAVA (42 U.S.C. 15401 through 15406) and this title, and appoint members of the committee established under 42 U.S.C. 15405.

(7) Submit reports required under 42 U.S.C. 15408 to the federal Election Assistance Commission concerning the use of federal funds under Title II, Subtitle D, Part I of HAVA.

As added by P.L.3-1997, SEC.31. Amended by P.L.209-2003, SEC.9; P.L.221-2005, SEC.8; P.L.64-2014, SEC.5.

IC 3-6-4.2-12.1
State HAVA plan; HAVA committee; membership; per diem; expenses

Sec. 12.1. (a) This section applies to the development, implementation, and amendment of the state plan under HAVA (42 U.S.C. 15401 through 15406).

(b) An individual appointed by the co-directors to serve on the committee established to develop the state plan to implement HAVA under 42 U.S.C. 15405 is entitled to receive the compensation or reimbursement provided under subsection (d) or (e).

(c) For purposes of subsection (d), an individual who holds:

(1) a state office is considered an employee of the state; or

(2) an office of a political subdivision is considered an employee of the political subdivision.

(d) Each member of the committee who is not a state employee or an employee of a political subdivision is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) Each member of the committee who is a state employee or an employee of a political subdivision is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) The committee's expenses, including the payment of per diem and reimbursements under this section, shall be paid from the Section 101 account of the election administration assistance fund established under IC 3-11-6.5.

As added by P.L.209-2003, SEC.10.

IC 3-6-4.2-12.5

Duty of secretary of state to apply for payments for accessibility of polling places to disabled voters; information regarding accessible polling places

Sec. 12.5. (a) As authorized under 42 U.S.C. 15421, the secretary of state shall apply to the Secretary of Health and Human Services for payments under the HAVA (42 U.S.C. 15421 through 15425) to do the following:

(1) Make polling places (including the path of travel, entrances, exits, and voting areas of each polling place) more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters.

(2) Provide individuals with disabilities and other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

(b) If the secretary of state receives payments from the Secretary of Health and Human Services under 42 U.S.C. 15421 through 15425, the election division shall expend the money as described in the application submitted under 42 U.S.C. 15423.

As added by P.L.209-2003, SEC.11. Amended by P.L.153-2013, SEC.2.

IC 3-6-4.2-13

Assistance from state police department

Sec. 13. (a) The state police department and all state police officers shall assist the election division, on request, in the enforcement of the election laws and the discharge of the election

division's duties, including the use of state police radio and telephone service on election days.

(b) The state police department or a state police officer may not supplant or interfere with a local law enforcement officer or precinct election officer in the discharge of official duties.

As added by P.L.3-1997, SEC.32.

IC 3-6-4.2-14

Members of county election boards and boards of registration; instructional meeting; compensation and expenses

Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title and federal law (including HAVA and NVRA). The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

(b) Each circuit court clerk shall attend a meeting called by the election division under this section.

(c) The codirectors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

(1) may conduct the meeting before the first day of the year; and

(2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

(d) Each member of a county election board or board of registration and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following from the county general fund without appropriation:

(1) A per diem of twenty-four dollars ($24) for attending the instructional meeting called by the election division under this section.

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee.

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

As added by P.L.3-1997, SEC.33. Amended by P.L.38-1999, SEC.5; P.L.26-2000, SEC.2; P.L.209-2003, SEC.12; P.L.120-2009, SEC.2.

IC 3-6-4.5

Chapter 4.5. Administrative Complaint Procedure Concerning Uniform and Nondiscriminatory Election Technology and Administrative Requirements Under Title III of HAVA

IC 3-6-4.5-1
Repealed

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

IC 3-6-4.5-2
"Title III"

Sec. 2. As used in this chapter, "Title III" refers to Title III of HAVA (42 U.S.C. 15481 through 15485).
As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-3
Establishment of administrative complaint procedure

Sec. 3. As required by 42 U.S.C. 15512, this chapter establishes the state based administrative complaint procedures to remedy grievances concerning uniform and nondiscriminatory election technology and administrative requirements under Title III.
As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-4
Remedies supplement other remedies under IC 3

Sec. 4. The remedies provided under this chapter are supplemental to any other remedies provided to an aggrieved party under this title.
As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-5
Procedures uniform and nondiscriminatory

Sec. 5. As required by 42 U.S.C. 15512, the procedures prescribed by this chapter must be uniform and nondiscriminatory.
As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-6
Filing complaint with election division

Sec. 6. As provided by 42 U.S.C. 15512, a person who believes there is a violation of any provision of Title III, including a violation that has occurred, is occurring, or is about to occur, may file a complaint with the election division.
As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-7
Form of complaint

Sec. 7. As required by 42 U.S.C. 15512, a complaint filed under this chapter must be written, signed, and sworn to before an individual authorized to administer an oath under IC 33-42-4.
As added by P.L.209-2003, SEC.13. Amended by P.L.98-2004,

SEC.26.

IC 3-6-4.5-8
Information required in complaint

Sec. 8. The complaint filed under section 7 of this chapter must state the following:

(1) The name and mailing address of the person alleged to be committing the violation of Title III described in the complaint.

(2) Whether the person filing the complaint has filed a complaint concerning the violation with a county election board under IC 3-6-5.1.

(3) The nature of the injury suffered (or about to be suffered) by the person filing the complaint.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-9
Copies of complaint provided to commission and persons identified in complaint

Sec. 9. The election division shall promptly provide a copy of the complaint by first class mail to the members of the commission and the persons identified in the complaint.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-10
Complaint filed with county election board; suspension of state enforcement

Sec. 10. A person entitled to file a complaint under this chapter may file a complaint with the county election board where the violation allegedly occurred under IC 3-6-5.1. If a person filed a complaint under IC 3-6-5.1, the election division shall not begin enforcement procedures under this chapter regarding the complaint until the person filing the complaint files a complaint with the election division under this chapter.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-11
Complaint against co-director filed with commission chair; duties of commission chair

Sec. 11. This section applies if the complaint alleges that either co-director of the election division has committed the violation. The aggrieved person shall file the complaint with the chair of the commission. The chair of the commission shall perform the duties otherwise performed by the election division concerning a complaint.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-12
Consolidation of complaints

Sec. 12. As permitted under 42 U.S.C. 15512, the election division (or commission) may consolidate complaints filed under this chapter.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-13
Preliminary determination of validity of complaint; dismissal; notice of dismissal

Sec. 13. The election division shall determine whether a complaint filed under this chapter describes a violation of Title III if the facts set forth in the complaint are assumed to be true. If the election division determines that:

(1) even if the facts set forth in the complaint are assumed to be true, there is no violation of Title III; or

(2) the person has not complied with section 7 of this chapter;

the election division shall dismiss the complaint and publish the order dismissing the matter in the Indiana Register.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-14
Persons to whom notices of dismissal provided

Sec. 14. If the election division dismisses a complaint under section 13 of this chapter, the election division shall provide a copy of this determination by certified mail to:

(1) the person who filed the notice;
(2) the person alleged to have committed the violation;
(3) the members of the commission; and
(4) the attorney general.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-15
Investigation of complaints determined valid

Sec. 15. If the election division determines that the complaint alleges a violation of Title III if the facts alleged in the complaint are assumed to be true and that the person has complied with section 7 of this chapter, the election division shall conduct an investigation under IC 3-6-4.2.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-16
Submission of investigation results to commission; commission report; persons provided copy of report

Sec. 16. The election division, upon completing the investigation, shall submit the results of the investigation to the commission, which shall then issue a written report. The election division shall provide a copy of the report by certified mail to:

(1) the person who filed the complaint;
(2) the person alleged to have committed the violation;
(3) the members of the commission; and
(4) the attorney general.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-17

Content of report

Sec. 17. The report described in section 16 of this chapter must:

(1) indicate the date when the complaint alleging the violation was received by the election division;

(2) contain findings of fact regarding the alleged violation and state whether a violation of Title III has occurred, or appeared to be likely to occur when the complaint was filed;

(3) state what steps, if any, the person alleged to have committed the violation has taken to correct the violation or to prevent a reoccurrence of the violation;

(4) suggest any additional measures that could be taken to correct a violation;

(5) indicate the date when a violation was corrected or is expected to be corrected; and

(6) provide any additional information or recommendations useful in resolving this complaint.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-18

Hearing; record

Sec. 18. As required by 42 U.S.C. 15512, at the request of the person filing a complaint, or at the request of a member of the commission, the commission shall conduct a hearing on the complaint and prepare a record of the hearing. A request for a hearing must be filed with the election division not later than noon seven (7) days after the report is mailed under section 16 of this chapter.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-19

Commission action after hearing

Sec. 19. After concluding the hearing, the commission shall:

(1) affirm the report;

(2) amend the report; or

(3) refer the matter to the election division for further investigation and submission of a subsequent report to the commission.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-20

Dismissal of complaint after determination of no violation

Sec. 20. As required by 42 U.S.C. 15512, if the commission determines that based on the evidence presented, there is no violation of any provision of Title III or that the person has not complied with section 7 of this chapter, the commission shall dismiss the complaint and publish the order dismissing the matter in the Indiana Register.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-21

Remedy

Sec. 21. As authorized by 42 U.S.C. 15512, if the commission determines that there is a violation of any provision of Title III, the commission shall determine and provide the appropriate remedy if authorized by law to do so. If providing the remedy would require additional or amended Indiana legislation, the commission shall notify the interim study committee on elections established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 and provide recommendations regarding the form and content of this legislation.
As added by P.L.209-2003, SEC.13. Amended by P.L.53-2014, SEC.48.

IC 3-6-4.5-22
Civil actions

Sec. 22. The secretary of state may file a civil action seeking declaratory or injunctive relief to secure or implement a remedy determined by the commission to be appropriate under section 21 of this chapter.
As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-23
Summary of actions; to whom provided

Sec. 23. The commission shall forward a written summary of any action taken by the commission under section 20 or 21 of this chapter by certified mail to:

(1) the person who filed the complaint;
(2) the person alleged to have committed the violation; and
(3) the attorney general.

As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-24
Deadline for making final determination on complaint

Sec. 24. As required by 42 U.S.C. 15512, the commission shall make the final determination regarding the complaint not later than ninety (90) days after the date the complaint is filed. The person filing the complaint may file a written consent permitting the commission to take a longer period to make the final determination regarding the complaint.
As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-25
Extension of deadline

Sec. 25. As required by 42 U.S.C. 15512, if the commission fails to make the final determination regarding the complaint within the period applicable to the complaint under section 24 of this chapter, the complaint shall be resolved not later than sixty (60) days after the deadline applicable to the complaint under section 24 of this chapter.
As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-26
Referral of complaint to arbitrator

Sec. 26. A complaint described by section 25 of this chapter shall be resolved by referral to an arbitrator selected jointly by the commission and the person who filed the complaint.
As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-27
Record and other materials given to arbitrator

Sec. 27. As provided by 42 U.S.C. 15512, the record and other materials from any proceedings conducted by the commission shall be made available for use by the arbitrator.
As added by P.L.209-2003, SEC.13.

IC 3-6-4.5-28
Filing arbitrator's report; content of report

Sec. 28. The arbitrator shall file a report with the election division setting forth the resolution of the complaint. The report must specify the following:

(1) Whether a violation of Title III has occurred or was about to occur when the complaint was filed.

(2) The appropriate remedy to correct any violation.

(3) Whether providing the remedy would require additional or amended Indiana legislation or a civil action for declaratory or injunctive relief.

(4) Any other information and recommendations necessary to fully provide any appropriate relief under this chapter.

As added by P.L.209-2003, SEC.13.

IC 3-6-5

Chapter 5. County Election Boards

IC 3-6-5-1

Establishment

Sec. 1. (a) Except as provided in subsection (b), a board is established in each county of the state known as the (name of county) county election board.

(b) A county election board is not established in the following counties:

(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000).

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.11; P.L.144-2001, SEC.2; P.L.170-2002, SEC.4; P.L.119-2012, SEC.2.

IC 3-6-5-2

Membership

Sec. 2. The following three (3) members comprise each county election board:

(1) The circuit court clerk, who is ex officio a member of the board.

(2) Two (2) persons appointed by the circuit court clerk, one (1) from each of the major political parties of the county.

As added by P.L.5-1986, SEC.2.

IC 3-6-5-3

Candidates for office as members of board or proxies of record; circuit court clerk as member of candidate's committee

Sec. 3. (a) A person who is a candidate for elected office or a member of a candidate's committee may not be appointed as:

(1) a member of a county election board;

(2) a proxy of record for a member under section 4.5 of this chapter; or

(3) an alternate proxy of record for a member under section 4.5 of this chapter.

(b) If an appointed member, a proxy, or an alternate proxy becomes:

(1) a candidate for elected office; or

(2) a member of a candidate's committee;

the member, proxy, or alternate proxy may not continue to serve on the county election board.

(c) An appointed member, a proxy, or an alternate proxy may not hold elected office while serving on the county election board.

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

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.24;

P.L.3-1997, SEC.34; P.L.9-2004, SEC.2; P.L.230-2005, SEC.6.

IC 3-6-5-4
Appointment of members; term of office

Sec. 4. The board members appointed by the circuit court clerk serve until their successors are appointed and qualified.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1997, SEC.35.

IC 3-6-5-4.5
Proxy of record; alternate proxy

Sec. 4.5. (a) A member may appoint an individual to serve as a proxy of record in the member's place as a member of the county election board by filing a written instrument appointing the proxy of record with the circuit court clerk. The proxy of record has the same authority to act and vote on all matters as does the member. The member may revoke the authority of the proxy of record at any time. The authority of the proxy of record may be either limited or general with regard to duration or subject matter as set forth by the member in the written instrument appointing the proxy.

(b) If both the member and the member's proxy of record are unavailable, the member may appoint another individual in writing to serve as an alternate proxy in the member's place as a member of the county election board. The alternate proxy has the same authority to act and vote on all matters as does the member. The member may revoke the authority of the alternate proxy at any time. The authority of the alternate proxy may be either limited or general with regard to duration or subject matter as set forth by the member in the written instrument appointing the proxy.
As added by P.L.4-1991, SEC.14.

IC 3-6-5-5
Nominations by county chairmen

Sec. 5. The county chairman of each of the major political parties of a county may nominate, in writing, a member of the chairman's party for appointment to the county election board. The circuit court clerk shall appoint the nominee to the board.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1997, SEC.36.

IC 3-6-5-6
Removal of member upon request of county chairman

Sec. 6. A circuit court clerk shall remove any member of the county election board upon the request of the county chairman of the political party that nominated that member. The clerk then shall appoint a new member nominated by the county chairman.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-7
Vacancies

Sec. 7. In case of a vacancy in the office of either appointee to a county election board, the circuit court clerk shall, within five (5)

days, send written notice of the vacancy to the county chairman of the appointee's political party. The chairman may, within five (5) days after receiving notice of the vacancy, nominate in writing a successor who shall be appointed. If the chairman fails to make a nomination within the five (5) day period, the clerk shall, within another five (5) days, appoint a member of the political party entitled to the appointment.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.25; P.L.7-1990, SEC.2.

IC 3-6-5-8
Chairman of county election board; secretary
Sec. 8. The members of a county election board shall select one (1) of the appointed members to serve as chairman. The circuit court clerk shall serve as secretary of the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-9
Compensation of members and secretary
Sec. 9. Each county fiscal body shall determine, in the manner provided by law, the compensation of:
(1) the appointed members of the county election board; and
(2) the circuit court clerk for the clerk's services as secretary of the county election board.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.12.

IC 3-6-5-10
Office space
Sec. 10. Each county executive shall furnish to the county election board necessary office space either in the county courthouse or in some other conveniently located building.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-11
Chairman to call meetings
Sec. 11. The chairman of a county election board shall call a meeting of the board whenever the chairman considers it necessary for the performance of the board's duties.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-12
Failure of chairman to call meeting
Sec. 12. If the chairman of a county election board for any reason fails to call a meeting of the board, then the two (2) other members may meet to execute the powers and perform the duties of the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-13
Minutes of meetings
Sec. 13. Each county election board shall keep minutes of all

meetings of the board, including a written record of the aye and nay vote of each member on all questions coming before the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-14
Powers and duties

Sec. 14. (a) Each county election board, in addition to duties otherwise prescribed by law, shall do the following:

(1) Conduct all elections and administer the election laws within the county, except as provided in IC 3-8-5 and IC 3-10-7 for town conventions and municipal elections in certain small towns.

(2) Prepare all ballots.

(3) Distribute all ballots to all of the precincts in the county.

(b) Not later than the Monday before distributing ballots and voting systems to the precincts in the county, the county election board shall notify the county chairman of each major political party and, upon request, the chairman of any other bona fide political party in the county, that sample ballots are available for inspection.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.26; P.L.11-1988, SEC.1; P.L.3-1993, SEC.13; P.L.12-1995, SEC.18; P.L.2-1996, SEC.5; P.L.3-1997, SEC.37; P.L.221-2005, SEC.9; P.L.258-2013, SEC.18.

IC 3-6-5-14.5
Delegation of duties of circuit court clerk; resolution

Sec. 14.5. (a) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that certain duties and responsibilities exercised by the circuit court clerk under this title shall be performed by an employee of the county election board.

(b) A resolution adopted under this section:

(1) must specify the duties and responsibilities to be exercised by the election board employee;

(2) may not be amended or repealed, except by unanimous vote of the entire membership of the county election board; and

(3) expires sixty (60) days after the circuit court clerk who was a member of the county election board when the resolution was adopted leaves office.

As added by P.L.3-1993, SEC.14.

IC 3-6-5-15
Political subdivisions with territory in more than one county; duties of county election boards

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 election, and conduct activity required to canvass the votes under IC 3-12-5-2(b).

As added by P.L.5-1986, SEC.2. Amended by P.L.5-1989, SEC.6; P.L.219-2013, SEC.5.

IC 3-6-5-16

Budget estimates

Sec. 16. Each county election board shall prepare annually a budget estimate itemizing its expenditures for the previous year and its estimates of the amount of money necessary to be appropriated for the next year. The board shall submit the budget estimate at the time and in the manner and form other county budget estimates are required to be filed.

As added by P.L.5-1986, SEC.2.

IC 3-6-5-17

Reports to election division; contents

Sec. 17. (a) Each county election board shall submit a report to the election division after each primary, special, municipal, and general election describing the activities of the board during the previous year. The board shall include the following in the report:

(1) Information relating to the expenses of office maintenance and elections within the county or political subdivisions within the county.

(2) A copy of the statement of the county election board containing the votes cast for each candidate and on each public question in each precinct at the last election preceding the submission of the report.

(3) Any additional information relating to elections that the commission prescribes.

(b) The report described in subsection (a) must be postmarked, hand delivered, or transmitted to the election division using the computerized list under IC 3-7-26.3 not later than fourteen (14) days after each election.

(c) The election division shall send a copy of each report to the

office not later than ten (10) days after receiving the report.
As added by P.L.5-1986, SEC.2. Amended by P.L.10-1988, SEC.8; P.L.3-1993, SEC.15; P.L.2-1996, SEC.6; P.L.3-1997, SEC.38; P.L.212-2001, SEC.9; P.L.209-2003, SEC.14.

IC 3-6-5-17.5
Report concerning absentee ballots from overseas and uniformed services voters

Sec. 17.5. (a) As required by 42 U.S.C. 1973ff-1(c), each county election board shall submit a report to the election division after each general election setting forth the combined number of absentee ballots:

(1) transmitted by the county election board to absent uniformed services voters and overseas voters for the election; and

(2) returned by absent uniformed services voters and overseas voters and cast in the election.

(b) The report must be:

(1) postmarked or hand delivered to the election division not later than fourteen (14) days after the election; and

(2) in the form prescribed by the federal Election Assistance Commission under Section 703(b) of HAVA (42 U.S.C. 1973ff-1 (note)).

As added by P.L.209-2003, SEC.15.

IC 3-6-5-18
Circuit court clerk to perform duties of clerk or secretary

Sec. 18. Each circuit court clerk shall perform all duties imposed upon the clerk under this title as a member of the county election board or as secretary of the board, except when the clerk is acting as the registration officer of the county. Any such action taken by the clerk is considered an action of the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-19
Circuit court clerk; exercise of powers and duties of board

Sec. 19. A circuit court clerk, with the approval of the county election board, shall exercise the powers and perform the duties imposed upon the board whenever the facilities of the clerk's office make it more reasonable and efficient for the clerk to do so. Any action taken by the clerk with the approval of the board is considered an action of the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-20
Deputy election commissioners; appointment and removal; residency

Sec. 20. A county election board may appoint and at its pleasure remove deputy election commissioners. A deputy election commissioner appointed under this section must reside in the county

of the election board that appointed the deputy commissioner. If a deputy election commissioner ceases to be a resident of the county of the election board that appointed the deputy election commissioner, the person may not continue to serve as a deputy election commissioner of the county.
As added by P.L.5-1986, SEC.2. Amended by P.L.5-1989, SEC.7.

IC 3-6-5-21
Designation of deputy election commissioners by county chairmen
Sec. 21. The county chairmen of the major political parties of a county shall designate the deputy election commissioners. The deputy election commissioners must be divided equally between the major political parties.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-22
Deputy election commissioner's duties
Sec. 22. The deputy election commissioners appointed under section 21 of this chapter may assist the county election board in carrying out its duties in accordance with rules adopted by the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-23
Clerks, custodians, and employees; students serving as nonpartisan assistants
Sec. 23. (a) A county election board may appoint and at its pleasure remove clerks, custodians, and other employees that are necessary in the execution of its powers. The county election board may determine the duties, rank, and salaries of its appointees.
(b) The county election board may employ students enrolled at postsecondary educational institutions (including community colleges) to assist in the administration of elections by serving as nonpartisan assistants, in accordance with the requirements of the Help America Vote College Program conducted by the Election Assistance Commission under 42 U.S.C. 15521.
As added by P.L.5-1986, SEC.2. Amended by P.L.209-2003, SEC.16; P.L.2-2007, SEC.9.

IC 3-6-5-24
Candidates for elected office; service as deputy election commissioner or employment by county board
Sec. 24. A person who is a candidate for elected office may not be:
(1) appointed as a deputy election commissioner; or
(2) employed by a county election board.
If a deputy election commissioner or employee of a county election board becomes a candidate for elected office, the person may not continue to serve as a deputy election commissioner or employee of a county election board.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.27.

IC 3-6-5-25
Audit of books of county election board

Sec. 25. The books of each county election board shall be audited as are the books of other public officials of the county.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-26
Examination of persons; administration of oaths

Sec. 26. A county election board may examine under oath any person with regard to a material matter connected with the proper discharge of its duties. Any member of the board may administer the oath.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-27
Subpoena power

Sec. 27. A county election board may subpoena persons and papers and compel the witnesses to answer under oath any questions that properly come before the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-28
Service of process

Sec. 28. The sheriff of a county, for a general election, and the chief law enforcement officer of a municipality, for a municipal election, shall serve all processes issued by a county election board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-29
Refusal of person to attend or testify; court order; contempt

Sec. 29. If a person subpoenaed by a county election board refuses to attend or testify, the board shall report that fact to a circuit or superior court of the county. The court shall order the witness to attend and testify. If the witness fails or refuses to obey the order, the witness shall be held in contempt.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-30
Witness fees

Sec. 30. A witness who is subpoenaed by a county election board is entitled to be paid the same mileage and fee to which witnesses in court actions are entitled. Mileage and fees shall be paid as other election expenses are paid.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-31
Election law violations; investigation; action by board

Sec. 31. If a county election board determines that there is substantial reason to believe an election law violation has occurred, it shall expeditiously make an investigation. If in the judgment of the

board, after affording due notice and an opportunity for a hearing, a person has engaged or is about to engage in an act or practice that constitutes or will constitute a violation of a provision of this title or of a rule or order issued under this title, the board shall take the action it considers appropriate under the circumstances, including referring the matter to the attorney general or the appropriate prosecuting attorney.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-32
Civil action by attorney general or prosecuting attorney; injunctions

Sec. 32. Upon referral under section 31 of this chapter, the attorney general or prosecuting attorney shall institute on behalf of the state a civil action for relief, including a permanent or temporary injunction, restraining order, or other appropriate order in a circuit or superior court in the county in which the person is found, resides, or transacts business. Upon a proper showing that the person has engaged or is about to engage in the act or practice described by section 31 of this chapter, the court shall grant a permanent or temporary injunction, restraining order, or other order without bond.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-33
Assistance by law enforcement officers

Sec. 33. The county sheriff, the chief law enforcement officer of a municipality within the county, and other law enforcement officers shall assist a county election board, upon request, in the enforcement of the election laws and the discharge of its duties, including the use of police radio and telephone service on election days.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-34
Appeal of county election board decision; time to file

Sec. 34. Except as expressly provided by statute, an appeal may be taken from a decision of a county election board to the circuit court. An appeal taken under this section must be filed not later than thirty (30) days after the board makes the decision subject to the appeal.
As added by P.L.230-2005, SEC.7.

IC 3-6-5-35
Failure to perform duty as precinct election officer; civil penalty

Sec. 35. (a) An individual who knowingly, recklessly, or negligently fails to perform a duty as a precinct election officer required by this title is subject to a civil penalty under this section in addition to any other penalty imposed.

(b) If the county election board determines, by unanimous vote of the entire membership of the board, that an individual serving as a precinct election officer has failed to perform a duty required by this

title, the board shall assess the individual a civil penalty of not more than five hundred dollars ($500).

(c) A civil penalty assessed under this section may be deducted from any compensation that the individual may otherwise be entitled to under IC 3-6-6.

As added by P.L.230-2005, SEC.8.

IC 3-6-5.1

Chapter 5.1. County Procedures for Resolving Administrative Complaints Concerning Uniform and Nondiscriminatory Election Technology and Administrative Requirements Under Title III of HAVA

IC 3-6-5.1-1
Repealed

(Repealed by P.L.230-2005, SEC.91.)

IC 3-6-5.1-2
"Title III"

Sec. 2. As used in this chapter, "Title III" refers to Title III of HAVA (42 U.S.C. 15481 through 15485).
As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-3
County administrative complaint procedure established

Sec. 3. This chapter establishes a county based administrative complaint procedure to supplement the state based administrative complaint procedure under IC 3-6-4.5 to remedy grievances concerning uniform and nondiscriminatory election technology and administrative requirements under Title III. A person who files a complaint under this chapter retains the right to file a complaint with the election division under IC 3-6-4.5.
As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-4
Remedies supplement other remedies under IC 3

Sec. 4. The remedies provided under this chapter are supplemental to any other remedies provided to an aggrieved party under this title.
As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-5
Procedures uniform and nondiscriminatory

Sec. 5. The procedures prescribed by this chapter must be uniform and nondiscriminatory.
As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-6
Filing complaint with circuit court clerk

Sec. 6. A person who believes there is a violation of any provision of Title III, including a violation that has occurred, is occurring, or is about to occur, may file a complaint with the circuit court clerk of the county where the violation occurred, is occurring, or is about to occur.
As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-7
Form of complaint

Sec. 7. A complaint filed under this chapter must be written, signed, and sworn to before an individual authorized to administer an oath under IC 33-42-4.
As added by P.L.209-2003, SEC.17. Amended by P.L.98-2004, SEC.27.

IC 3-6-5.1-8
Information required in complaint

Sec. 8. The complaint filed under section 6 of this chapter must state the following:

(1) The name and mailing address of the person alleged to be committing the violation of Title III described in the complaint.

(2) Whether the person filing the complaint has filed a complaint concerning the violation with the election division under IC 3-6-4.5.

(3) The nature of the injury suffered (or about to be suffered) by the person filing the complaint.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-9
Complaint provided to county election board and persons named in complaint

Sec. 9. The circuit court clerk shall promptly provide a copy of the complaint by first class mail to the members of the county election board and the persons identified in the complaint.
As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-10
Dismissal of complaint filed concurrently with election division

Sec. 10. If the county election board is notified at any time that the person who filed a complaint under this chapter has filed a complaint with the election division under IC 3-6-4.5 regarding this matter, the county election board shall dismiss the proceeding under this chapter.
As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-11
Complaint against clerk filed with chair of county election board

Sec. 11. This section applies if the complaint alleges that the circuit court clerk has committed the violation. The aggrieved person shall file the complaint with the chair of the county election board. The chair shall perform the duties otherwise performed by the circuit court clerk concerning a complaint.
As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-12
Consolidation of complaints

Sec. 12. The county election board may consolidate complaints filed under this chapter.
As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-13
Preliminary determination of validity of complaint; dismissal; notice of dismissal

Sec. 13. The circuit court clerk shall determine whether a complaint filed under this chapter describes a violation of Title III if the facts set forth in the complaint are assumed to be true. The circuit court clerk may consult with the election division in making this determination. If the circuit court clerk determines that:

(1) even if the facts set forth in the complaint are assumed to be true, there is no violation of Title III; or

(2) that the person has not complied with section 7 of this chapter;

the circuit court clerk shall dismiss the complaint and publish notice of the order dismissing the matter in accordance with IC 5-3-1.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-14
Persons to whom notice of dismissal provided

Sec. 14. If the circuit court clerk dismisses a complaint under section 13 of this chapter, the circuit court clerk shall provide a copy of this determination by certified mail to:

(1) the person who filed the notice;

(2) the person alleged to have committed the violation;

(3) the members of the county election board; and

(4) the election division.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-15
Investigation of complaints determined valid

Sec. 15. If the circuit court clerk determines that the complaint alleges a violation of Title III if the facts alleged in the complaint are assumed to be true and that the person has complied with section 7 of this chapter, the circuit court clerk shall conduct an investigation under IC 3-6-5.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-16
Submission of investigation results to county election board; county election board report; persons provided copies of report

Sec. 16. The circuit court clerk, upon completing the investigation, shall submit the results of the investigation to the county election board, which shall then issue a written report. The circuit court clerk shall provide a copy of the report by certified mail to:

(1) the person who filed the complaint;

(2) the person alleged to have committed the violation;

(3) the members of the county election board; and

(4) the election division.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-17
Content of report

Sec. 17. The report described in section 16 of this chapter must:

(1) indicate the date when the complaint alleging the violation was received by the county election board;

(2) contain findings of fact regarding the alleged violation and state whether a violation of Title III has occurred or appeared to be likely to occur when the complaint was filed;

(3) state what steps, if any, the person alleged to have committed the violation has taken to correct the violation or to prevent a reoccurrence of the violation;

(4) suggest any additional measures that could be taken to correct a violation;

(5) indicate the date when a violation was corrected or is expected to be corrected; and

(6) provide any additional information or recommendations useful in resolving this complaint.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-18
Hearing; record

Sec. 18. At the request of the person filing a complaint, or at the request of a member of the county election board, the board shall conduct a hearing on the complaint and prepare a record of the hearing. This request must be filed not later than noon seven (7) days after the report was mailed under section 16 of this chapter.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-19
County election board action after hearing

Sec. 19. After concluding the hearing, the county election board shall:

(1) affirm the report;

(2) amend the report;

(3) refer the matter to the circuit court clerk for further investigation and submission of a subsequent report to the county election board; or

(4) refer the matter to the election division.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-20
Dismissal of complaint after determination of no violation

Sec. 20. If the county election board determines that based on the evidence presented, there is no violation of any provision of Title III or that the person has not complied with section 7 of this chapter, the county election board shall dismiss the complaint and publish notice of the order dismissing the matter in accordance with IC 5-3-1.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-21

County election board to provide remedy if authorized by law; dismissal of complaint if remedy not authorized

Sec. 21. If the county election board determines that there is a violation of any provision of Title III, the county election board shall determine and provide the appropriate remedy if authorized by law to do so. If the county election board determines that it is not authorized by law to provide the appropriate remedy, the county election board shall dismiss the complaint.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.1-22

Summary of county election board action; to whom provided

Sec. 22. The county election board shall forward a written summary of any action taken by the commission under section 20 or 21 of this chapter by certified mail to:

(1) the person who filed the complaint;

(2) the person alleged to have committed the violation; and

(3) the election division.

As added by P.L.209-2003, SEC.17.

IC 3-6-5.2

Chapter 5.2. Combined County Election Board and Board of Registration

IC 3-6-5.2-1

Applicability of chapter

Sec. 1. This chapter applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

As added by P.L.3-1993, SEC.16.

IC 3-6-5.2-2

"Board" defined

Sec. 2. As used in this chapter, "board" refers to the board of elections and registration established by section 3 of this chapter.

As added by P.L.3-1993, SEC.16. Amended by P.L.176-1999, SEC.4.

IC 3-6-5.2-3

Name of board

Sec. 3. The board of elections and registration is established and shall be known as the _____ (name of county) board of elections and registration.

As added by P.L.3-1993, SEC.16. Amended by P.L.176-1999, SEC.5.

IC 3-6-5.2-4

Membership of board

Sec. 4. The combined board is comprised of the following five (5) members:

(1) The county chairmen of the major political parties of the county shall each appoint two (2) members of the board. Members of the board appointed under this subdivision must be voters of the county and serve a term of two (2) years or until their successors are appointed.

(2) The circuit court clerk, who is an ex officio member of the board.

As added by P.L.3-1993, SEC.16.

IC 3-6-5.2-4.5

Candidates for office as members of board or proxies of record; circuit court clerk as member of candidate's committee

Sec. 4.5. (a) A person who is a candidate for elected office or a member of a candidate's committee may not be appointed as a member of the board.

(b) If an appointed member becomes a:

(1) candidate for elected office; or

(2) member of a candidate's committee;

the member may not continue to serve on the board.

(c) An appointed member may not hold elected office while a member of the board.

(d) The circuit court clerk may not be a member of a candidate's

committee other than the clerk's own candidate's committee.
As added by P.L.9-2004, SEC.3. Amended by P.L.230-2005, SEC.9.

IC 3-6-5.2-5
Compensation

Sec. 5. Each member of the board shall be paid an annual salary of not less than ten thousand dollars ($10,000). The salaries of the board members shall be fixed in the manner prescribed by IC 36-2-5 or IC 36-3-6 and paid out of the county general fund in accordance with IC 3-5-3-1 as other election expenses are paid.
As added by P.L.3-1993, SEC.16. Amended by P.L.176-1999, SEC.6.

IC 3-6-5.2-6
Powers of board; duties of director

Sec. 6. (a) The board has all of the powers and duties given in this title (and powers and duties concerning elections or voter registration given in other titles of the Indiana Code) to the following:

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

(b) The director appointed under section 7 of this chapter shall perform all the duties of the circuit court clerk under this title and perform the election or voter registration duties of the circuit court clerk under other titles of the Indiana Code. The board shall perform all the duties of the county executive under this title and perform the election duties of the county executive under other titles of the Indiana Code.
As added by P.L.3-1993, SEC.16. Amended by P.L.13-1995, SEC.1; P.L.176-1999, SEC.7; P.L.26-2000, SEC.3.

IC 3-6-5.2-7
Director

Sec. 7. (a) The board may vest day to day operations in a director of the board and in an assistant director of the board.

(b) The director of the board is appointed by the county chairman of the political party whose nominee received the highest number of votes in the county for secretary of state in the last election.

(c) The assistant director of the board is appointed by the county chairman of the political party whose nominee received the second highest number of votes in the county for secretary of state in the last election.

(d) The assistant director shall receive an annual salary of not less than two thousand dollars ($2,000) less than the salary of the director.

(e) The board shall establish the number and compensation of the employees of the board. The county chairman of each of the major political parties in the county shall appoint one-half (1/2) of the board employees. The director, the assistant director, and the board employees serve at the pleasure of their respective appointing

authorities.
As added by P.L.3-1993, SEC.16. Amended by P.L.176-1999, SEC.8.

IC 3-6-5.2-8
Attorney to provide legal services to board

Sec. 8. The board may, by a vote of a majority of the members of the board, hire attorneys to provide legal services for the board, as determined by the board.
As added by P.L.176-1999, SEC.9. Amended by P.L.230-2005, SEC.10.

IC 3-6-5.2-9
Appeal of board decision; time to file

Sec. 9. Except as expressly provided by statute, an appeal may be taken from a decision of the board to the circuit court. An appeal taken under this section must be filed not later than thirty (30) days after the board makes the decision subject to the appeal.
As added by P.L.230-2005, SEC.11.

IC 3-6-5.4

Chapter 5.4. Tippecanoe County Board of Elections and Registration

IC 3-6-5.4-1

Applicability of chapter

Sec. 1. This chapter applies to a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000).

As added by P.L.144-2001, SEC.3. Amended by P.L.170-2002, SEC.5; P.L.119-2012, SEC.3.

IC 3-6-5.4-2

"Board" defined

Sec. 2. As used in this chapter, "board" refers to the board of elections and registration established by section 3 of this chapter.

As added by P.L.144-2001, SEC.3.

IC 3-6-5.4-3

Establishment; name

Sec. 3. (a) The board of elections and registration is established for the county.

(b) The board shall be known as the (name of the county) board of elections and registration.

As added by P.L.144-2001, SEC.3.

IC 3-6-5.4-4

Members

Sec. 4. (a) The board consists of the following:

(1) One (1) member appointed by the county chairman of each of the major political parties of the county. A member appointed under this subdivision must be a voter of the county.

(2) The circuit court clerk, who serves as an ex officio member of the board.

(b) The board members serving under subsection (a)(1) serve at the pleasure of their respective county chairman.

As added by P.L.144-2001, SEC.3.

IC 3-6-5.4-4.5

Candidates for office as members of board or proxies of record; circuit court clerk as member of candidate's committee

Sec. 4.5. (a) A person who is a candidate for elected office or a member of a candidate's committee may not be appointed as a member of the board.

(b) If an appointed member becomes a:

(1) candidate for elected office; or

(2) member of a candidate's committee;

the member may not continue to serve on the board.

(c) An appointed member may not hold elected office while a member of the board.

(d) The circuit court clerk may not be a member of a candidate's committee other than the clerk's own candidate's committee.
As added by P.L.9-2004, SEC.4. Amended by P.L.230-2005, SEC.12.

IC 3-6-5.4-5
Powers and duties

Sec. 5. (a) The board has all the powers and duties given in this title to the following:

(1) The county election board.
(2) The board of registration.
(3) The county executive.

(b) The circuit court clerk shall perform all the duties of the circuit court clerk under this title.
As added by P.L.144-2001, SEC.3.

IC 3-6-5.4-6
Appointment of deputy

Sec. 6. Each board member described in section 4(a)(1) of this chapter may, subject to the approval of the county chairman that appointed the board member, appoint a deputy to assist the board member.
As added by P.L.144-2001, SEC.3.

IC 3-6-5.4-7
Appointment of employees

Sec. 7. (a) The board shall appoint employees to perform the board's election and registration duties under this title.

(b) The board may appoint an individual as an employee only upon the nomination by the county chairman of one (1) of the major political parties of the county.

(c) The staff of the board must be equally divided between the major political parties of the county.

(d) The board may designate and assign an employee to election or registration duties subject to the consent of the county chairman that nominated the employee to be a member of the staff.

(e) An employee of the board may be cross-trained and assist other employees of the board with other duties subject to the direction of the board.

(f) The board shall make final determinations with respect to the duties and assignments of employees of the board.
As added by P.L.144-2001, SEC.3.

IC 3-6-5.4-8
Unified budget

Sec. 8. The county shall establish a unified budget for the board that includes all expenses of conducting elections, registering voters, paying board employees, and compensating board member expenses.
As added by P.L.144-2001, SEC.3.

IC 3-6-5.4-9

Applicability of title

Sec. 9. Subject to this chapter, this title applies to the operation of the board relating to conducting elections and registering voters.

As added by P.L.144-2001, SEC.3.

IC 3-6-5.4-10

Appeal of board decision; time to file

Sec. 10. Except as expressly provided by statute, an appeal may be taken from a decision of the board to the circuit court. An appeal taken under this section must be filed not later than thirty (30) days after the board makes the decision subject to the appeal.

As added by P.L.230-2005, SEC.13.

IC 3-6-6

Chapter 6. Precinct Election Officers

IC 3-6-6-1

Precinct election board; members; appointment; chairman

Sec. 1. (a) Except as otherwise provided by law, each county election board shall appoint a precinct election board for each precinct in the county.

(b) A precinct election board consists of the following:

(1) One (1) inspector.

(2) Two (2) judges.

(c) Each county chairman of a major political party of the county is entitled to nominate one (1) judge under section 9 of this chapter.

(d) Each inspector and judge must be a voter of the county.

(e) The inspector serves as the chairman of the precinct election board.

As added by P.L.5-1986, SEC.2. Amended by P.L.176-1999, SEC.10.

IC 3-6-6-2

Poll clerks; appointment

Sec. 2. (a) Except as provided in section 38 of this chapter, each county election board shall appoint two (2) poll clerks for each precinct in the county.

(b) Each county chairman of a major political party of the county is entitled to nominate one (1) poll clerk under section 9 of this chapter.

(c) Except as provided in section 39 of this chapter, the poll clerks must be voters of the county.

As added by P.L.5-1986, SEC.2. Amended by P.L.176-1999, SEC.11; P.L.126-2002, SEC.12.

IC 3-6-6-3

Assistant poll clerks; appointment

Sec. 3. (a) Each county election board may appoint two (2) assistant poll clerks in each precinct.

(b) Each county chairman of a major political party of the county is entitled to nominate one (1) assistant poll clerk under section 9 of this chapter.

(c) Except as provided in subsection (d), the assistant poll clerks must be voters of the county.

(d) The county election board may permit a person who is not a voter to be an assistant poll clerk if the person is:

(1) at least sixteen (16) years of age, but not more than seventeen (17) years of age; and

(2) a resident of the county.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.28; P.L.4-1991, SEC.15; P.L.176-1999, SEC.12.

IC 3-6-6-4

Precincts for which assistant clerks appointed; resolution

Sec. 4. A county election board shall adopt a written resolution not later than twenty-eight (28) days before election day designating the precincts for which assistant clerks are to be appointed. The county election board shall file a copy of the resolution in the office of the circuit court clerk and shall mail copies to the county chairmen of the major political parties of the county.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1997, SEC.39; P.L.126-2002, SEC.13.

IC 3-6-6-5
Election sheriffs; appointment
Sec. 5. (a) Except as provided in section 38 of this chapter, each county election board shall appoint two (2) election sheriffs for each precinct in the county.
(b) Each county chairman of a major political party of the county is entitled to nominate one (1) election sheriff under section 9 of this chapter.
(c) Except as provided in section 39 of this chapter, the sheriffs must be voters of the county.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.17; P.L.14-1995, SEC.1; P.L.176-1999, SEC.13; P.L.126-2002, SEC.14.

IC 3-6-6-5.5
Precinct election officers in vote center counties
Sec. 5.5. (a) This section applies in a county using vote centers under IC 3-11-18.1.
(b) The county vote center plan:
(1) may use other titles to designate precinct election officers; and
(2) must specify which precinct election officer is to perform a duty required under this title to be performed by a precinct election officer.
(c) A precinct election officer in a vote center county shall comply with section 7 of this chapter.
As added by P.L.258-2013, SEC.19.

IC 3-6-6-6
Election officers entitled to vote
Sec. 6. Each inspector, judge, poll clerk, assistant poll clerk, and election sheriff who is:
(1) a voter of the county; and
(2) not a resident of the precinct;
is entitled to vote by absentee ballot.
As added by P.L.5-1986, SEC.2. Amended by P.L.126-2002, SEC.15.

IC 3-6-6-7
Requirements for election officers and inspectors
Sec. 7. (a) An otherwise qualified person is eligible to serve as a precinct election officer unless any of the following apply:
(1) The person is unable to read, write, and speak the English

language.

(2) The person has any property bet or wagered on the result of the election.

(3) The person is a candidate to be voted for at the election in the precinct, except as an unopposed candidate for a precinct committeeman or state convention delegate.

(4) The person is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election in that precinct. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption. This subdivision does not disqualify a person from serving as a precinct election officer if the candidate to whom the person is related is an unopposed candidate. For purposes of this subdivision, an "unopposed candidate" includes an individual whose nomination to an office at a primary election is unopposed by any other candidate within the same political party.

(5) The person did not attend training required by section 40 of this chapter.

(b) In addition to the requirements of subsection (a), a person is not eligible to serve as an inspector if the person is the chairman or treasurer of the committee of a candidate whose name appears on the ballot.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.29; P.L.5-1989, SEC.8; P.L.4-1991, SEC.16; P.L.3-1993, SEC.18; P.L.11-1997, SEC.1; P.L.3-1997, SEC.40; P.L.199-2001, SEC.2; P.L.14-2004, SEC.9.

IC 3-6-6-8

Inspector; nomination by county chairman

Sec. 8. The county chairman of the major political party whose candidate for the office of secretary of state received the highest vote in the county at the last election may nominate a voter for the office of inspector.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-9

Election officers; nomination by county chairmen

Sec. 9. The county chairmen of the major political parties of a county may nominate individuals who meet the requirements of section 7 or 39 of this chapter for the following precinct election offices who will serve in the precinct on election day:

(1) Judge.

(2) Poll clerk.

(3) Assistant poll clerk.

(4) Election sheriff.

As added by P.L.5-1986, SEC.2. Amended by P.L.126-2002, SEC.16.

IC 3-6-6-10
Filing nominations

Sec. 10. (a) A county chairman may make nominations for precinct election offices by filing the nominations in writing with the circuit court clerk not later than noon twenty-one (21) days before the election.

(b) This subsection does not apply to the office of precinct inspector. A county chairman may specify in the nomination of an individual for a precinct election office that the individual is nominated to serve until noon on election day and that another individual is nominated to serve in the same precinct election office beginning at noon on election day until the expiration of the term of the office under section 37(b) of this chapter.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.30; P.L.10-1988, SEC.9; P.L.176-1999, SEC.14; P.L.126-2002, SEC.17.

IC 3-6-6-11
Appointment of persons nominated; nonapplicability to office of precinct inspector

Sec. 11. (a) A county election board shall appoint the individuals who are nominated for precinct election offices by the county chairmen if the individuals are otherwise eligible under this chapter to serve in the precinct election offices for which they are nominated.

(b) This subsection does not apply to the office of precinct inspector. This subsection applies to an appointment to a precinct election office made following a nomination by a county chairman under this chapter. The county election board shall provide that an appointment of an individual to a precinct election office:

(1) expires at noon on election day; or

(2) begins at noon on election day and expires under section 37(b) of this chapter;

if the nomination made by the county chairman specifies that the nomination is made for a term that begins or expires at those times.

(c) This subsection does not apply to the office of precinct inspector. This subsection applies to an appointment to a precinct election office made by a county election board under section 13(b) of this chapter. The county election board may appoint an individual to a precinct election office for a term that:

(1) expires at noon on election day; or

(2) begins at noon on election day and expires under section 37(b) of this chapter.

As added by P.L.5-1986, SEC.2. Amended by P.L.176-1999, SEC.15; P.L.126-2002, SEC.18.

IC 3-6-6-12
Removal of disqualified member of precinct election board

Sec. 12. (a) A county election board shall remove a member of a precinct election board and declare the office vacant if:

(1) at any time before or during an election the county election board is notified by the affidavit of two (2) or more voters of

the precinct that the member is not qualified; and

(2) the board determines that the statements made in the affidavit concerning the disqualification of the precinct election board member are true.

(b) If the disqualified member has taken the oath of office required by this chapter, the circuit court clerk shall attach the oath to the poll list and shall place the affidavit and oath before the next grand jury of the county.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.31; P.L.3-1997, SEC.41.

IC 3-6-6-13

Filling vacancy by county election board; filling with college student

Sec. 13. (a) A county election board shall fill a vacancy in a precinct election office before the hour set for the opening of the polls, upon the nomination of the appropriate county chairman.

(b) This subsection applies to a precinct election office when, at noon, twenty-one (21) days before election day, the appropriate county chairman has made no nomination for the office. The county election board, by majority vote of the board, may fill the office by appointing an individual who would be eligible to serve in the office if nominated by the county chairman.

(c) If a vacancy is filled by the county election board under subsection (b), the board may, by unanimous vote of the entire membership of the board, fill the office by appointing a student:

(1) enrolled at a postsecondary educational institution (including a community college); and

(2) who is a registered voter of the county;

to serve as a nonpartisan precinct election officer.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1995, SEC.13; P.L.126-2002, SEC.19; P.L.209-2003, SEC.18; P.L.14-2004, SEC.10; P.L.2-2007, SEC.10; P.L.194-2013, SEC.5.

IC 3-6-6-14

Filling vacancy by remaining members

Sec. 14. (a) This section does not apply to a vacancy in the office of election sheriff in a precinct that is subject to a resolution adopted under section 5 of this chapter.

(b) If a precinct election officer fails to appear at the hour set for the opening of the polls, or if a precinct election office becomes vacant during election day, the remaining members of the precinct election board shall fill the vacancy upon the nomination of the highest ranking precinct election officer nominated by the county chairman of the same political party whose county chairman was entitled to nominate the holder of the office to be filled.

(c) If a county chairman fails to nominate the individual appointed to make a nomination to fill a vacant precinct election office under subsection (b), the individual appointed by the county election board to this precinct election office under section 13(b) of this chapter is

entitled to make the nomination to fill the vacant precinct office under this section.

(d) For the purpose of these nominations, the rank of precinct election officers is as follows:

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

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.19; P.L.3-1995, SEC.14; P.L.176-1999, SEC.16.

IC 3-6-6-15
Notification of appointment

Sec. 15. An inspector shall immediately notify the county election board of an appointment made under section 14 of this chapter. The appointee shall hold the office and exercise the powers and duties of the office subject to confirmation or removal by the county election board.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-16
Approval by county election board; appointment of qualified person; issuance of credentials

Sec. 16. Upon notification that a vacancy has been filled by a precinct election board under section 14 of this chapter, a county election board shall:

(1) upon written approval of the appropriate county chairman, confirm the appointment by issuance of proper credentials to the precinct election officer so appointed and approved; or
(2) upon nomination by the appropriate county chairman, appoint a qualified person to replace the officer then serving, in which case the officer appointed by the county election board shall be issued proper credentials.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-17
Delivery of office to person appointed by county election board

Sec. 17. If the authorized holder presents credentials issued under section 16 of this chapter to the precinct election board, the person holding office under appointment by the precinct election board shall vacate the office and deliver the office to the person entitled to it.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-18
Inspector or judge; requirement of oath

Sec. 18. A person appointed to a precinct election office by a precinct election board or by a county election board may not assume the duties of inspector or judge until that person has taken the oath required by section 19 of this chapter.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-19
Taking and administering oath

Sec. 19. Before the polls are opened in a precinct, the inspector shall:

(1) take an oath to faithfully discharge the inspector's duties; and

(2) administer an oath to the judges, poll clerks, assistant poll clerks, and election sheriffs that they will faithfully discharge their duties.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-20
Administering of oath when no authorized person present

Sec. 20. If no person present is authorized by law to administer an oath of office under section 19 of this chapter, the inspector shall administer the oath to the judges, and one of the judges shall then administer the oath to the inspector. After the organization of the precinct election board, the inspector may administer all oaths required in the discharge of duties.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-21
Oaths; requirements

Sec. 21. All oaths required by this chapter must:

(1) be written or printed; and

(2) be signed by the person taking the oath before a person authorized by law to administer oaths and before the precinct election board.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-22
Jurat of person administering oath; attachment of oath to poll list

Sec. 22. The person administering an oath under this chapter shall attach the person's jurat to the oath. The oath shall be attached to the poll list and both documents returned to the county election board.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1997, SEC.42.

IC 3-6-6-23
Form of oath for precinct election officers

Sec. 23. The oath prescribed for a precinct election officer must be signed before a person authorized to administer oaths and contain the following information:

I do solemnly swear (or affirm) the following:

(1) I will support the Constitution of the United States and the Constitution of the State of Indiana.

(2) I will faithfully and impartially discharge the duties of inspector (or judge, poll clerk, assistant poll clerk, or sheriff) of this precinct under the law.

(3) I will not knowingly permit any person to vote who is not qualified and will not knowingly refuse the vote of any qualified voter or cause any delay to any person offering to vote other than is necessary to procure satisfactory information of the qualification of that person as a voter.
(4) I am now a bona fide resident of the county in which the precinct in which I am to act as a member of the election board is situated and, if required by law, am a qualified voter of that county.
(5) I will not disclose or communicate to any person how any voter has voted at this election or how any ballot has been folded or marked.
(6) I am able to read, write, and speak the English language.
(7) I have no property bet or wagered on the result of this election.
(8) I am not a candidate to be voted for at this election in this precinct, except as an unopposed candidate for a political party office.
(9) If I am serving as an inspector, I am not the chairman or treasurer of the committee of a candidate whose name appears on the ballot.
(10) I am not related to any person to be voted for at this election in this precinct as the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of that person, unless that person is an unopposed candidate.
(11) I was trained as required by IC 3-6-6-40.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.32; P.L.5-1989, SEC.9; P.L.3-1993, SEC.20; P.L.3-1995, SEC.15; P.L.11-1997, SEC.2; P.L.3-1997, SEC.43; P.L.126-2002, SEC.20; P.L.14-2004, SEC.11.

IC 3-6-6-24
Repealed

(Repealed by P.L.3-1997, SEC.475.)

IC 3-6-6-25
Compensation

Sec. 25. Each inspector, judge, poll clerk, assistant poll clerk, and election sheriff is entitled to a per diem fixed by the county executive for the performance of all the duties of office imposed on the person by this title that are performed on election day.

As added by P.L.5-1986, SEC.2. Amended by P.L.4-1991, SEC.17; P.L.3-1993, SEC.21; P.L.3-1997, SEC.44.

IC 3-6-6-26
Additional compensation for inspector

Sec. 26. In addition to the compensation required under section 25 of this chapter, an inspector may be paid an amount:

(1) for the inspector's services in calling at the circuit court clerk's office for the precinct election supplies; and
(2) for the inspector's services and the services of the judge of the opposite political party in the return of the precinct election supplies to the clerk's office;

regardless of whether these services are rendered before, on, or after election day.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.22; P.L.3-1995, SEC.17.

IC 3-6-6-26.5
Repealed

(Repealed by P.L.3-1995, SEC.155.)

IC 3-6-6-27
County executive to fix compensation; exception

Sec. 27. The county executive shall fix the compensation paid under sections 25 and 26 of this chapter for all elections except municipal elections held by towns under IC 3-10-7. The fiscal body of a town holding a municipal election under IC 3-10-7 shall fix the compensation paid under sections 25 and 26 of this chapter.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-28
Eligibility for compensation; compliance with IC 3-12-2-7

Sec. 28. A member of a precinct election board is entitled to compensation under sections 25 and 26 of this chapter only if the member complies with the requirements of IC 3-12-2-7. A person who violates IC 3-12-2-7, as determined by the county election board, may not be selected to serve as a member of a precinct election board in the county where the person committed the violation for five (5) years after the date of the violation.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-29
Determination of good cause for violation of IC 3-12-2-7

Sec. 29. If a county election board unanimously determines, after a public hearing, that there was good cause for a violation of IC 3-12-2-7, then the restrictions on compensation and subsequent membership on a precinct election board prescribed by section 28 of this chapter do not apply. However, the county election board must make such a determination as its first order of business at its first meeting after the election at which the violation occurred.

As added by P.L.5-1986, SEC.2.

IC 3-6-6-30
Duties of precinct election board

Sec. 30. Each precinct election board shall determine all matters coming before the board in accordance with Indiana law. If necessary, the judges shall assist the inspector and poll clerks in the

performance of their duties. Subject to IC 3-11-9, the judges shall also assist and instruct voters when assistance is requested.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.33; P.L.219-2013, SEC.6.

IC 3-6-6-31
Meals or meal allowances

Sec. 31. (a) Each inspector shall have the precinct election officers furnished with good, plain, and substantial meals, at the regular hours for meals, throughout the day until their work is finished. Alcoholic beverages may not be furnished.

(b) If the county legislative body (as defined in IC 36-1-2-9) adopts an ordinance to provide meal allowances, each precinct election officer is entitled to a meal allowance instead of the meals provided under subsection (a). The ordinance must state the amount of the meal allowance to be provided.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.34.

IC 3-6-6-32
Precincts using paper ballots; initialing and giving out ballots; duties of clerks

Sec. 32. (a) If a precinct has both poll clerks and assistant poll clerks and the voting is entirely done by paper ballot, the assistant poll clerks shall perform the same duties required of the poll clerks regarding the initialing and giving out of the ballots and pencils or pens when required to do so.

(b) It is necessary for only the two (2) poll clerks or assistant poll clerks giving out a ballot to place their initials on the back of the ballot. However, the two (2) poll clerks or assistant poll clerks must not have been nominated to a precinct election office by the county chairman of the same political party.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.35; P.L.176-1999, SEC.17.

IC 3-6-6-33
Tallying votes; signing returns or other certificates

Sec. 33. After the close of the polls, the assistant poll clerks shall assist the poll clerks in tallying the votes under the direction of the precinct election board. However, the election returns or other certificates required to be signed by the poll clerks need not be signed by the assistant poll clerks.
As added by P.L.5-1986, SEC.2.

IC 3-6-6-34
Precincts using paper ballots; duties of poll clerks and assistant poll clerks

Sec. 34. (a) In a precinct where the voting is by any voting method except entirely by paper ballot, the poll clerks of the precinct shall perform all the duties connected with voting by ballot card voting system or electronic voting system, and the assistant poll clerks shall

perform all the duties connected with voting by paper ballot. It is necessary for only the two (2) assistant poll clerks to place their initials on the back of the paper ballots.

(b) The poll clerks shall tally the vote cast by paper ballot, and they alone shall sign the election certificates and returns. However, the precinct election board may call upon the assistant poll clerks to assist the poll clerks in any of their duties.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.36; P.L.221-2005, SEC.10.

IC 3-6-6-35

Duties of election sheriffs

Sec. 35. (a) Each election sheriff shall do the following:

(1) Except as provided in subsection (b), attend the polls in the appointed precinct from the opening of the polls to the conclusion of the count.

(2) Preserve order at the polls.

(3) Enforce the election laws under the direction of the precinct election board.

(4) Upon direction from a member of the precinct election board, request assistance from a law enforcement officer (as defined in IC 35-31.5-2-185) if a violation of law within the polls, or within fifty (50) feet of the polls, has occurred or appears imminent.

(b) The sheriff may leave the polls for the purpose of obtaining assistance from a law enforcement officer under subsection (a)(4).

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1997, SEC.45; P.L.114-2012, SEC.5.

IC 3-6-6-36

Law enforcement officers prohibited from polls

Sec. 36. (a) As used in this section, "law enforcement officer" means a:

(1) police officer;

(2) sheriff;

(3) constable;

(4) marshal; or

(5) deputy of any of those persons.

(b) Law enforcement officers of the state and of political subdivisions may not come within fifty (50) feet of the polls, except to do any of the following:

(1) To serve process of court.

(2) To vote.

(3) To be present when summoned by the election sheriffs or precinct judges.

(4) To serve as a pollbook holder.

(5) To serve as an absentee ballot courier appointed under IC 3-11.5-4-22.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.37; P.L.176-1999, SEC.18.

IC 3-6-6-37

Status of appointment of precinct election officer; expiration of appointment

Sec. 37. (a) When the county election board (or a precinct election board acting on behalf of the county election board) appoints a precinct election officer and the individual accepts the appointment by swearing the oath of office required under this chapter, a contract is created between the county election board and the individual in which the county election board retains the services of the precinct election officer as an independent contractor.

(b) The appointment of a precinct election officer expires when the county election board completes the canvass of the precinct under IC 3-12-4.

(c) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, the position of precinct election officer is not a lucrative office.

As added by P.L.3-1995, SEC.18. Amended by P.L.230-2005, SEC.14.

IC 3-6-6-38

Omitted precinct election officers

Sec. 38. (a) As used in this section, "omitted precinct election officer" refers to a precinct election officer that a precinct is not required to have by a resolution adopted under this section.

(b) Notwithstanding other provisions of this title, a county election board may adopt a resolution to provide that specified precincts or all precincts of the county are not required to have any or all of the following precinct election officers:

(1) Sheriffs.

(2) Poll clerks.

(c) A resolution adopted under this section must be adopted by unanimous vote of the entire membership of the board.

(d) A resolution adopted under this section must state the following:

(1) The precincts to which the resolution applies.

(2) For each precinct identified in the resolution, which precinct election officers are omitted precinct election officers.

(3) For each precinct identified in the resolution, which precinct election officers will perform the duties required by this title of the omitted precinct election officers.

(e) Notwithstanding any other law, the precinct election officer specified in a resolution adopted under this section shall perform the duties of the omitted precinct election officers as stated in the resolution.

(f) A resolution adopted under this section expires December 31 after the resolution is adopted.

As added by P.L.126-2002, SEC.21. Amended by P.L.14-2004, SEC.12.

IC 3-6-6-39

Individuals under age 18 serving as poll clerks and election sheriffs

Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not eighteen (18) years of age or older.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter but is not required to be a registered voter of the county.

(b) An individual appointed to a precinct election office or assistant under this section, while serving as a precinct election officer or assistant:

(1) is not required to obtain an employment certificate under IC 20-33-3; and

(2) is not subject to the limitations on time and duration of employment under IC 20-33-3.

As added by P.L.126-2002, SEC.22. Amended by P.L.209-2003, SEC.19; P.L.230-2005, SEC.15; P.L.225-2011, SEC.7; P.L.194-2013, SEC.6; P.L.76-2014, SEC.4.

IC 3-6-6-40

Training precinct election officers; content of training; training waiver

Sec. 40. (a) The county election board shall conduct a training and educational meeting for precinct election officers.

(b) The board shall require inspectors to attend the meeting and may require other precinct election officers to attend the meeting. The board shall maintain a record of the attendance of each individual at the meeting conducted under this subsection.

(c) The meeting required under this section must include information:

(1) relating to making polling places and voting systems accessible to elderly voters and voters with a disability; and

(2) relating to the voting systems used in the county.

The meeting may include other information relating to the duties of precinct election officers as determined by the county election board.

(d) The meeting required by this section must be held not later than the day before election day.

(e) If an individual:

(1) is appointed as a precinct election officer after the training and educational meeting conducted under this section; or

(2) demonstrates to the county election board that the individual was unable to attend the meeting due to good cause;

the county election board may authorize the individual to serve as a precinct election officer if the county election board determines that there is insufficient time to conduct the training required by this section.

As added by P.L.116-2003, SEC.1. Amended by P.L.66-2003, SEC.4; P.L.14-2004, SEC.13; P.L.230-2005, SEC.16; P.L.99-2007, SEC.5.

IC 3-6-6.5

Chapter 6.5. Certified Election Worker Program

IC 3-6-6.5-1

Program established

Sec. 1. The certified election worker program is established.

As added by P.L.230-2005, SEC.17.

IC 3-6-6.5-2

Contents of program courses

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 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.

As added by P.L.230-2005, SEC.17.

IC 3-6-6.5-3

Administration of program; certification of individuals who complete program

Sec. 3. The secretary of state:

(1) shall administer the program; and

(2) may establish procedures and requirements for the certification of an individual who satisfactorily completes the program.

As added by P.L.230-2005, SEC.17.

IC 3-6-6.5-4

Expiration of certification; renewal

Sec. 4. The designation of an individual as a certified election worker expires January 1 of the fourth 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.

As added by P.L.230-2005, SEC.17.

IC 3-6-7

Chapter 7. Challengers and Pollbook Holders

IC 3-6-7-1

Appointment; presence at polls; identification card

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) Each political party or independent candidate described in subsection (a) or a political action committee described in subsection (b) may have only one (1) challenger and one (1) pollbook holder present at each precinct's polls at any time during election day. The challenger and pollbook holder present at the polls must possess an identification card issued under subsection (d).

(f) 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.

As added by P.L.5-1986, SEC.2. Amended by P.L.5-1989, SEC.10; P.L.7-1990, SEC.3; P.L.3-1993, SEC.23; P.L.3-1995, SEC.19; P.L.230-2005, SEC.18.

IC 3-6-7-1.5

Eligibility of candidates

Sec. 1.5. A candidate to be voted for at an election, except as an unopposed candidate for precinct committeeman or state convention

delegate, is not eligible to be appointed as a challenger or pollbook holder at an election.
As added by P.L.4-1991, SEC.18.

IC 3-6-7-1.7
Eligibility of challengers
Sec. 1.7. A challenger must be a registered voter of the county.
As added by P.L.3-1997, SEC.46.

IC 3-6-7-2
Repealed
(Repealed by P.L.230-2005, SEC.91.)

IC 3-6-7-3
Nonresident challenger or pollbook holder; right to vote by absentee ballot
Sec. 3. A challenger or pollbook holder who is not a resident of the precinct is entitled to vote by absentee ballot.
As added by P.L.5-1986, SEC.2.

IC 3-6-7-4
Compensation
Sec. 4. A challenger or pollbook holder is not entitled to compensation for services except from the political party making the appointment.
As added by P.L.5-1986, SEC.2.

IC 3-6-7-5
Right to enter and leave polls
Sec. 5. (a) A pollbook holder or a challenger appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until the polls close.

(2) Enter, leave, and reenter the polls at any time on election day.

(b) A pollbook holder or a challenger is subject to the orders of the board while in the polls.

(c) If demanded by a member of the precinct election board, a pollbook holder or a challenger shall produce the identification card issued under section 1(d) of this chapter.
As added by P.L.38-1999, SEC.7. Amended by P.L.230-2005, SEC.19.

IC 3-6-8

Chapter 8. Watchers for Political Parties and Independent Candidates

IC 3-6-8-1

Entitlement to appoint watcher

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 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 (d), 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 at any time during election day.

As added by P.L.5-1986, SEC.2. Amended by P.L.5-1989, SEC.12; P.L.3-1993, SEC.24; P.L.3-1995, SEC.20; P.L.194-2013, SEC.7.

IC 3-6-8-2

Eligibility of candidates

Sec. 2. A candidate to be voted for at an election, except as an unopposed candidate for precinct committeeman or state convention delegate, is not eligible to be appointed as a watcher at an election.

As added by P.L.5-1986, SEC.2. Amended by P.L.4-1991, SEC.19.

IC 3-6-8-2.5

Eligibility of watchers

Sec. 2.5. A watcher appointed under this chapter must be a registered voter of the county.

As added by P.L.3-1997, SEC.47.

IC 3-6-8-3

Identification card

Sec. 3. (a) A watcher present at the polls must possess an identification card issued under this section and present the card if demanded by a member of the precinct election board.

(b) The county election board, state chairman, county chairman,

or chairman of the committee of the independent candidate for a federal or a state office:

(1) must appoint each watcher in writing; and

(2) shall issue one (1) watcher identification card for each person appointed as a watcher.

(c) The identification card must be signed by the chairman of the county election board, state chairman, county chairman of the party, or chairman of the committee of the independent candidate for a federal or a state office that the watcher represents.

(d) The identification card described in subsection (a) must clearly state the following:

(1) The status of the individual as an appointed watcher.

(2) The name of the individual serving as a watcher.

(3) The name of the person who appointed the individual as a watcher.

(4) If the individual has been appointed as a watcher by a political party, the name of the political party.

As added by P.L.5-1986, SEC.2. Amended by P.L.5-1989, SEC.13; P.L.7-1990, SEC.4; P.L.3-1993, SEC.25; P.L.3-1995, SEC.21; P.L.230-2005, SEC.20; P.L.194-2013, SEC.8.

IC 3-6-8-4

Powers and duties

Sec. 4. A watcher appointed under this chapter is entitled to:

(1) enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed;

(2) inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast;

(3) inspect the work being done by any precinct election officer;

(4) enter, leave, and reenter the polls at any time on election day;

(5) witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties;

(6) receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing:

(A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate;

(B) the names of all candidates at a general, municipal, or special election and the number of votes cast for each candidate; or

(C) the vote cast for or against a public question;

(7) accompany the inspector and judge in delivering the tabulation and election returns to the county election board by the most direct route;

(8) be present when the inspector takes a receipt for the tabulation and election returns delivered to the county election

board; and

(9) call upon the election sheriffs to make arrests.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.38; P.L.3-1993, SEC.26; P.L.3-1997, SEC.48; P.L.221-2005, SEC.11.

IC 3-6-8-5

Blank certificates for vote summaries

Sec. 5. The county election board shall provide blank certificates for the summaries required by section 4(6) of this chapter.

As added by P.L.5-1986, SEC.2.

IC 3-6-8-6

Report of violations

Sec. 6. A watcher appointed under this chapter shall report any violation of the election laws that comes to the watcher's attention to the county grand jury or prosecuting attorney.

As added by P.L.5-1986, SEC.2.

IC 3-6-9

Chapter 9. Watchers for Primary, School Board, and Precinct Committeemen Candidates

IC 3-6-9-1

Request for watchers; written statement

Sec. 1. (a) If:

(1) twenty-six percent (26%) or more of all candidates of a political party who are candidates for:

(A) nomination to elected offices at a county primary election (or municipal primary election within the municipality in which the municipal primary is to be conducted), not including candidates for delegates to the state convention or candidates for precinct committeemen; or

(B) precinct committeemen at an election for precinct committeemen, whose names are certified to the county election board as candidates to be voted for at the primary election for precinct committeemen; or

(2) any candidate or group of candidates for a school board office;

desire to have watchers at the polls in any precinct of the county or municipality, they shall sign a written statement indicating their desire to name watchers.

(b) If the candidates signing the statement are candidates for nomination at a county primary election or for election as precinct committeemen or to a school board office, the written statement shall be filed with the circuit court clerk of the county where the candidates reside.

(c) If the candidates signing the statement are candidates for nomination at a municipal primary election, the written statement shall be filed with the circuit court clerk of the county that contains the greatest percentage of the population of the election district.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.39; P.L.10-1988, SEC.10; P.L.14-2004, SEC.14.

IC 3-6-9-2

Contents of written statement

Sec. 2. The written statement required by section 1 of this chapter must designate:

(1) a person to act as attorney-in-fact for the candidates; and

(2) the precincts where the watchers are desired and where they are to serve.

As added by P.L.5-1986, SEC.2.

IC 3-6-9-3

Limitation on appointments of attorney-in-fact

Sec. 3. A candidate may not file more than one (1) appointment of an attorney-in-fact.

As added by P.L.5-1986, SEC.2.

IC 3-6-9-4
Certification of watchers by attorney-in-fact

Sec. 4. (a) An attorney-in-fact designated under section 2 of this chapter shall file with the circuit court clerk the names of the voters of the county or municipality who are to act as watchers in the precincts designated in the written statement.

(b) The attorney-in-fact may certify watchers from voters of the county or municipality without regard to precinct boundary lines.

(c) A watcher designated under this section:

(1) may not be a candidate to be voted for at the election, except as an unopposed candidate for precinct committeeman or state convention delegate; and

(2) must be a registered voter of the county.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1997, SEC.49.

IC 3-6-9-5
Issuance of certificates to watchers

Sec. 5. When the attorney-in-fact has certified the names of the watchers in writing under section 4 of this chapter to the circuit court clerk, the clerk shall immediately issue certificates to the persons named. The certificates entitle the watchers to go to the precincts designated in the statement. Each watcher's credentials must state the following:

(1) The name of the attorney-in-fact who certified the watcher to the clerk.

(2) The status of the individual as a watcher appointed under this chapter.

(3) The name of the individual serving as a watcher.

(4) If the watcher is acting on behalf of a school board candidate, or a group of political party candidates, the name of the school board candidate or political party whose candidates have petitioned for watchers under this chapter.

As added by P.L.5-1986, SEC.2. Amended by P.L.230-2005, SEC.21.

IC 3-6-9-6
Filing of written statement

Sec. 6. The written statement required by section 1 of this chapter may be filed with the circuit court clerk at any time until the official returns and ballots of the precincts have been delivered to the county election board.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.27.

IC 3-6-9-7
Deputy circuit court clerk

Sec. 7. If the circuit court clerk is not present with the county election board, the clerk shall keep at least one (1) deputy in the room with the board at all times until the tabulation of the vote is final. The deputy must be qualified and ready to sign credentials for watchers when requests for the credentials have been properly filed.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.28.

IC 3-6-9-8
Right to credentials upon request

Sec. 8. A watcher is entitled to credentials immediately upon request. Upon receipt of credentials, a watcher may proceed to the precinct at any time and proceed with the discharge of the watcher's duties.

As added by P.L.5-1986, SEC.2.

IC 3-6-9-9
Repealed

(Repealed by P.L.3-1995, SEC.157.)

IC 3-6-9-10
Discharge of watcher

Sec. 10. The circuit court clerk shall immediately revoke the power of a watcher when requested by the attorney-in-fact to discharge the watcher. The clerk shall provide forms for the purpose of requesting the discharge of a watcher.

As added by P.L.5-1986, SEC.2.

IC 3-6-9-11
Appointment of new watcher; credentials

Sec. 11. Upon discharge of a watcher under section 10 of this chapter, the circuit court clerk shall immediately appoint another watcher named by the attorney-in-fact. The new watcher has the same powers and duties as the watcher originally appointed and is entitled to credentials from the clerk. The credentials must state the name of the person whose credentials have been revoked. When the new watcher receives the credentials, the duties of the previous watcher immediately terminate.

As added by P.L.5-1986, SEC.2.

IC 3-6-9-12
Limitation of number of watchers at polls

Sec. 12. 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.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.41.

IC 3-6-9-13
Watcher rights

Sec. 13. A watcher appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed.

(2) Inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast.

(3) Inspect the work being done by any precinct election officer.

(4) Enter, leave, and reenter the polls at any time on election day.

(5) Witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties.

(6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing:

(A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate if the watcher is appointed under section 1(a)(1) of this chapter; or

(B) the names of all candidates at a school board election and the number of votes cast for each candidate if the watcher is appointed under section 1(a)(2) of this chapter.

(7) Accompany the inspector and the judge in delivering the tabulation and the election returns to the county election board by the most direct route.

(8) Be present when the inspector takes a receipt for the tabulation and the election returns delivered to the county election board.

(9) Call upon the election sheriffs to make arrests.

As added by P.L.14-2004, SEC.15. Amended by P.L.221-2005, SEC.12.

IC 3-6-10

Chapter 10. Watchers for the Media

IC 3-6-10-1

Media entitled to watchers

Sec. 1. 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.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.42; P.L.4-1996, SEC.13.

IC 3-6-10-2

List of watchers; signature

Sec. 2. A list of all persons appointed under section 1 of this chapter shall be prepared and signed by an individual or an officer of the corporation owning the newspaper, news service, radio station, or television station. The signature must be verified.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.43.

IC 3-6-10-3

Persons entitled to receive list

Sec. 3. The list required by section 2 of this chapter shall be furnished the day before election day to the following:

(1) The circuit court clerk.

(2) The county election board.

(3) The county chairman of each political party that is entitled to appoint a watcher under IC 3-6-8.

(4) The chairman of each independent candidate's committee that is entitled to appoint a watcher under IC 3-6-8.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.29.

IC 3-6-10-4

Application of IC 3-6-10-2 and IC 3-6-10-3

Sec. 4. Sections 2 and 3 of this chapter do not apply to persons who are employed by a newspaper, news service, radio station, or television station as their regular occupation.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.44.

IC 3-6-10-5

Watcher identification card; powers; photographing proceedings; photographing voters

Sec. 5. (a) Each person who acts as a watcher under this chapter must obtain a watcher identification card from the county election board. The identification card issued under this subsection must clearly state the following:

(1) The status of the individual as an appointed watcher.
(2) The name of the individual serving as a watcher.
(3) The name of the person that appointed the individual as a watcher.

(b) Watchers appointed under this chapter do not have a voice or vote in any proceeding of a precinct election board. The watchers may attend the election as witnesses only and are subject to the orders of the board.

(c) Except as provided in subsection (d), a watcher appointed under this chapter may photograph the proceedings of a precinct election board.

(d) A watcher appointed under this chapter may not photograph a voter:

(1) while the voter is in the polls if the voter informs the precinct election board that the voter objects to being photographed by the watcher; or
(2) in a manner that permits the watcher to see or know for what ticket, candidates, or public questions the voter has voted.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.45; P.L.7-1990, SEC.5; P.L.4-1996, SEC.14; P.L.230-2005, SEC.22.

IC 3-6-10-5.5
Watcher rights

Sec. 5.5. A watcher appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed.
(2) Inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast.
(3) Inspect the work being done by any precinct election officer.
(4) Enter, leave, and reenter the polls at any time on election day.
(5) Witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties.
(6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing the names of all candidates and the number of votes cast for each candidate and the votes cast for or against a public question.
(7) Accompany the inspector and the judge in delivering the tabulation and the election returns to the county election board by the most direct route.
(8) Be present when the inspector takes a receipt for the tabulation and the election returns delivered to the county election board.

As added by P.L.14-2004, SEC.16. Amended by P.L.221-2005, SEC.13.

IC 3-6-10-6

Multiple county media watchers; procurement of watcher identification card

Sec. 6. If a person desires to act as a watcher for a newspaper, news service, radio station, or television station in more than one (1) county in Indiana, the person must obtain a watcher identification card from the election division. The secretary of state may adopt rules under IC 4-22-2 to implement this section.

As added by P.L.3-1987, SEC.46. Amended by P.L.2-1996, SEC.7; P.L.3-1997, SEC.50.

IC 3-6-11
Chapter 11. Poll Takers

IC 3-6-11-1
Polls of voters

Sec. 1. A political party, civic association, or other organization may, at any time before an election, take a poll of voters qualified to vote at the election.

As added by P.L.5-1986, SEC.2.

IC 3-6-11-2
Certification of polling organization

Sec. 2. The chairman, president, or other chief officer of the organization taking a poll under section 1 of this chapter shall issue to the persons taking the poll a certificate showing the nature of the poll and the organization for which the poll is to be taken.

As added by P.L.5-1986, SEC.2. Amended by P.L.7-1990, SEC.6.

IC 3-6-11-2.5
Polls taken in student housing

Sec. 2.5. During the last thirty (30) days of each registration period, excluding school holidays, a college or university shall permit a student to knock on the door of each room in the living areas of student housing at the college or university to conduct a poll under this chapter.

As added by P.L.3-1997, SEC.51.

IC 3-6-11-2.6
Procedures for taking polls in student housing

Sec. 2.6. An organization or individual conducting activities under section 2.5 of this chapter shall follow the following procedures:

(1) Submit a list of poll takers to the person designated by the college or university.

(2) If the student housing is not covered by a policy limiting visitation by members of the other gender in the living areas of the student housing, conduct the activities permitted under section 2.5 of this chapter between 10 a.m. and 8 p.m.

(3) If the student housing is covered by a policy limiting visitation by members of the other gender in the living areas of the student housing, conduct the activities permitted under section 2.5 of this chapter during the most restrictive of the following times:

(A) Between 10 a.m. and 8 p.m.

(B) During the hours visitation is permitted.

As added by P.L.3-1997, SEC.52.

IC 3-6-11-2.7
Requirements for poll takers entering student housing

Sec. 2.7. A poll taker entering student housing under section 2.5 of this chapter must:

(1) be a student enrolled at the college or university;
(2) carry a poll taker's certificate issued under section 2 of this chapter;
(3) carry an identification card that includes a photograph of the student;
(4) check in at the main desk, or with the person in charge of security for the building, upon arrival at the student housing; and
(5) check out at the main desk or with the person in charge of security for the building before departing.

As added by P.L.3-1997, SEC.53.

IC 3-6-11-3
Reports by poll takers

Sec. 3. Each poll taker shall make a full, true, and complete list of all persons whose names are reported as voters, with such comments as the poll taker considers proper concerning the voters' respective qualifications.

As added by P.L.5-1986, SEC.2.

IC 3-6-11-4
Persons responding to polls; information required to be provided

Sec. 4. Each person who is requested to provide information for a poll authorized under section 1 of this chapter shall respond to the poll taker upon the exhibition of the certificate required under section 2 of this chapter. The person responding shall provide all information in the possession of the person concerning the name, residence, and other qualifications for voting of each person within the election district.

As added by P.L.5-1986, SEC.2.

IC 3-6-11-5
Proprietors of lodging houses or condominiums; list of residents; entry by poll taker

Sec. 5. (a) This subsection does not apply to the proprietor or manager of a residential mental health facility. The proprietor or manager of each:
(1) boarding house;
(2) lodging house;
(3) residential building;
(4) apartment; or
(5) other place within which persons are lodged;
shall maintain a complete and accurate list of all residents so domiciled during the period beginning seventy (70) days before each election and ending fifty (50) days before the election.

(b) The proprietor, manager, or association of co-owners of a condominium (as defined in IC 32-25-2-7) shall maintain a complete and accurate list of all residents of the condominium during the period beginning seventy (70) days before each election and ending fifty (50) days before the election.

(c) A poll taker for a political party or an independent candidate for a federal or a state office is entitled to enter a place described in subsection (a) or a condominium during reasonable hours to take a poll of residents.

As added by P.L.5-1986, SEC.2. Amended by P.L.7-1990, SEC.7; P.L.4-1991, SEC.20; P.L.3-1993, SEC.30; P.L.12-1995, SEC.19; P.L.2-1996, SEC.8; P.L.2-2002, SEC.23.

IC 3-6-11-6

Contents of list

Sec. 6. The list required by section 5 of this chapter must state the following:

(1) Name and address (including apartment, room, or unit number) of each person residing:

(A) at the place of lodging listed in section 5(a) of this chapter; or

(B) in the condominium.

(2) Address of each vacant place of lodging or living unit of the condominium.

As added by P.L.5-1986, SEC.2. Amended by P.L.4-1991, SEC.21.

IC 3-6-11-7

Right of poll taker to examine list; failure of proprietor or association to allow entry or provide list; meeting of county election board; violations

Sec. 7. (a) The proprietor, manager, or association of co-owners shall retain the list required by section 5 of this chapter for at least forty (40) days after the election.

(b) The list required by section 5 of this chapter shall be submitted to each poll taker for examination within ten (10) days after a request. The proprietor, manager, or association and the poll taker may agree that the list will be mailed to the poll taker or will be available at the place of lodging or condominium. If no agreement can be reached, the list shall be made available at the place of lodging or the condominium.

(c) If the proprietor, manager, or association of co-owners does not:

(1) permit a poll taker for a political party or an independent candidate for a federal or a state office to enter the place or condominium under section 5(c) of this chapter;

(2) maintain a complete and accurate list as required under section 5 of this chapter; or

(3) provide the list required under this section to a political party upon request;

the chairman of the county election board of the county in which the place or condominium is located shall call a meeting of the board under IC 3-6-5.

(d) The secretary of the county election board shall notify the proprietor, manager, or association of the meeting by certified mail, return receipt requested.

(e) The county election board shall receive evidence concerning violations of this section and, if the board determines that reasonable cause exists to believe that a violation has occurred, forward a copy of the minutes of the meeting to the prosecuting attorney of the county in which the place or condominium is located for proceedings under IC 34-28-5.

As added by P.L.5-1986, SEC.2. Amended by P.L.7-1990, SEC.8; P.L.4-1991, SEC.22; P.L.3-1993, SEC.31; P.L.1-1998, SEC.62.

IC 3-6-11-7.5

Use of poll list

Sec. 7.5. An organization that takes a poll of voters under this chapter or a poll taker taking the poll may not:

(1) use the poll list for any purpose except conducting a campaign or voter registration; or

(2) give, loan, sell, or transfer the poll list to a person who intends to use the list for any purpose except conducting a campaign or voter registration.

As added by P.L.7-1990, SEC.9.

IC 3-6-11-8

Exemption for small lodging houses

Sec. 8. The keeping of three (3) or fewer persons as guests or lodgers in a building does not constitute a building subject to section 5 of this chapter.

As added by P.L.5-1986, SEC.2.

IC 3-6-11-9

Exemption for armed services camps or barracks

Sec. 9. This chapter does not apply to a camp or barracks maintained by or for the armed services of the United States.

As added by P.L.5-1986, SEC.2.

IC 3-6-12

Chapter 12. Carriers of Petitions for Candidates and Public Questions

IC 3-6-12-1

Applicability of chapter

Sec. 1. This chapter applies to a petition that is required to place a candidate or a public question on the ballot.

As added by P.L.186-2013, SEC.1.

IC 3-6-12-2

"Petition carrier"

Sec. 2. As used in this chapter, "petition carrier" refers to an individual who circulates a petition that is required to place a candidate or a public question on the ballot.

As added by P.L.186-2013, SEC.1.

IC 3-6-12-3

"Petition statute"

Sec. 3. As used in this chapter, "petition statute" refers to the statute that requires the signatures of petitioners to place a candidate or a public question on the ballot.

As added by P.L.186-2013, SEC.1.

IC 3-6-12-4

"Signature page"

Sec. 4. As used in this chapter, "signature page" refers to a page of a petition on which petitioners sign their names and provide other information required by the petition statute.

As added by P.L.186-2013, SEC.1.

IC 3-6-12-5

Petition statute governs conflicts

Sec. 5. If there is a conflict between this chapter and a specific applicable provision of the petition statute, the provision of the petition statute governs.

As added by P.L.186-2013, SEC.1.

IC 3-6-12-6

Other qualifications or requirements for petition carriers

Sec. 6. A petition carrier must satisfy all other qualifications or requirements required by the petition statute in addition to the qualifications and requirements of this chapter.

As added by P.L.186-2013, SEC.1.

IC 3-6-12-7

Petition carrier affirmation; required information

Sec. 7. (a) The petition carrier must sign and date the following statement at the bottom of each signature page: "I affirm under the penalties for perjury that I have no reason to believe that any

individual whose signature appears on this page is ineligible to sign this petition or did not properly complete and sign this page.".

(b) The petition carrier must also print the following information below the affirmation stated in subsection (a):

(1) The petition carrier's name.

(2) The petition carrier's full address, including the ZIP code.

(3) The petition carrier's date of birth.

As added by P.L.186-2013, SEC.1.

IC 3-6-12-8

Signature pages accepted without making validity determination

Sec. 8. A signature page:

(1) that does not satisfy section 7 of this chapter; or

(2) that is signed by a petition carrier who does not comply with this chapter or the petition statute;

must be received for filing, if the signature page otherwise complies with IC 3-5-4, and must be retained as required under IC 3-10-1-31.1. However, subject to section 9 of this chapter, a county voter registration office shall not make a determination regarding the validity of the signatures on the signature page.

As added by P.L.186-2013, SEC.1.

IC 3-6-12-9

Notice of noncompliance; additions and corrections to signature pages

Sec. 9. (a) If a county voter registration office determines that a signature page does not comply with this chapter, the county voter registration office shall give the best possible notice of its determination to the petition carrier who submitted the signature page to allow for the correction of the signature page as provided by subsection (b).

(b) If the final date and hour for filing a petition with the county voter registration office has not passed, a petition carrier may add or correct information described in section 7 of this chapter set forth on a signature page:

(1) circulated by the petition carrier; and

(2) previously filed with the county voter registration office.

(c) A petition carrier may not make any additions or corrections to a signature page:

(1) after the final date and hour for filing a petition has passed; or

(2) concerning information supplied by or requested from the voter.

As added by P.L.186-2013, SEC.1.

IC 3-6-12-10

Challenge to candidate having noncompliant signature pages

Sec. 10. If one (1) or more signature pages do not comply with this chapter after the final date and hour for filing the petition has passed, a challenge to the placement of the candidate or public

question on the ballot may be filed with the county election board or the election division as provided by law.
As added by P.L.186-2013, SEC.1.

IC 3-7

ARTICLE 7. VOTER REGISTRATION

IC 3-7-1

Repealed

(Repealed by P.L.12-1995, SEC.138.)

IC 3-7-2
Repealed

(Repealed by P.L.12-1995, SEC.138.)

IC 3-7-3
Repealed

(Repealed by P.L.12-1995, SEC.138.)

IC 3-7-4
Repealed

(Repealed by P.L.12-1995, SEC.138.)

IC 3-7-4.5
Repealed

(Repealed by P.L.12-1995, SEC.138.)

IC 3-7-5
Repealed

(Repealed by P.L.8-1992, SEC.43.)

IC 3-7-5.1
Repealed

(Repealed by P.L.12-1995, SEC.138.)

IC 3-7-6
Repealed

(Repealed by P.L.3-1995, SEC.154.)

IC 3-7-7
Repealed

(Repealed by P.L.12-1995, SEC.138.)

IC 3-7-7.5
Repealed

(Repealed by P.L.12-1995, SEC.138.)

IC 3-7-8
Repealed

(Repealed by P.L.12-1995, SEC.138.)

IC 3-7-9
Repealed

(Repealed by P.L.12-1995, SEC.138.)

IC 3-7-10

Chapter 10. General Provisions

IC 3-7-10-1

Provisions by general assembly for voter registration

Sec. 1. This article is enacted by the general assembly to implement Article 2, Section 14(c) of the Constitution of the State of Indiana, which requires the general assembly to provide for the registration of all persons entitled to vote.

As added by P.L.176-1999, SEC.19.

IC 3-7-11

Chapter 11. State Administration of Voter Registration

IC 3-7-11-1

Designation of chief state election official

Sec. 1. The co-directors of the election division are jointly designated under 42 U.S.C. 1973gg-8 as the chief state election official responsible for the coordination of state responsibilities under NVRA.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.20; P.L.258-2013, SEC.20.

IC 3-7-11-2

Duties of NVRA official

Sec. 2. The NVRA official shall do the following:

(1) Coordinate with the commission to oversee the implementation and administration of NVRA by the state, county, municipal, and nongovernmental offices designated as registration sites under this article.

(2) Develop training programs to assist the offices described in subdivision (1) in properly administering registration services.

(3) Protect the fundamental rights of voters.

(4) Consult with the federal Election Assistance Commission under 42 U.S.C. 1973gg-7 to develop a federal mail registration form.

(5) Comply with 42 U.S.C. 1973gg-4(b) by making federal and state mail registration forms available for distribution through governmental and private entities, with particular emphasis on making the forms available for organized voter registration programs.

(6) Comply with 42 U.S.C. 1973gg-6(g) by notifying a county registration officer whenever the NVRA official receives information from a United States attorney that:

(A) a person has been convicted of a felony in a district court of the United States; or

(B) the conviction has been overturned.

(7) Receive notices from voter registration agencies in other states indicating that a person has registered in that state and requests that the person's registration in Indiana be canceled.

(8) Forward notices received under subdivision (7) to the appropriate circuit court clerk or board of registration for cancellation of the voter's registration as provided in 42 U.S.C. 1973gg-6(a)(3)(A).

(9) Assist the federal Election Assistance Commission under 42 U.S.C. 1973gg-7(a)(3) by preparing reports concerning the impact of NVRA on election administration in Indiana.

(10) Recommend improvements to the Federal Election Commission concerning federal and state procedures, forms, or other matters affected by NVRA.

(11) Develop public awareness programs to assist voters in

understanding the services available to them under NVRA.
As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.21; P.L.209-2003, SEC.20.

IC 3-7-11-3
Written notice of violation

Sec. 3. (a) This section applies when a person aggrieved by a violation of:

(1) NVRA; or

(2) this article;

files a written notice of the violation with the NVRA official under 42 U.S.C. 1973gg-9(b) or this chapter. A person who files a written notice of violation under this section must state in the notice whether the person has filed a written notice concerning the violation with the circuit court clerk under IC 3-7-12.

(b) The NVRA official shall promptly provide a copy of the notice by first class mail to:

(1) the person alleged to have committed the violation; and

(2) the members of the commission.

(c) Notwithstanding this chapter, a person aggrieved by a violation of NVRA or this article may file a written notice of violation with the circuit court clerk of the county where the violation allegedly occurred. If a person files a written notice with the circuit court clerk, the NVRA official shall not begin enforcement procedures under this chapter regarding the complaint unless the person files a complaint with the NVRA official under this chapter.

(d) This subsection applies if the written notice of violation alleges that either co-director has committed a violation. The aggrieved person shall file the written notice with the chair of the commission. The chair of the commission shall perform the duties otherwise performed by the NVRA official concerning a written notice of violation.
As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.22.

IC 3-7-11-4
Determination of violation

Sec. 4. The NVRA official shall determine whether a notice filed under section 3 of this chapter describes a violation of NVRA or this article if the facts set forth in the notice are assumed to be true.
As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.23.

IC 3-7-11-5
Determination that no violation exists; persons to be notified

Sec. 5. If the NVRA official determines that the notice does not allege a violation of NVRA or this article, even if the facts set forth in the notice are assumed to be true, the NVRA official shall provide a copy of the determination by certified mail to:

(1) the person who filed the notice;

(2) the person alleged to have committed the violation;

(3) the members of the commission; and
(4) the attorney general.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.24.

IC 3-7-11-6
Investigation of violation

Sec. 6. If the NVRA official determines that the notice alleges a violation of NVRA or this article if the facts set forth in the notice are assumed to be true, the NVRA official shall conduct an investigation under IC 3-6-4.2.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.25; P.L.209-2003, SEC.21.

IC 3-7-11-7
Report of investigation; copies

Sec. 7. The NVRA official, upon completing the investigation, shall submit the results of the investigation to the commission, who shall then issue a written report. The commission shall provide a copy of the report by certified mail to:

(1) the person who filed the notice;
(2) the person alleged to have committed the violation;
(3) the members of the commission; and
(4) the attorney general.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.26.

IC 3-7-11-8
Contents of report

Sec. 8. The report described in section 7 of this chapter must:

(1) indicate the date when the notice alleging the violation was received by the NVRA official;
(2) contain findings of fact regarding the alleged violation of NVRA or this article and state whether a violation of NVRA or this article appears to have occurred;
(3) state what steps, if any, the person alleged to have committed the violation has taken to correct a violation or to prevent a reoccurrence of a violation;
(4) suggest any additional measures that could be taken to correct a violation;
(5) indicate the date when a violation was corrected or is expected to be corrected; and
(6) indicate the number of days remaining after the issuance of the report until the next election will be conducted:
    (A) for a federal office in the jurisdiction where the violation is alleged to have occurred if the notice alleges a violation of NVRA; or
    (B) for any other office or on any public question if the notice alleges a violation of this article.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.27.

IC 3-7-11-9

Request for hearing

Sec. 9. (a) Any member of the commission may request that the commission conduct a hearing on the NVRA official's report concerning an alleged violation of NVRA or this article.

(b) The member must file a written request for a hearing under subsection (a) with the NVRA official not later than noon, seven (7) days after the NVRA official's report was mailed under section 7 of this chapter.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.28.

IC 3-7-11-10

Hearing within 30 days

Sec. 10. The chairman of the commission shall convene the hearing as promptly as possible, but not later than thirty (30) days after the member files the request for a hearing under section 9 of this chapter.

As added by P.L.12-1995, SEC.20. Amended by P.L.2-1998, SEC.3.

IC 3-7-11-11

Duties of commission after hearing

Sec. 11. After concluding the hearing, the commission shall:

(1) affirm the report;

(2) amend the report; or

(3) refer the matter to the NVRA official for further investigation and submission of a subsequent report to the commission.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.29.

IC 3-7-11-12

Written summary forwarded

Sec. 12. The commission shall forward a written summary of any action under section 11 of this chapter by certified mail to:

(1) the person who filed the notice;

(2) the person alleged to have committed the violation; and

(3) the attorney general.

As added by P.L.12-1995, SEC.20. Amended by P.L.2-1996, SEC.9.

IC 3-7-11-13

Declaratory or injunctive relief; written notice by person aggrieved

Sec. 13. (a) This section applies to an election for an elected office or on a public question that is not an election (as defined in 2 U.S.C. 431(1) and referenced in 42 U.S.C. 1973gg-1(1)).

(b) The attorney general may file a civil action for declaratory or injunctive relief necessary to carry out this article for the election.

(c) A person aggrieved by a violation of this article concerning the election may provide written notice of the violation to the NVRA official.

(d) Notwithstanding subsection (c), a person aggrieved by a violation of NVRA or this article may file a written notice of violation with the circuit court clerk of the county where the

violation allegedly occurred. If a person files a written notice with the circuit court clerk, the NVRA official shall not begin enforcement procedures under this chapter regarding the complaint unless the person files a complaint with the NVRA official under this chapter.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.30.

IC 3-7-11-14

Procedures for notice; remedies and procedures for aggrieved person if violation not corrected

Sec. 14. (a) This section applies to a written notice filed under section 13 of this chapter.

(b) The NVRA official and the members of the commission shall comply with the procedures set forth in sections 3 through 12 of this chapter in taking action concerning the notice.

(c) The aggrieved person may file a civil action if the violation is not corrected:

(1) within ninety (90) days after the NVRA official receives the notice; or

(2) within twenty (20) days after the NVRA official receives the notice if the violation occurs not later than one hundred twenty (120) days before the election occurs.

(d) The aggrieved person must provide written notice of the violation to the NVRA official under this section before filing a civil action unless the violation occurs less than thirty (30) days before the election occurs.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.31.

IC 3-7-11-15

Attorney's fees

Sec. 15. (a) This section applies to a civil action filed under section 14 of this chapter.

(b) A court may allow the prevailing party (other than the state of Indiana) reasonable attorney's fees, including litigation expenses, and costs.

(c) The civil action is in addition to any other rights and remedies provided by law.

As added by P.L.12-1995, SEC.20.

IC 3-7-12

Chapter 12. County Administration of Voter Registration

IC 3-7-12-1

Duties of circuit court clerk

Sec. 1. (a) This section does not apply to the following counties:

(1) A county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4.

(2) A county containing a consolidated city.

(3) A county in which a board of registration was established by IC 3-7-12-3 (before its repeal).

(4) A county in which a board of registration exists under an order adopted by a county acting under this chapter.

(b) The circuit court clerk:

(1) is the voter registration officer of each county; and

(2) shall supervise the registration of voters of the county.

As added by P.L.12-1995, SEC.21. Amended by P.L.144-2001, SEC.4; P.L.225-2011, SEC.8.

IC 3-7-12-2

"Board of registration" defined

Sec. 2. As used in this chapter, "board of registration" includes a board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

As added by P.L.12-1995, SEC.21. Amended by P.L.14-2000, SEC.1; P.L.144-2001, SEC.5.

IC 3-7-12-2.5

County containing consolidated city; establishment of board of registration

Sec. 2.5. A board of registration is established in a county containing a consolidated city.

As added by P.L.225-2011, SEC.9.

IC 3-7-12-3

Repealed

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

IC 3-7-12-4

Orders establishing or rescinding board of registration

Sec. 4. (a) This section does not apply to:

(1) a county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4; or

(2) a county containing a consolidated city.

(b) After June 30, 2011, the county executive may adopt an order by the unanimous vote of the entire membership of the county executive to:

(1) establish a board of registration; or

(2) rescind a previously adopted order establishing a board of registration.

As added by P.L.12-1995, SEC.21. Amended by P.L.225-2011, SEC.10.

IC 3-7-12-5
Effective date of order

Sec. 5. (a) Except as provided in subsection (b), an order adopted under section 4 of this chapter to establish a board of registration or rescind a previously adopted order establishing a board of registration takes effect immediately.

(b) An order adopted during the final sixty (60) days before an election becomes effective on the day following the election.

As added by P.L.12-1995, SEC.21. Amended by P.L.225-2011, SEC.11.

IC 3-7-12-5.5
Orders abolishing board of registration established by law; effective date of order

Sec. 5.5. (a) Except as provided in subsection (b), this section applies to a county in which a board of registration was established by IC 3-7-12-3 (before its repeal).

(b) This section does not apply to any of the following:

(1) A county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4.

(2) A county containing a consolidated city.

(c) A county executive may adopt an order by the unanimous vote of the entire membership of the county executive to:

(1) abolish the board of registration; and

(2) designate the circuit court clerk as the voter registration officer of the county to supervise the registration of voters of the county.

(d) An order adopted under subsection (c) during the final sixty (60) days before an election becomes effective on the day following the election.

As added by P.L.225-2011, SEC.12.

IC 3-7-12-6
Seal

Sec. 6. Each board of registration shall have a seal. The board shall record a description of the seal with the county election board.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-7
Duties of board of registration

Sec. 7. A board of registration established under this chapter shall supervise the registration of voters of the county.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-8
Members

Sec. 8. A board of registration consists of two (2) persons.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-9
Method of appointment

Sec. 9. The county chairmen of the major political parties of a county that has a board of registration shall each appoint one (1) member of the board. The two (2) appointed persons must be voters of the county.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-10
Length of term

Sec. 10. A person appointed a member of a board of registration serves a term of two (2) years beginning January 1 of each odd-numbered year and until the person's successor is appointed and qualifies.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-11
Member serves at pleasure of county chairman

Sec. 11. Notwithstanding section 10 of this chapter, a member of a board of registration serves at the pleasure of the county chairman whose political party initially appointed the person.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-12
Term of incumbent registration officers

Sec. 12. In a county that establishes a board of registration under this chapter, the incumbent registration officers serve until the members of the board of registration are appointed and qualified.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-13
Oath of members

Sec. 13. Before discharging any duties under this article, a member of the board of registration must take an oath that the member will faithfully and honestly discharge the member's duty.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-14
Filling of vacancies

Sec. 14. A vacancy on the board shall be filled in the same manner as the initial appointment was made.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-15
Salary of board member

Sec. 15. The salary of a board of registration member shall be fixed in the manner prescribed by IC 36-2-5 or IC 36-3-6 and paid out of the county general fund under IC 3-5-3-1 as other election

expenses are paid.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-16
Payment of salary upon proper certification
Sec. 16. The payment of a salary under this chapter shall be made upon proper certification by the board of registration.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-17
Appointment of chief clerk
Sec. 17. In a county having a population of at least four hundred thousand (400,000), the board of registration shall appoint two (2) chief clerks who are members of different political parties.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-18
Salary of chief clerk
Sec. 18. The salary of a chief clerk appointed under section 17 of this chapter shall be:
(1) fixed in the manner prescribed by IC 36-2-5 or IC 36-3-6; and
(2) paid as provided in IC 3-5-3-1.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-19
Employees of board of registration
Sec. 19. A board of registration may employ all necessary assistants. The number of employees shall be divided equally between the major political parties of the county.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-20
Written recommendations for employees required
Sec. 20. An employee may not be appointed until the board of registration receives the written recommendation of the county chairman of the appropriate major political party of the county.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-21
Salary of employees
Sec. 21. The salary of an employee shall be:
(1) fixed in the manner prescribed by IC 36-2-5 or IC 36-3-6; and
(2) paid as provided in IC 3-5-3-1.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-22
Circuit court clerk as voter registration officer; per diem compensation

Sec. 22. In a county where the circuit court clerk serves as voter registration officer, the clerk is entitled to per diem compensation. The per diem shall be paid out of the general fund of the county in the same manner as election expenses are paid.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-23
Substation registration boards

Sec. 23. (a) A circuit court clerk or board of registration may establish substation registration boards as necessary to ensure adequate opportunity for persons to register to vote.

(b) The registration officers comprising a substation board must be equally divided between the two (2) major political parties of the county.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-24
Listing in local telephone directory

Sec. 24. The circuit court clerk or board of registration shall arrange for a separate listing in each local telephone directory, under the heading of county offices. The listing must be styled "Voter Registration" and include the appropriate addresses and telephone numbers of voter registration offices.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-25
Dispute resolution and interpretation of law by county election board

Sec. 25. If a board of registration is unable to resolve a dispute among its members, or with the circuit court clerk, and requires an interpretation or clarification of the law, the board shall refer the matter to the county election board for determination.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-26
Funds for voter list maintenance activity and mailing of notices

Sec. 26. Each county fiscal body shall appropriate an adequate amount of funds for the county voter registration office to conduct:

(1) the voter list maintenance activity under this article; and

(2) the mailing of notices required under the voter list maintenance program.

As added by P.L.12-1995, SEC.21. Amended by P.L.258-2013, SEC.21.

IC 3-7-12-27
County voter list maintenance activities; filing affidavit; form and content of affidavit

Sec. 27. (a) The circuit court clerk (or in a county with a board of registration, the members of the board of registration) shall, not later than noon seventy-seven (77) days before each general, primary, or

municipal election, file an affidavit under affirmation with the election division.

(b) The affidavit must be on a form prescribed by the commission and must state that the county voter registration office has:

(1) conducted the voter list maintenance program under this article; and

(2) canceled the registrations required under the voter list maintenance program.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.10; P.L.14-2004, SEC.17; P.L.258-2013, SEC.22.

IC 3-7-12-28
Repealed

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

IC 3-7-12-28.1
Report to be filed with election division; contents

Sec. 28.1. (a) In addition to the reports required for the statewide voter file, the county voter registration office shall file a report with the election division not later than noon January 31 of each year.

(b) The report must include the following:

(1) Any revisions to the county NVRA implementation plan adopted during the preceding year.

(2) Other data prescribed by the division.

As added by P.L.209-2003, SEC.23. Amended by P.L.164-2006, SEC.6.

IC 3-7-12-29
Applicability of procedures

Sec. 29. The procedures described in sections 31 through 40 of this chapter apply to all elections.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-30
Written notice of violation; copies

Sec. 30. (a) This section applies when a person aggrieved by a violation of:

(1) NVRA; or

(2) this article;

files a written notice of the violation with the circuit court clerk of the county where the violation occurred.

(b) The clerk shall promptly provide a copy of the notice by first class mail to:

(1) the person alleged to have committed the violation;

(2) the members of the county election board; and

(3) the NVRA official.

As added by P.L.12-1995, SEC.21. Amended by P.L.8-1995, SEC.32.

IC 3-7-12-31
Determination of violation

Sec. 31. The circuit court clerk shall determine whether a notice filed under section 30 of this chapter describes a violation of NVRA or this article if the facts set forth in the notice are assumed to be true. The clerk may consult with the NVRA official in making a determination under this section.
As added by P.L.12-1995, SEC.21. Amended by P.L.8-1995, SEC.33.

IC 3-7-12-32
Determination that no violation exists; persons to be notified
Sec. 32. If the circuit court clerk determines that the notice does not allege a violation of NVRA or this article, even if the facts set forth in the notice are assumed to be true, the clerk shall provide a copy of the determination by certified mail to:
(1) the person who filed the notice;
(2) the person alleged to have committed the violation;
(3) the members of the county election board; and
(4) the NVRA official.
As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.12.

IC 3-7-12-33
Investigation of violation by circuit court clerk
Sec. 33. If the circuit court clerk determines that the notice alleges a violation of NVRA or this article if the facts set forth in the notice are assumed to be true, the clerk shall conduct an investigation under IC 3-6-5.
As added by P.L.12-1995, SEC.21.

IC 3-7-12-34
Report of investigation; copies
Sec. 34. Upon completing the investigation, the circuit court clerk shall issue a written report. The clerk shall provide a copy of the report by certified mail to:
(1) the person who filed the notice;
(2) the person alleged to have committed the violation;
(3) the members of the county election board; and
(4) the NVRA official.
As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.13.

IC 3-7-12-35
Contents of report
Sec. 35. The report described in section 34 of this chapter must:
(1) indicate the date when the notice alleging the violation was received by the circuit court clerk;
(2) contain findings of fact regarding the alleged violation of NVRA or this article and state whether a violation of NVRA or this article appears to have occurred;
(3) state what steps, if any, the person alleged to have committed the violation has taken to correct a violation or to prevent a reoccurrence of a violation;
(4) suggest any additional measures that could be taken to

correct a violation;

(5) indicate the date when a violation was corrected or is expected to be corrected; and

(6) indicate the number of days remaining after the issuance of the report until the next election will be conducted:

(A) for a federal office in the jurisdiction where the violation is alleged to have occurred if the notice alleges a violation of NVRA; or

(B) for any other office or on any public question if the notice alleges a violation of this article.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1997, SEC.3.

IC 3-7-12-36
Request for hearing

Sec. 36. (a) A member of the county election board may request that the board conduct a hearing on the circuit court clerk's report concerning an alleged violation of NVRA or this article.

(b) The member must file a written request for a hearing under subsection (a) with the clerk not later than noon, seven (7) days after the clerk's report was mailed under section 34 of this chapter.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-37
Hearing within 30 days

Sec. 37. The chairman of the county election board shall convene the hearing as promptly as possible, but not later than thirty (30) days after the member files the request for a hearing under section 36 of this chapter.

As added by P.L.12-1995, SEC.21.

IC 3-7-12-38
Duties of county election board after hearing

Sec. 38. After concluding the hearing, the county election board shall:

(1) affirm the report;

(2) amend the report;

(3) refer the matter to the circuit court clerk for further investigation and submission of a subsequent report to the board; or

(4) refer the matter to the NVRA official.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.14; P.L.209-2003, SEC.24.

IC 3-7-12-39
Written summary forwarded

Sec. 39. The county election board shall forward a written summary of any action under section 38 of this chapter by certified mail to:

(1) the person who filed the notice;

(2) the person alleged to have committed the violation; and

(3) the NVRA official.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.15; P.L.2-1997, SEC.4.

IC 3-7-12-40

Right to file written notice with NVRA official

Sec. 40. (a) A person who files a written notice of violation with the circuit court clerk under section 30 of this chapter retains the right to file a written notice of alleged violation with the NVRA official.

(b) If the clerk or county election board is notified that the person has filed a notice of violation with the NVRA official prior to the conclusion of the county hearings, the clerk or county election board shall dismiss the county proceeding.

As added by P.L.12-1995, SEC.21. Amended by P.L.2-1996, SEC.16; P.L.3-1997, SEC.55.

IC 3-7-12-41

Actions of employees or volunteers at county voter registration offices

Sec. 41. As provided in 42 U.S.C. 1973gg-5(a)(5), an employee or volunteer of a county voter registration office may not do any of the following:

(1) Seek to influence an applicant's political preference or party registration.

(2) Display any political preference or party allegiance, including pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

As added by P.L.176-1999, SEC.20.

IC 3-7-13

Chapter 13. Registration and Voting Requirements; General Provisions

IC 3-7-13-1

Persons eligible to vote

Sec. 1. A person who:

(1) will be at least eighteen (18) years of age at the next general, municipal, or special election;

(2) is a United States citizen; and

(3) resides in a precinct continuously before a general, municipal, or special election for at least thirty (30) days;

may, upon making a proper application under this article, register to vote in that precinct.

As added by P.L.12-1995, SEC.22.

IC 3-7-13-2

Eligibility to vote in primary election

Sec. 2. A person who, on the day of the next general, municipal, or special election, will meet the age and residency requirements of section 1 of this chapter may register and vote in the primary election.

As added by P.L.12-1995, SEC.22.

IC 3-7-13-3

Eligibility to vote for candidates for elected offices, public questions, or political party officers

Sec. 3. (a) This section applies to a person who:

(1) on the day of the next general, municipal, or special election, will meet the age and residency requirements of section 1 of this chapter; and

(2) does not meet the age or residency requirements on primary election day.

(b) A person described in subsection (a) may not cast a ballot:

(1) for candidates for:

(A) elected offices;

(B) precinct committeeman; or

(C) state convention delegate; or

(2) on public questions;

to be voted on at the same time that the primary election is conducted.

As added by P.L.12-1995, SEC.22. Amended by P.L.66-2003, SEC.5.

IC 3-7-13-4

Disfranchisement of prisoners

Sec. 4. (a) A person who is:

(1) convicted of a crime; and

(2) imprisoned following conviction;

is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana.

(b) A person described in subsection (a) is ineligible to register under this article during the period that the person is:

(1) imprisoned; or

(2) otherwise subject to lawful detention.

As added by P.L.12-1995, SEC.22.

IC 3-7-13-5

Restoration of right to vote

Sec. 5. A person described in section 4 of this chapter who is otherwise qualified to register under this article is eligible to register when the person is no longer:

(1) imprisoned; or

(2) otherwise subject to lawful detention.

As added by P.L.12-1995, SEC.22. Amended by P.L.195-2003, SEC.1; P.L.118-2007, SEC.1.

IC 3-7-13-6

Disfranchisement of prisoners; exceptions

Sec. 6. (a) This section applies to a person who is:

(1) otherwise qualified to register under this article; and

(2) not imprisoned or subject to lawful detention.

(b) A person described in subsection (a) who is:

(1) on probation;

(2) on parole;

(3) subject to home detention under IC 35-38-2.5; or

(4) placed in a community corrections program under IC 35-38-2.6;

is eligible to register and to vote.

As added by P.L.12-1995, SEC.22.

IC 3-7-13-7

Validity of prior registration or transfer of registration

Sec. 7. A registration or transfer of registration executed in conformity with prior law remains valid until canceled under this article.

As added by P.L.12-1995, SEC.22.

IC 3-7-13-8

Persons not required to register again

Sec. 8. (a) This section applies to a voter:

(1) who is a resident of a precinct; and

(2) whose name appears on the registration record of a precinct.

(b) A person described in subsection (a) is not required to register again as long as:

(1) the voter continues to reside at the same address at which the voter is registered;

(2) the voter is not disfranchised according to law; and

(3) the voter's registration is not canceled under this title.

As added by P.L.12-1995, SEC.22.

IC 3-7-13-9
Persons required to register or request transfer of registration

Sec. 9. During a registration period, only those voters whose names do not appear on the registration record of the precincts of a county must register or request a transfer of previous registration.
As added by P.L.12-1995, SEC.22.

IC 3-7-13-10
Times for voter registration; exceptions for absent uniformed services voters and overseas voters

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 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 is conducted and resumes fourteen (14) days after the special election occurs.
As added by P.L.12-1995, SEC.22. Amended by P.L.219-2013, SEC.7.

IC 3-7-13-11
Deadline for registration or transfer of registration

Sec. 11. A person desiring to register or transfer a registration may do so at the office of the circuit court clerk or board of registration through the close of business on the twenty-ninth day before the election is scheduled to occur.
As added by P.L.12-1995, SEC.22.

IC 3-7-13-12
Registration application received at time other than registration period; processing

Sec. 12. Except as otherwise provided in this article, if a county voter registration office receives a properly completed registration application during a time other than the registration period described in section 10 of this chapter, the county voter registration office shall enter the data from the application into the computerized list and designate the application as pending in the same manner as other applications received while the registration period was open are designated as pending under IC 3-7-33-5. However, the county voter

registration office shall ensure that:

(1) the notice required under IC 3-7-33-5 is not mailed to the applicant before the first day that the registration period reopens; and

(2) the registration information provided by the applicant does not appear on any certified list of voters or certificate of error issued under this article.

As added by P.L.12-1995, SEC.22. Amended by P.L.81-2005, SEC.1; P.L.1-2006, SEC.1.

IC 3-7-13-13

Provision of identifying numbers; assignment of identifying numbers

Sec. 13. (a) Except as provided in subsections (b) and (c), when an individual registers to vote, the individual must provide the individual's driver's license number issued under IC 9-24-11, as provided under 42 U.S.C. 15483.

(b) If an individual does not have a driver's license issued under IC 9-24-11, the individual must provide the last four (4) digits of the individual's Social Security number when the individual registers to vote, as provided under 42 U.S.C. 15483.

(c) As required under 42 U.S.C. 15483, if an individual does not have a Social Security number, the election division shall assign the individual a number to be associated with the individual's registration in the computerized list maintained under IC 3-7-26.3. If the individual has an identification card number issued under IC 9-24-16, the election division shall assign that number as the voter's number under this subsection. If the individual does not have an identification card number issued under IC 9-24-16, the election division shall assign a unique identifying number to the voter's registration record in the computerized list, as provided under 42 U.S.C. 15483.

(d) The number provided by the individual under subsection (a) or (b), or the number assigned to the individual under subsection (c), is the individual's voter identification number.

(e) A voter's voter identification number may not be changed unless:

(1) the voter made an error when providing the number when registering to vote;

(2) the election division or a county voter registration office made an error when entering the number into the computerized list under IC 3-7-26.3;

(3) the voter obtains or provides a driver's license number under IC 9-24-11 or a Social Security number after the voter was assigned a number under subsection (c); or

(4) the voter ceases to have a driver's license number under IC 9-24-11 after the voter provided that number under subsection (a).

(f) If a voter transfers the voter's registration and the voter's voter identification number is not included in the voter's registration

records, the voter registration officer of the county in which the voter's registration is to be transferred shall require the voter to provide the number required by subsection (a) or (b) before the voter's registration is transferred. If the voter does not have either of the numbers described in subsection (a) or (b), a voter identification number shall be assigned to the voter under subsection (c).

As added by P.L.199-2001, SEC.3. Amended by P.L.126-2002, SEC.31; P.L.209-2003, SEC.25; P.L.1-2006, SEC.2 and P.L.164-2006, SEC.7.

IC 3-7-14

Chapter 14. Registration Procedures at License Branches

IC 3-7-14-1

Purpose of chapter

Sec. 1. This chapter prescribes voter registration procedures in Indiana's motor vehicle authority as provided in 42 U.S.C. 1973gg-3.

As added by P.L.12-1995, SEC.23.

IC 3-7-14-2

Applicability of definitions

Sec. 2. (a) Except as provided in subsection (b), the definitions in IC 9-13-2 apply to this chapter.

(b) A reference to the "commission" in this chapter is a reference to the Indiana election commission unless otherwise stated.

As added by P.L.12-1995, SEC.23. Amended by P.L.14-2004, SEC.18.

IC 3-7-14-3

Bureau of motor vehicles commission as authority

Sec. 3. The bureau of motor vehicles commission is the state's motor vehicle authority for purposes of NVRA.

As added by P.L.12-1995, SEC.23.

IC 3-7-14-4

Application for voter registration

Sec. 4. An application to obtain or renew a motor vehicle driver's license, permit, or identification card serves as an application for voter registration:

(1) under this article; and

(2) as provided in 42 U.S.C. 1973gg-3(a)(1);

unless the applicant fails to sign the voter registration application.

As added by P.L.12-1995, SEC.23.

IC 3-7-14-5

Voter registration application form provided with application for driver's license

Sec. 5. As provided in 42 U.S.C. 1973gg-3(c)(1), the bureau of motor vehicles commission shall include a voter registration application form as a part of the application for a driver's license prescribed under IC 9-24.

As added by P.L.12-1995, SEC.23. Amended by P.L.14-2004, SEC.19.

IC 3-7-14-6

Design of registration form

Sec. 6. The commission shall prescribe the design of the registration form required under section 5 of this chapter.

As added by P.L.12-1995, SEC.23. Amended by P.L.2-1996, SEC.17.

IC 3-7-14-7
Requirements of registration form

Sec. 7. As provided in 42 U.S.C. 1973gg-3(c)(2), the registration form described in section 5 of this chapter must meet the following requirements:

(1) The form may not require information that duplicates information required in the driver's license application part of the form, except as set forth in subdivision (3).

(2) The form may require only the minimum amount of information necessary to do the following:

(A) Prevent duplication of voter registrations.

(B) Permit the circuit court clerk or board of registration to:

(i) assess the eligibility of the applicant; and

(ii) administer the election and voter registration system.

(3) The form must include a statement that does the following:

(A) Sets forth each eligibility requirement for registration (including citizenship).

(B) Contains an attestation that the applicant meets each of the eligibility requirements.

(C) Requires the signature of the applicant, under penalty of perjury.

(4) The form must include the following, in print that is identical to the print used in the attestation part of the application:

(A) Information setting forth the penalties provided by law for submission of a false voter registration application.

(B) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(C) A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

As added by P.L.12-1995, SEC.23.

IC 3-7-14-8
Procedures for registration

Sec. 8. To register under this chapter, an individual must do the following while on the premises of the license branch:

(1) Complete the voter registration application under section 4 of this chapter.

(2) Present the application to an employee of the license branch.

As added by P.L.12-1995, SEC.23.

IC 3-7-14-9
Duties of employees providing application; transmittal of completed application

Sec. 9. (a) An employee of the bureau of motor vehicles commission who provides an individual with a driver's license or

identification card application shall do the following:

(1) Inform each individual who applies for a driver's license or an identification card that the information the individual provides on the individual's application will be used to register the individual to vote unless:

(A) the individual is not eligible to vote;

(B) the individual declines to register to vote or fails to complete the voter registration part of the application; or

(C) the individual answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).

(2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application if requested to do so by the individual.

(3) Check the completed voter registration form for legibility and completeness.

(4) Inform the individual that the individual will receive a mailing from the county voter registration office of the county where the individual resides concerning the disposition of the voter registration application.

(5) Inform each individual who submits a change of address for a driver's license or identification card that the information serves as notice of a change of address for voter registration unless the applicant states in writing on the form that the change of address is not for voter registration purposes.

(b) The bureau of motor vehicles commission shall transmit a voter registration form to the election division for transmittal to the appropriate county voter registration office in accordance with IC 3-7-26.3.

As added by P.L.12-1995, SEC.23. Amended by P.L.9-2004, SEC.5; P.L.14-2004, SEC.20; P.L.164-2006, SEC.8.

IC 3-7-14-10

Duties of employees if applicant registering to vote after twenty-ninth day before primary, general, municipal, or special election

Sec. 10. If an individual is registering to vote after the twenty-ninth day before the date that a primary, general, municipal, or special election is scheduled in the precinct where the voter resides, the employee of the bureau of motor vehicles commission who provides an individual with a driver's license or an identification card application shall do the following:

(1) Inform the individual that license branch registration will not permit the individual to vote in the next election.

(2) Inform the individual of other procedures the individual may follow to vote in the next election.

As added by P.L.12-1995, SEC.23. Amended by P.L.14-2004, SEC.21.

IC 3-7-14-11

Written acknowledgment of application; format

Sec. 11. Whenever an applicant completes a voter registration application under section 4 of this chapter, the bureau of motor vehicles commission shall provide the applicant with a written acknowledgment that the applicant has completed a voter registration application at a license branch. The acknowledgment:

(1) may be:

(A) a detachable part; or

(B) an electronic version;

of the registration form prescribed under section 4 of this chapter; and

(2) must set forth the name and residential address of the applicant and the date that the application was completed.

As added by P.L.12-1995, SEC.23. Amended by P.L.14-2004, SEC.22; P.L.164-2006, SEC.9.

IC 3-7-14-12

Submission of application; application to be forwarded

Sec. 12. (a) An applicant who completes a voter registration application under section 4 of this chapter is not required to submit the application to a county voter registration office.

(b) The bureau of motor vehicles commission shall forward the voter registration part of the application to the election division for transmittal to the appropriate county voter registration office on an expedited basis in accordance with IC 3-7-26.3, IC 9-24-2.5, and 42 U.S.C. 1973gg-3(c)(2)(E).

As added by P.L.12-1995, SEC.23. Amended by P.L.3-1995, SEC.22; P.L.2-1996, SEC.18; P.L.14-2004, SEC.23; P.L.164-2006, SEC.10.

IC 3-7-14-13

Confidentiality of information

Sec. 13. Voter registration information received or maintained by the bureau of motor vehicles commission under this chapter is confidential and may be used only for voter registration purposes as provided in this article, 42 U.S.C. 1973gg-3(b), and 42 U.S.C. 1973gg-6(a)(6).

As added by P.L.12-1995, SEC.23. Amended by P.L.14-2004, SEC.24.

IC 3-7-14-14

Updating voter registration record

Sec. 14. Except as provided in section 15 of this chapter, an application under section 4 of this chapter authorizes a county voter registration office to update the voter registration record of the applicant:

(1) under 42 U.S.C. 1973gg-3(a)(2) unless the applicant fails to sign the voter registration application; or

(2) in a manner authorized under IC 3-7-26.3.

As added by P.L.12-1995, SEC.23. Amended by P.L.14-2004, SEC.25; P.L.164-2006, SEC.11.

IC 3-7-14-15
Updating voter registration record; exceptions

Sec. 15. As provided in 42 U.S.C. 1973gg-3(d), a circuit court clerk or board of registration may update the address in the voter registration of an applicant, unless the applicant indicates on an application to obtain or renew a motor vehicle driver's license (or any other change of address form submitted to the clerk or board by the bureau of motor vehicles commission) that the change of address of the applicant is not for voter registration purposes.

As added by P.L.12-1995, SEC.23. Amended by P.L.14-2004, SEC.26.

IC 3-7-14-16
Notification to applicant of disposition

Sec. 16. The circuit court clerk or board of registration shall, upon receiving a completed application under section 12 of this chapter, notify the applicant of the disposition of the application in the manner prescribed under IC 3-7-33 and as required under 42 U.S.C. 1973gg-6(a)(2).

As added by P.L.12-1995, SEC.23.

IC 3-7-14-17
Prohibited acts

Sec. 17. As provided in 42 U.S.C. 1973gg-5(a)(5), an employee or a volunteer of the office shall not do any of the following:

(1) Seek to influence an applicant's political preference or party registration.

(2) Display any political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(4) Make any statement to an applicant or take any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

As added by P.L.12-1995, SEC.23.

IC 3-7-15

Chapter 15. Registration Procedures at Public Assistance Agencies

IC 3-7-15-1

Purpose of chapter

Sec. 1. This chapter prescribes voter registration procedures in public assistance agencies as provided in 42 U.S.C. 1973gg-5(a)(2)(A).

As added by P.L.12-1995, SEC.24.

IC 3-7-15-2

Offices providing public assistance for purposes of NVRA

Sec. 2. The general assembly finds that the following offices in Indiana provide public assistance within the scope of NVRA:

(1) Each county office established under IC 12-19-1-1 that administers:

(A) the Temporary Assistance for Needy Families program (TANF) under IC 12-14; or

(B) the Medicaid program under IC 12-15.

(2) Each office of the division of family resources that administers the food stamp program under federal law.

(3) Each office of the state department of health that administers the Special Supplemental Nutrition Program for the Women, Infants and Children Program (WIC) under IC 16-35-1.5.

As added by P.L.12-1995, SEC.24. Amended by P.L.3-1995, SEC.23; P.L.145-2006, SEC.1; P.L.161-2007, SEC.1; P.L.146-2008, SEC.1; P.L.44-2009, SEC.1.

IC 3-7-15-3

Duty to distribute registration form

Sec. 3. As provided in 42 U.S.C. 1973gg-5(a)(4)(A)(i) and 42 U.S.C. 1973gg-5(a)(6)(A), an office listed in section 2 of this chapter shall distribute a voter registration form prescribed under section 4 of this chapter to each applicant for public assistance whenever the applicant:

(1) applies for service or assistance;

(2) applies for recertification or renewal of services or assistance; or

(3) submits a change of address form relating to the service or assistance;

unless the applicant declines in writing to register to vote.

As added by P.L.12-1995, SEC.24.

IC 3-7-15-4

Design of registration form

Sec. 4. The commission shall prescribe the design of the registration form for each office listed in section 2 of this chapter.

As added by P.L.12-1995, SEC.24. Amended by P.L.3-1997, SEC.56.

IC 3-7-15-5
Requirements of registration form

Sec. 5. The registration form prescribed under section 4 of this chapter must meet the following requirements:

(1) The form must be equivalent to the mail registration form prescribed by the commission under IC 3-7-31 and in compliance with 42 U.S.C. 1973gg-5(a)(6)(A)(ii).

(2) The form must include a statement that does the following:

(A) Sets forth each eligibility requirement for registration (including citizenship).

(B) Contains an attestation that the applicant meets each of the eligibility requirements.

(C) Requires the signature of the applicant, under penalty of perjury, and the date the form was signed.

(3) The form must include the following as provided in 42 U.S.C. 1973gg-5(a)(6)(B):

(A) A question reading "If you are not registered to vote where you live now, would you like to apply to register to vote here today?".

(B) A statement reading "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.".

(C) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote.

(D) A statement in close proximity to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.".

(E) A statement reading "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.".

(F) A statement reading "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your political party or other political preference, you may file a complaint with (insert the title, address, and telephone number of the NVRA official). If you want you may first try to solve the problem by filing a complaint with the county voter registration office of the county where the violation occurred.".

As added by P.L.12-1995, SEC.24. Amended by P.L.3-1997, SEC.57.

IC 3-7-15-6
Contents of declination form

Sec. 6. If the form used by an applicant to decline to register to vote is on a separate form from the voter registration application, the declination form must contain the following:

(1) A statement reading "If you decline to register to vote, this is confidential, and can only be used for voter registration

purposes.".

(2) A statement reading "If you decide to register to vote, information about the office at which you register is confidential, and can only be used for voter registration purposes.".

(3) A line for the signature of the person who declines to register to vote.

(4) A line for the date that the person declined to register to vote.

As added by P.L.12-1995, SEC.24.

IC 3-7-15-7

Declination to register

Sec. 7. An applicant who fails to check either box described in section 5(3) of this chapter or to sign a separate declination form under section 6 of this chapter shall be considered to have declined to register.

As added by P.L.12-1995, SEC.24.

IC 3-7-15-8

Procedures for registration

Sec. 8. To register under this chapter, an individual must do the following while on the premises of the office:

(1) Complete the voter registration application prescribed under section 4 of this chapter.

(2) Present the application to an employee of the office.

As added by P.L.12-1995, SEC.24.

IC 3-7-15-9

Duties of employees in providing application

Sec. 9. An employee of the office who provides an individual with an application for assistance or services under section 3 of this chapter shall do the following:

(1) Inform each individual who applies for assistance or services that the information the individual provides on the individual's voter registration application will be used to register the individual to vote unless:

(A) the individual is not eligible to vote; or

(B) the individual:

(i) declines to register to vote;

(ii) fails to complete the voter registration part of the application; or

(iii) answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).

(2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application unless the individual refuses assistance, as provided in 42 U.S.C. 1973gg-5(a)(4)(ii).

(3) Check the completed voter registration form for legibility and completeness.

(4) Deliver the completed registration form to the office administrator (or the employee designated by the administrator to be responsible for voter registration services) for transmittal to the appropriate county voter registration office.

(5) Inform the individual that the individual will receive a mailing from the county voter registration office of the county where the individual resides concerning the disposition of the voter registration application.

As added by P.L.12-1995, SEC.24. Amended by P.L.9-2004, SEC.6.

IC 3-7-15-10

Duties of employees if applicant registering to vote after twenty-ninth day before primary, general, municipal, or special election

Sec. 10. If an individual is registering to vote after the twenty-ninth day before the date that a primary, general, municipal, or special election is scheduled in the precinct where the voter resides, the employee of the office who provides an individual with an application for assistance or services under section 3 of this chapter shall do the following:

(1) Inform the individual that office registration will not permit the individual to vote in the next election.

(2) Inform the individual of other procedures the individual may follow to vote in the next election.

As added by P.L.12-1995, SEC.24.

IC 3-7-15-11

Prohibited acts

Sec. 11. As provided in 42 U.S.C. 1973gg-5(a)(5), an employee of the office shall not do any of the following:

(1) Seek to influence an applicant's political preference or party registration.

(2) Display any political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(4) Make any statement to an applicant or take any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

As added by P.L.12-1995, SEC.24.

IC 3-7-15-12

Assistance in completing registration form required

Sec. 12. As provided in 42 U.S.C. 1973gg-5(a)(4)(A)(ii) and 42 U.S.C. 1973gg-5(a)(6)(C), an office described in section 2 of this chapter must offer the same degree of assistance in helping an applicant complete a voter registration form as the applicant receives

from the agency in completing forms for assistance or services, unless the individual refuses assistance in completing the voter registration form.
As added by P.L.12-1995, SEC.24.

IC 3-7-15-13
Written acknowledgment of application; format

Sec. 13. Whenever an applicant completes a voter registration application under this chapter, the office shall provide the applicant with a written acknowledgment that the applicant has completed a voter registration application at the office. The acknowledgment:

(1) may be a detachable part of the registration form prescribed under section 4 of this chapter; and

(2) must set forth the name and residential address of the applicant and the date that the application was completed.

As added by P.L.12-1995, SEC.24.

IC 3-7-15-14
Submission of application not required

Sec. 14. An applicant who completes a voter registration application under section 4 of this chapter is not required to submit the application to a circuit court clerk or board of registration member.
As added by P.L.12-1995, SEC.24. Amended by P.L.2-1996, SEC.19.

IC 3-7-15-15
Confidentiality of information

Sec. 15. Voter registration information received or maintained by an office under this chapter is confidential and may be used only for voter registration purposes as provided in this article and 42 U.S.C. 1973gg-5(a)(7).
As added by P.L.12-1995, SEC.24.

IC 3-7-15-16
Duty of office to forward registration application

Sec. 16. Unless the applicant refuses to permit the office to transmit the form to the circuit court clerk or board of registration of the county where the applicant resides, the office shall forward the voter registration application to the clerk or board not later than five (5) days after the date of acceptance and as provided in 42 U.S.C. 1973gg-5(a)(4)(iii) and:

(1) IC 12-14-1.5;

(2) IC 12-14-25;

(3) IC 12-15-1.5; or

(4) IC 16-35-1.6.

As added by P.L.12-1995, SEC.24. Amended by P.L.3-1995, SEC.24.

IC 3-7-15-17
Updating voter registration record

Sec. 17. A signed application under section 4 of this chapter

authorizes a circuit court clerk or board of registration to update the voter registration record of the applicant.
As added by P.L.12-1995, SEC.24.

IC 3-7-15-18
Notification to applicant of disposition

Sec. 18. The circuit court clerk or board of registration shall, upon receiving a completed application under section 16 of this chapter, notify the applicant of the disposition of the application in the manner prescribed under IC 3-7-33 and as required under 42 U.S.C. 1973gg-6(a)(2).
As added by P.L.12-1995, SEC.24.

IC 3-7-16

Chapter 16. Registration at Agencies Serving Persons With Disabilities

IC 3-7-16-1

Purpose of chapter

Sec. 1. This chapter prescribes voter registration procedures in agencies providing state funded programs primarily engaged in serving persons with disabilities as provided in 42 U.S.C. 1973gg-5(a)(2)(B).

As added by P.L.12-1995, SEC.25.

IC 3-7-16-2

Legislative findings

Sec. 2. The general assembly finds the following:

(1) Persons with a disability will desire and should have the full opportunity to register to vote by using any registration method set forth in this article, and not merely through the agencies described in section 1 of this chapter.

(2) The offices and individuals serving persons with a disability under this article should strive to develop and provide registration forms and services that are accessible to persons with disabilities.

(3) The agencies described in section 1 of this chapter are generally decentralized, and as a result:

(A) are more likely to be frequently restructured; and

(B) require significant assistance in providing training for employees or volunteers to offer voter registration services under this article.

As added by P.L.12-1995, SEC.25. Amended by P.L.99-2007, SEC.6.

IC 3-7-16-2.5

NVRA official to designate agencies to provide voter registration services

Sec. 2.5. The NVRA official shall designate the agencies required to provide voter registration services under this chapter after determining the extent to which:

(1) an agency's programs are funded by the state; and

(2) the agency is primarily engaged in serving persons with disabilities.

As added by P.L.258-2013, SEC.23.

IC 3-7-16-3

Repealed

(Repealed by P.L.258-2013, SEC.24.)

IC 3-7-16-4

Repealed

(Repealed by P.L.258-2013, SEC.25.)

IC 3-7-16-5
Repealed
(Repealed by P.L.258-2013, SEC.26.)

IC 3-7-16-6
Repealed
(Repealed by P.L.258-2013, SEC.27.)

IC 3-7-16-7
Repealed
(Repealed by P.L.258-2013, SEC.28.)

IC 3-7-16-8
Repealed
(Repealed by P.L.258-2013, SEC.29.)

IC 3-7-16-9
Distribution of voter registration forms
Sec. 9. As provided in 42 U.S.C. 1973gg-5(a)(4)(A)(i) and 42 U.S.C. 1973gg-5(a)(6)(A), an agency designated under this chapter shall distribute a voter registration form prescribed under this chapter to each person applying for assistance from the agency whenever the applicant:
(1) applies for service or assistance;
(2) applies for recertification or renewal of services or assistance; or
(3) submits a change of address form relating to the service or assistance;
unless the applicant declines in writing to register to vote.
As added by P.L.12-1995, SEC.25.

IC 3-7-16-10
Voter registration services at applicant's home
Sec. 10. As provided in 42 U.S.C. 1973gg-5(a)(4)(B), an agency designated under this chapter that provides services to a person with a disability at the person's home shall provide voter registration services under this chapter at the person's home.
As added by P.L.12-1995, SEC.25.

IC 3-7-16-11
Design of registration form
Sec. 11. The commission shall prescribe the design of the registration form to be used under this chapter.
As added by P.L.12-1995, SEC.25. Amended by P.L.3-1997, SEC.58.

IC 3-7-16-12
Requirements for registration form
Sec. 12. The registration form prescribed under section 11 of this chapter must meet the following requirements:
(1) The form must be equivalent to the mail registration form

prescribed by the commission under IC 3-7-31 and in compliance with 42 U.S.C. 1973gg-5(a)(6)(A)(ii).

(2) The form must include a statement that does the following:

(A) Sets forth each eligibility requirement for registration (including citizenship).

(B) Contains an attestation that the applicant meets each of the eligibility requirements.

(C) Requires the signature of the applicant, under penalty of perjury, and the date the form was signed.

(3) The form must include the following as provided in 42 U.S.C. 1973gg-5(a)(6)(B):

(A) A question reading "If you are not registered to vote where you live now, would you like to apply to register to vote here today?".

(B) A statement reading "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.".

(C) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote.

(D) A statement in close proximity to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.".

(E) A statement reading "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.".

(F) A statement reading "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your political party or other political preference, you may file a complaint with (insert the title, address, and telephone number of the NVRA official). If you want you may first try to solve the problem by filing a complaint with the county voter registration office of the county where the violation occurred.".

(4) The form must be designed to make voter registration as accessible as possible for persons with disabilities.

As added by P.L.12-1995, SEC.25. Amended by P.L.3-1997, SEC.59.

IC 3-7-16-13

Contents of declination form

Sec. 13. If the form used by an applicant to decline to register to vote is on a separate form from the voter registration application, the declination form must contain the following:

(1) A statement reading "If you decline to register to vote, this is confidential, and can only be used for voter registration purposes.".

(2) A statement reading "If you decide to register to vote, information about the office at which you register is

confidential, and can only be used for voter registration purposes.".

(3) A line for the signature of the person who declines to register to vote.

(4) A line for the date that the person declined to register to vote.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-14

Declination to register

Sec. 14. An applicant who fails to check either box described in section 12(3) of this chapter or to sign a separate declination form under section 13 of this chapter shall be considered to have declined to register.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-15

Procedures for registration

Sec. 15. (a) This section does not apply to voter registration required under section 10 of this chapter.

(b) To register under this chapter, an individual must do the following while on the premises of the office:

(1) Complete the voter registration application prescribed under section 11 of this chapter.

(2) Present the application to an employee of the office.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-16

Duties of employees in providing application

Sec. 16. An employee or a volunteer of the office who provides an individual with an application for assistance or services under this chapter shall do the following:

(1) Inform each individual who applies for assistance or services that the information the individual provides on the individual's voter registration application will be used to register the individual to vote unless:

(A) the individual is not eligible to vote;

(B) the individual declines to register to vote or fails to complete the voter registration part of the application; or

(C) answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).

(2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application unless the individual refuses assistance, as provided in 42 U.S.C. 1973gg-5(a)(4)(ii).

(3) Check the completed voter registration form for legibility and completeness.

(4) Deliver the completed registration form to the office administrator (or the employee designated by the administrator to be responsible for voter registration services) for transmittal

to the appropriate county voter registration office.

(5) Inform the individual that the individual will receive a mailing from the county voter registration office of the county where the individual resides concerning the disposition of the voter registration application.

As added by P.L.12-1995, SEC.25. Amended by P.L.9-2004, SEC.7.

IC 3-7-16-17

Duties of employees if applicant registering to vote after twenty-ninth day before primary, general, municipal, or special election

Sec. 17. If an individual is registering to vote after the twenty-ninth day before the date that a primary, general, municipal, or special election is scheduled in the precinct where the voter resides, the employee or a volunteer of the office who provides an individual with an application for assistance or services under this chapter shall do the following:

(1) Inform the individual that office registration will not permit the individual to vote in the next election.

(2) Inform the individual of other procedures the individual may follow to vote in the next election.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-18

Prohibited acts

Sec. 18. As provided in 42 U.S.C. 1973gg-5(a)(5), an employee or a volunteer of the office shall not do any of the following:

(1) Seek to influence an applicant's political preference or party registration.

(2) Display any political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(4) Make any statement to an applicant or take any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-19

Assistance in completing registration form required

Sec. 19. As provided in 42 U.S.C. 1973gg-5(a)(4)(A)(ii) and 42 U.S.C. 1973gg-5(a)(6)(C), an office designated under this chapter must offer the same degree of assistance in helping an applicant complete a voter registration form as the applicant receives from the agency in completing forms for assistance or services, unless the individual refuses assistance in completing the voter registration form.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-20
Written acknowledgment of application; format

Sec. 20. Whenever an applicant completes a voter registration application under this chapter, the office shall provide the applicant with a written acknowledgment that the applicant has completed a voter registration application at the office. The acknowledgment:

(1) may be a detachable part of the registration form prescribed under section 11 of this chapter; and

(2) must set forth the name and residential address of the applicant and the date that the application was completed.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-21
Applicant not required to submit application to circuit court clerk or board of registration member

Sec. 21. An applicant who completes a voter registration application under this chapter is not required to submit the application to a circuit court clerk or board of registration member.
As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.26.

IC 3-7-16-22
Confidentiality; use of information

Sec. 22. Voter registration information received or maintained by an office under this chapter is confidential and may be used only for voter registration purposes as provided in this article and 42 U.S.C. 1973gg-5(a)(7).
As added by P.L.12-1995, SEC.25.

IC 3-7-16-23
Forwarding of application or declination; exception

Sec. 23. Unless the applicant refuses to permit the office to transmit the form to the circuit court clerk or board of registration of the county where the applicant resides, the office shall forward the voter registration application or declination to the clerk or board not later than five (5) days after the date of acceptance and as provided in 42 U.S.C. 1973gg-5(a)(4)(iii).
As added by P.L.12-1995, SEC.25. Amended by P.L.3-1995, SEC.25.

IC 3-7-16-24
Updating voter registration record

Sec. 24. A signed application under section 11 of this chapter authorizes a circuit court clerk or board of registration to update the voter registration record of the applicant.
As added by P.L.12-1995, SEC.25.

IC 3-7-16-25
Notification to applicant of disposition

Sec. 25. The circuit court clerk or board of registration shall, upon

receiving a completed application under section 23 of this chapter, notify the applicant of the disposition of the application in the manner prescribed under IC 3-7-33, and as required under 42 U.S.C. 1973gg-6(a)(2).
As added by P.L.12-1995, SEC.25.

IC 3-7-16-26
Designated individual responsible for registration duties

Sec. 26. The governing body of an agency designated under this chapter shall designate an individual to be responsible for performing the voter registration duties of the agency in each office of the agency where services are provided.
As added by P.L.12-1995, SEC.25.

IC 3-7-16-27
Transmittal of voter registration application or declination form; guidelines; exceptions

Sec. 27. (a) This section does not apply to a voter registration application or declination to register accepted at an agency office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under 42 U.S.C. 1973gg-5(d)(1), the designated individual shall transmit a copy of a completed voter registration application:

(1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and

(2) not later than ten (10) days after the application is accepted at the office.

(c) The designated individual shall transmit a copy of the voter registration application (or a separate declination form) on which the applicant declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(d) The declination must be transmitted:

(1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and

(2) not later than ten (10) days after the application is accepted at the office.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-28
Transmittal of voter registration application or declination form; accepted during final five days before end of registration period

Sec. 28. (a) This section applies to a voter registration application or declination to register accepted at an agency office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under 42 U.S.C. 1973gg-5(d)(1), the designated individual shall transmit a copy of the completed voter registration

application:

(1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted by the office.

(c) The designated individual shall transmit a copy of the voter registration application (or a separate declination form) on which the applicant declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(d) The declination must be transmitted:

(1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-29

Methods of transmittal of voter registration applications or declinations

Sec. 29. A designated individual may use any of the following methods to transmit voter registration applications or declinations under section 27 or 28 of this chapter:

(1) Hand delivery to the circuit court clerk or board of registration.

(2) Delivery by the United States Postal Service, using first class mail.

(3) Electronic transfer, after approval by the commission.

As added by P.L.12-1995, SEC.25. Amended by P.L.2-1997, SEC.5; P.L.3-1997, SEC.60; P.L.76-2014, SEC.5.

IC 3-7-16-30

Hand delivery; guidelines

Sec. 30. If a designated individual transmits registration applications or declinations by hand delivery under section 29(1) of this chapter, the circuit court clerk or board of registration shall provide the individual with a receipt for the forms. The receipt must state the date and time of delivery, and the printed name and signature of the person who received the forms.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-31

County address and telephone numbers to be provided

Sec. 31. (a) The NVRA official shall provide the governing body of an agency designated under this chapter with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of registration in each county. The governing body shall promptly forward the list (and each revision of the list) to each

agency office where services are provided.

(b) The NVRA official shall provide the governing body with pre-addressed packets for agency offices to transmit applications under section 29(1) or 29(2) of this chapter.

As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.27.

IC 3-7-16-32

Voter registration information to be confidential

Sec. 32. Voter registration information received or maintained under this chapter is confidential.

As added by P.L.12-1995, SEC.25.

IC 3-7-16-33

Notice; elections

Sec. 33. The NVRA official shall notify the governing body of the agency of the following:

(1) The scheduled date of each primary, general, municipal, and special election.

(2) The jurisdiction in which the election will be held.

As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.28.

IC 3-7-16-34

Agency addresses and telephone numbers to be provided

Sec. 34. The governing body of an agency designated under this chapter shall provide the NVRA official with a list stating the following:

(1) The address and telephone number of each agency office where voter registration services will be provided under this article.

(2) The name of each individual designated by the governing body to be responsible for performing voter registration duties under this chapter.

As added by P.L.12-1995, SEC.25. Amended by P.L.2-1996, SEC.29.

IC 3-7-17

Chapter 17. Registration at Armed Forces Recruitment Offices

IC 3-7-17-1

Purpose of chapter

Sec. 1. This chapter prescribes voter registration procedures in armed forces recruitment offices as provided in 42 U.S.C. 1973gg-5(c).

As added by P.L.12-1995, SEC.26.

IC 3-7-17-2

Recruitment office as voter registration office

Sec. 2. As required under 42 U.S.C. 1973gg-5(c)(2), a recruitment office of the armed forces of the United States located within Indiana is a voter registration agency under this article.

As added by P.L.12-1995, SEC.26.

IC 3-7-17-3

Development of registration procedures

Sec. 3. The NVRA official shall act on behalf of the state to work with the United States Secretary of Defense to develop and implement procedures for persons to apply to register to vote at recruitment offices of the armed forces of the United States.

As added by P.L.12-1995, SEC.26. Amended by P.L.2-1996, SEC.30.

IC 3-7-17-4

List of recruitment offices

Sec. 4. The NVRA official shall maintain a list of the addresses and telephone numbers of recruitment offices within Indiana where voter registration is required under this chapter.

As added by P.L.12-1995, SEC.26. Amended by P.L.2-1996, SEC.31.

IC 3-7-17-5

Prescription of forms and procedures to implement chapter

Sec. 5. (a) The NVRA official may act under section 3 of this chapter to prescribe forms and procedures to implement this chapter.

(b) The commission may prescribe forms to implement this chapter.

As added by P.L.12-1995, SEC.26. Amended by P.L.3-1997, SEC.61.

IC 3-7-18

Chapter 18. Registration in Additional Offices; General Provisions

IC 3-7-18-1

Purpose of chapter

Sec. 1. This chapter prescribes voter registration procedures in additional federal, state, and local government and nongovernmental offices as provided in 42 U.S.C. 1973gg-5(a)(3).

As added by P.L.12-1995, SEC.27.

IC 3-7-18-2

Duties of additional agencies in distributing voter registration forms

Sec. 2. As provided in 42 U.S.C. 1973gg-5(a)(4)(A)(i) and 42 U.S.C. 1973gg-5(a)(6)(A), an agency designated under IC 3-7-19 (board of registration offices), IC 3-7-20.5 (unemployment compensation offices), and IC 3-7-21 (additional designated voter registration offices) shall distribute a voter registration form prescribed under this chapter to each person applying for assistance from the agency whenever the applicant:

(1) applies for service or assistance;

(2) applies for recertification or renewal of services or assistance; or

(3) submits a change of address form relating to the service or assistance;

unless the applicant declines in writing to register to vote.

As added by P.L.12-1995, SEC.27. Amended by P.L.3-1995, SEC.26; P.L.81-2005, SEC.2.

IC 3-7-18-3

Design of registration form

Sec. 3. The commission shall prescribe the design of the registration form to be used under this chapter.

As added by P.L.12-1995, SEC.27. Amended by P.L.3-1997, SEC.62.

IC 3-7-18-4

Requirements for registration form

Sec. 4. The registration form prescribed under section 3 of this chapter must meet the following requirements:

(1) The form must be equivalent to the mail registration form prescribed by the commission under IC 3-7-31 and in compliance with 42 U.S.C. 1973gg-5(a)(6)(A)(ii).

(2) The form must include a statement that does the following:

(A) Sets forth each eligibility requirement for registration (including citizenship).

(B) Contains an attestation that the applicant meets each of the eligibility requirements.

(C) Requires the signature of the applicant, under penalty of perjury, and the date the form was signed.

(3) The form must include the following as provided in 42 U.S.C. 1973gg-5(a)(6)(B):

(A) A question reading "If you are not registered to vote where you live now, would you like to apply to register to vote here today?".

(B) A statement reading "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.".

(C) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote.

(D) A statement in close proximity to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.".

(E) A statement reading "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.".

(F) A statement reading "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your political party or other political preference, you may file a complaint with (insert the title, address, and telephone number of the NVRA official). If you want you may first try to solve the problem by filing a complaint with the county voter registration office of the county where the violation occurred.".

As added by P.L.12-1995, SEC.27. Amended by P.L.3-1997, SEC.63.

IC 3-7-18-5

Contents of declination form

Sec. 5. If the form used by an applicant to decline to register to vote is on a separate form from the voter registration application, the declination form must contain the following:

(1) A statement reading "If you decline to register to vote, this is confidential, and can only be used for voter registration purposes.".

(2) A statement reading "If you decide to register to vote, information about the office at which you register is confidential, and can only be used for voter registration purposes.".

(3) A line for the signature of the person who declines to register to vote.

(4) A line for the date that the person declined to register to vote.

As added by P.L.12-1995, SEC.27.

IC 3-7-18-6

Declination to register

Sec. 6. An applicant who fails to check either box described in

section 4(3) of this chapter or to sign a separate declination form under section 5 of this chapter shall be considered to have declined to register.
As added by P.L.12-1995, SEC.27.

IC 3-7-18-7
Procedures for registration

Sec. 7. To register under this chapter, an individual must do the following while on the premises of the office:

(1) Complete the voter registration application prescribed under section 3 of this chapter.

(2) Present the application to an employee of the office.

As added by P.L.12-1995, SEC.27.

IC 3-7-18-8
Duties of employees in providing application

Sec. 8. An employee of the office who provides an individual with an application for assistance or services under this chapter shall do the following:

(1) Inform each individual who applies for assistance or services that the information the individual provides on the individual's voter registration application will be used to register the individual to vote unless:

(A) the individual is not eligible to vote;

(B) the individual declines to register to vote or fails to complete the voter registration part of the application; or

(C) answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).

(2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application unless the individual refuses assistance, as provided in 42 U.S.C. 1973gg-5(a)(4)(A)(ii).

(3) Check the completed voter registration form for legibility and completeness.

(4) Deliver the completed registration form to the office administrator (or the employee designated by the administrator to be responsible for voter registration services) for transmittal to the appropriate county voter registration office.

(5) Inform the individual that the individual will receive a mailing from the county voter registration office of the county where the individual resides concerning the disposition of the voter registration application.

As added by P.L.12-1995, SEC.27. Amended by P.L.2-1998, SEC.4; P.L.9-2004, SEC.8.

IC 3-7-18-9
Duties of employees if applicant registering to vote after twenty-ninth day before primary, general, municipal, or special election

Sec. 9. If an individual is registering to vote after the twenty-ninth

day before the date that a primary, general, municipal, or special election is scheduled in the precinct where the voter resides, the employee or volunteer of the office who provides an individual with an application for assistance or services under this chapter shall do the following:

(1) Inform the individual that office registration will not permit the individual to vote in the next election.

(2) Inform the individual of other procedures the individual may follow to vote in the next election.

As added by P.L.12-1995, SEC.27.

IC 3-7-18-10

Prohibited acts

Sec. 10. As provided in 42 U.S.C. 1973gg-5(a)(5), an employee or a volunteer of the office shall not do any of the following:

(1) Seek to influence an applicant's political preference or party registration.

(2) Display any political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(4) Make any statement to an applicant or take any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

As added by P.L.12-1995, SEC.27.

IC 3-7-18-11

Assistance in completing registration form required

Sec. 11. As provided in 42 U.S.C. 1973gg-5(a)(4)(A)(ii) and 42 U.S.C. 1973gg-5(a)(6)(C), an office designated under this chapter must offer the same degree of assistance in helping an applicant complete a voter registration form as the applicant receives from the agency in completing forms for assistance or services, unless the individual refuses assistance in completing the voter registration form.

As added by P.L.12-1995, SEC.27.

IC 3-7-18-12

Written acknowledgment of application; format

Sec. 12. Whenever an applicant completes a voter registration application under this chapter, the office shall provide the applicant with a written acknowledgment that the applicant has completed a voter registration application at the office. The acknowledgment:

(1) may be a detachable part of the registration form prescribed under section 3 of this chapter; and

(2) must set forth the name and residential address of the applicant and the date that the application was completed.

As added by P.L.12-1995, SEC.27.

IC 3-7-18-13
Submission of application to deputy registrar, circuit court clerk, or board of registration member not required

Sec. 13. An applicant who completes a voter registration application under this chapter is not required to submit the application to a circuit court clerk or board of registration member.
As added by P.L.12-1995, SEC.27. Amended by P.L.2-1996, SEC.32.

IC 3-7-18-14
Confidentiality of information

Sec. 14. Voter registration information received or maintained by an office under this chapter is confidential and may be used only for voter registration purposes as provided in this article and 42 U.S.C. 1973gg-5(a)(7).
As added by P.L.12-1995, SEC.27.

IC 3-7-18-15
Duty of office to forward registration application

Sec. 15. Unless the applicant refuses to permit the office to transmit the form to the circuit court clerk or board of registration of the county where the applicant resides, the office shall forward the voter registration application or declination to the clerk or board as provided in 42 U.S.C. 1973gg-5(a)(4)(A)(iii).
As added by P.L.12-1995, SEC.27. Amended by P.L.2-1997, SEC.6.

IC 3-7-18-16
Updating voter registration record

Sec. 16. A signed application under this chapter authorizes a circuit court clerk or board of registration to update the voter registration record of the applicant.
As added by P.L.12-1995, SEC.27.

IC 3-7-18-17
Notification to applicant of disposition

Sec. 17. The circuit court clerk or board of registration shall, upon receiving a completed application under section 15 of this chapter, notify the applicant of the disposition of the application in the manner prescribed under IC 3-7-33, and as required under 42 U.S.C. 1973gg-6(a)(2).
As added by P.L.12-1995, SEC.27.

IC 3-7-18-18
Designated individual

Sec. 18. The governing body of an agency designated under this chapter shall designate an individual to be responsible for performing the voter registration duties of the agency in each office of the agency where services are provided.
As added by P.L.12-1995, SEC.27.

IC 3-7-18-19
Guidelines for transmittal of voter registration application or declination form

Sec. 19. (a) As required under 42 U.S.C. 1973gg-5(d)(1), the designated individual shall transmit a copy of a completed voter registration application:

(1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

(b) The designated individual shall transmit a copy of the voter registration application (or a separate declination form) on which the applicant declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(c) The declination must be transmitted:

(1) to the circuit court clerk or board of registration of the county in which the applicant's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

As added by P.L.12-1995, SEC.27. Amended by P.L.3-1995, SEC.27.

IC 3-7-18-20
Repealed

(Repealed by P.L.3-1995, SEC.155.)

IC 3-7-18-21
Methods of transmittal

Sec. 21. A designated individual may use any of the following methods to transmit voter registration applications or declinations under section 19 of this chapter:

(1) Hand delivery to the county voter registration office.

(2) Delivery by the United States Postal Service, using first class mail.

(3) Electronic transfer, after approval by the commission.

As added by P.L.12-1995, SEC.27. Amended by P.L.3-1997, SEC.64; P.L.42-2011, SEC.1; P.L.76-2014, SEC.6.

IC 3-7-18-22
Guidelines for hand delivery

Sec. 22. If a designated individual transmits registration applications or declinations by hand delivery under section 21(1) of this chapter, the circuit court clerk or board of registration shall provide the individual with a receipt for the forms. The receipt must state the date and time of delivery, and the printed name and signature of the person who received the forms.

As added by P.L.12-1995, SEC.27.

IC 3-7-18-23
County addresses and telephone numbers to be provided

Sec. 23. (a) The NVRA official shall provide the governing body of an agency designated under this chapter with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of registration in each county. The governing body shall promptly forward the list (and each revision of the list) to each agency office where services are provided.

(b) The NVRA official shall provide the governing body with pre-addressed packets for agency offices to transmit applications under section 21(1) or 21(2) of this chapter.

As added by P.L.12-1995, SEC.27. Amended by P.L.2-1996, SEC.33.

IC 3-7-18-24
Notice; elections

Sec. 24. The NVRA official shall notify the governing body of the agency of the following:

(1) The scheduled date of each primary, general, municipal, and special election.

(2) The jurisdiction in which the election will be held.

As added by P.L.12-1995, SEC.27. Amended by P.L.2-1996, SEC.34.

IC 3-7-18-25
Agency addresses and telephone numbers to be provided

Sec. 25. The governing body of an agency designated under this chapter shall provide the NVRA official with a list stating the following:

(1) The address and telephone number of each agency office where voter registration services will be provided under this article.

(2) The name of each individual designated by the governing body to be responsible for performing voter registration duties under this chapter.

As added by P.L.12-1995, SEC.27. Amended by P.L.2-1996, SEC.35.

IC 3-7-19

Chapter 19. Registration in Board of Registration Offices

IC 3-7-19-1

Designation of voter registration office

Sec. 1. Each board of registration office that is not located in the same building as the principal office of the circuit court clerk or board of registration office is designated as a voter registration office under 42 U.S.C. 1973gg-5(a)(3).

As added by P.L.12-1995, SEC.28.

IC 3-7-19-2

Accepting and processing voter registration applications

Sec. 2. Except as provided in this chapter, the board of registration office shall accept and process voter registration applications as provided in IC 3-7-18.

As added by P.L.12-1995, SEC.28.

IC 3-7-19-3

Governing board

Sec. 3. For the purposes of this chapter, the county election board is the "governing body" under IC 3-7-18.

As added by P.L.12-1995, SEC.28.

IC 3-7-19-4

Submission of application

Sec. 4. An individual who registers to vote under this chapter must submit a voter registration application to a member or an employee of the board of registration.

As added by P.L.12-1995, SEC.28.

IC 3-7-19-5

Designated individual not required

Sec. 5. The governing body is not required to designate an individual to be responsible for performing the voter registration duties of the board.

As added by P.L.12-1995, SEC.28.

IC 3-7-19-6

Actions of employees or volunteers of county voter registration office

Sec. 6. As provided in 42 U.S.C. 1973gg-5(a)(5), an employee or volunteer of a county voter registration office may not do any of the following:

(1) Seek to influence an applicant's political preference or party registration.

(2) Display any political preference or party allegiance, including pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

(3) Make any statement to an applicant or take any action the

purpose or effect of which is to discourage the applicant from registering to vote.

(4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits.

As added by P.L.176-1999, SEC.21.

IC 3-7-20
Repealed

(Repealed by P.L.81-2005, SEC.35.)

IC 3-7-20.5

Chapter 20.5. Registration in Unemployment Compensation Offices

IC 3-7-20.5-1

Unemployment compensation office as voter registration office

Sec. 1. Each office of the department of employment and training services that provides assistance or services concerning unemployment compensation is designated as a voter registration office under 42 U.S.C. 1973gg-5.

As added by P.L.12-1995, SEC.30.

IC 3-7-20.5-2

Filing and submission of implementation plan

Sec. 2. Except as provided in this chapter, an office described by section 1 of this chapter shall accept and process voter registration applications as provided in IC 3-7-18.

As added by P.L.12-1995, SEC.30.

IC 3-7-20.5-3

Governing body

Sec. 3. For purposes of this chapter, the executive director of the department of employment and training services is the "governing body" under IC 3-7-18.

As added by P.L.12-1995, SEC.30.

IC 3-7-21

Chapter 21. Procedures for Designating Additional Voter Registration Offices; County NVRA Implementation Plans

IC 3-7-21-1

Purpose of chapter

Sec. 1. This chapter prescribes the procedure for designating additional federal and nongovernmental offices as voter registration agencies under 42 U.S.C. 1973gg-5(a)(3)(B)(ii).

As added by P.L.12-1995, SEC.31.

IC 3-7-21-2

Repealed

(Repealed by P.L.258-2013, SEC.30.)

IC 3-7-21-3

Repealed

(Repealed by P.L.258-2013, SEC.31.)

IC 3-7-21-4

Repealed

(Repealed by P.L.258-2013, SEC.32.)

IC 3-7-21-5

Repealed

(Repealed by P.L.258-2013, SEC.33.)

IC 3-7-21-5.5

Duration of designation of office as voter registration agency

Sec. 5.5. The designation of an office as a voter registration agency under a county NVRA implementation plan before July 1, 2013, remains in effect until otherwise ordered by the county election board.

As added by P.L.258-2013, SEC.34.

IC 3-7-21-6

Governing body; designation of voter registration agency; unanimous vote required

Sec. 6. (a) For the purposes of this chapter, the officer, board, entity, or agency that has the authority to enter into an agreement with the county election board is the "governing body" under IC 3-7-18.

(b) A county election board, by unanimous vote of its entire membership, may enter into an agreement to designate an office located within the county as a voter registration agency.

As added by P.L.12-1995, SEC.31. Amended by P.L.258-2013, SEC.35.

IC 3-7-21-7

Office to be provided

Sec. 7. An agreement under this chapter must provide for an office to accept and process voter registration applications as provided in IC 3-7-18.

As added by P.L.12-1995, SEC.31.

IC 3-7-22

Chapter 22. Mail Registration

IC 3-7-22-1

Purpose of chapter

Sec. 1. This chapter prescribes procedures for voter registration by mail as provided in 42 U.S.C. 1973gg-4 and 42 U.S.C. 15483.

As added by P.L.12-1995, SEC.32. Amended by P.L.209-2003, SEC.26; P.L.81-2005, SEC.3.

IC 3-7-22-2

Use of form prescribed by federal Election Assistance Commission

Sec. 2. As provided in 42 U.S.C. 1973gg-4(a)(1) and 42 U.S.C. 15483, a county voter registration office shall accept and use the mail voter registration form prescribed by the federal Election Assistance Commission under 42 U.S.C. 1973gg-7(a)(2).

As added by P.L.12-1995, SEC.32. Amended by P.L.209-2003, SEC.27; P.L.81-2005, SEC.4.

IC 3-7-22-3

Use of form prescribed by commission

Sec. 3. As provided in 42 U.S.C. 1973gg-4(a)(2) and 42 U.S.C. 15483, a county voter registration office shall accept and use a mail voter registration form prescribed by the commission that complies with 42 U.S.C. 1973gg-7(b)(2), 42 U.S.C. 15483, and this article.

As added by P.L.12-1995, SEC.32. Amended by P.L.3-1997, SEC.66; P.L.209-2003, SEC.28; P.L.81-2005, SEC.5.

IC 3-7-22-4

Information required

Sec. 4. (a) A mail registration form prescribed under section 3 of this chapter may only require information necessary to enable the county voter registration office to do the following:

(1) Assess the eligibility of the applicant, including the eligibility of the applicant under 42 U.S.C. 15483.

(2) Administer the voter registration and election process.

(b) The information required under subsection (a) may include the following:

(1) The signature of the applicant.

(2) Data relating to previous registration by the applicant.

(c) The form may not include any requirement for notarization or other formal authentication.

As added by P.L.12-1995, SEC.32. Amended by P.L.209-2003, SEC.29; P.L.81-2005, SEC.6.

IC 3-7-22-5

Content of mail registration form

Sec. 5. A mail registration form prescribed under section 3 of this chapter must meet the following requirements:

(1) The form must include a statement that does the following:

(A) Sets forth each eligibility requirement for registration (including citizenship).
(B) Contains an attestation that the applicant meets each of the eligibility requirements.
(C) Requires the signature of the applicant, under penalty of perjury.
(2) The form must include, in print that is identical to the print used in the attestation part of the application, information setting forth the penalties provided by law for submission of a false voter registration application.
(3) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.
(4) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be eighteen (18) years of age on or before election day.
(5) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under 42 U.S.C. 15483 must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

As added by P.L.12-1995, SEC.32. Amended by P.L.3-1997, SEC.67; P.L.209-2003, SEC.30; P.L.81-2005, SEC.7.

IC 3-7-22-6
Distribution of form

Sec. 6. (a) As provided in 42 U.S.C. 1973gg-4(b), the NVRA official shall make registration by mail forms available for distribution, with particular emphasis on organized voter registration programs.

(b) The NVRA official complies with subsection (a) by ensuring that a downloadable version of the current registration by mail form is published on the election division web site.

As added by P.L.12-1995, SEC.32. Amended by P.L.2-1996, SEC.39; P.L.3-1997, SEC.68; P.L.176-1999, SEC.23; P.L.81-2005, SEC.8.

IC 3-7-22-7
Repealed

(Repealed by P.L.199-2001, SEC.29.)

IC 3-7-22-8
Appearance in person not necessary

Sec. 8. An individual who is eligible to register under this article may register by mail without appearing in person before a circuit court clerk or board of registration.

As added by P.L.12-1995, SEC.32. Amended by P.L.2-1996, SEC.41.

IC 3-7-22-9

Acceptance of registration form

Sec. 9. A circuit court clerk or board of registration shall accept a registration by mail form for processing under this article whenever the form is presented by any of the following:

(1) The United States Postal Service.

(2) The individual registering by mail.

(3) A person presenting the form on behalf of the individual who is registering.

As added by P.L.12-1995, SEC.32.

IC 3-7-23
Repealed

(Repealed by P.L.64-2014, SEC.6.)

IC 3-7-24

Chapter 24. Distribution Sites for Mail Registration Forms

IC 3-7-24-1

Purpose of chapter

Sec. 1. This chapter provides for the distribution of mail registration forms in certain governmental and nongovernmental offices.

As added by P.L.12-1995, SEC.34.

IC 3-7-24-2

License branches

Sec. 2. Each license branch is a distribution site for registration by mail forms under IC 9-16-7.

As added by P.L.12-1995, SEC.34.

IC 3-7-24-3

Circuit court clerks' offices

Sec. 3. Each office of a circuit court clerk that does not provide voter registration services is a distribution site for registration by mail forms.

As added by P.L.12-1995, SEC.34.

IC 3-7-24-4

Township executives' offices

Sec. 4. Each office of a township executive is a distribution site for registration by mail forms.

As added by P.L.12-1995, SEC.34.

IC 3-7-24-5

Library as distribution site

Sec. 5. Each public library or county contractual public library established under IC 36-12 is a distribution site for registration by mail forms.

As added by P.L.12-1995, SEC.34. Amended by P.L.1-2005, SEC.52.

IC 3-7-24-6

State educational institutions

Sec. 6. Each state educational institution is a distribution site for registration by mail forms.

As added by P.L.12-1995, SEC.34. Amended by P.L.2-2007, SEC.11.

IC 3-7-24-7

Schools

Sec. 7. Each public secondary school is a distribution site for registration by mail forms.

As added by P.L.12-1995, SEC.34. Amended by P.L.81-2005, SEC.9.

IC 3-7-24-8

County extension educators' offices

Sec. 8. Each office of a county extension educator is a distribution site for registration by mail forms.
As added by P.L.12-1995, SEC.34.

IC 3-7-24-9
City clerks', city clerk-treasurers', or town clerk-treasurers' offices
Sec. 9. Each office of a city clerk, city clerk-treasurer, or town clerk-treasurer is a distribution site for registration by mail forms.
As added by P.L.12-1995, SEC.34. Amended by P.L.3-1995, SEC.33; P.L.81-2005, SEC.10.

IC 3-7-24-10
State offices
Sec. 10. (a) Each state office that:
(1) has significant contact with the public; and
(2) is not otherwise designated as a voter registration site under this article;
is a distribution site for registration by mail forms.
(b) The commission shall determine if a state office has significant contact with the public for purposes of this section.
As added by P.L.12-1995, SEC.34. Amended by P.L.2-1996, SEC.43.

IC 3-7-24-11
Offices of political subdivisions
Sec. 11. (a) Each office of a political subdivision that:
(1) has significant contact with the public; and
(2) is not otherwise designated as a voter registration site under this article;
is a distribution site for registration by mail forms.
(b) The county election board of the county in which the greatest percentage of the population of the political subdivision is located shall determine if an office has significant contact with the public for purposes of this section.
As added by P.L.12-1995, SEC.34. Amended by P.L.64-2014, SEC.7.

IC 3-7-24-12
Federal government offices
Sec. 12. (a) An office of the federal government may be designated as a distribution site for registration by mail forms.
(b) The NVRA official may enter into an agreement on behalf of the commission with an agency of the federal government to designate an office as a distribution site for registration by mail forms under this section.
(c) The circuit court clerk may enter into an agreement on behalf of the county election board with an agency of the federal government to designate an office as a distribution site for registration by mail forms under this section. A clerk that enters into an agreement under this subsection must provide the NVRA official with the following:
(1) A copy of the agreement.

(2) The address of the voter registration site.

(3) The name of the person responsible for voter registration services at the site.

(d) If the agreement under subsection (c) is revised or the information provided under subsection (c) changes, the clerk shall promptly provide the NVRA official with the revised agreement or changed information.

As added by P.L.12-1995, SEC.34. Amended by P.L.2-1996, SEC.44.

IC 3-7-24-13

Post offices

Sec. 13. (a) A United States Postal Service office may be designated as a distribution site for registration by mail forms.

(b) The NVRA official may enter into an agreement on behalf of the commission with the United States Postal Service to designate an office as a distribution site for registration by mail forms under this section.

(c) The circuit court clerk may enter into an agreement on behalf of the county election board with the United States Postal Service to designate an office as a distribution site for registration by mail forms under this section. A clerk that enters into an agreement under this subsection must provide the NVRA official with the following:

(1) A copy of the agreement.

(2) The address of the voter registration site.

(3) The name of the person responsible for voter registration services at the site.

(d) If the agreement under subsection (c) is revised or the information provided under subsection (c) changes, the clerk shall promptly provide the NVRA official with the revised agreement or changed information.

As added by P.L.12-1995, SEC.34. Amended by P.L.2-1996, SEC.45.

IC 3-7-24-14

Private secondary schools

Sec. 14. (a) A private secondary school located in Indiana may be designated as a distribution site for registration by mail forms.

(b) The NVRA official may enter into an agreement on behalf of the commission with the board of trustees of the private secondary school to designate the school as a distribution site for registration by mail forms under this section.

(c) The circuit court clerk may enter into an agreement on behalf of the county election board with the board of trustees of a private secondary school to designate the school as a distribution site for registration by mail forms under this section. A clerk that enters into an agreement under this subsection must provide the NVRA official with the following:

(1) A copy of the agreement.

(2) The address of the voter registration site.

(3) The name of the person responsible for voter registration services at the site.

(d) If the agreement under subsection (c) is revised or the information provided under subsection (c) changes, the clerk shall promptly provide the NVRA official with the revised agreement or changed information.

As added by P.L.12-1995, SEC.34. Amended by P.L.2-1996, SEC.46.

IC 3-7-24-15

Financial institutions

Sec. 15. (a) A financial institution (as defined in IC 28-1-1-3) may be designated as a distribution site for registration by mail forms.

(b) The NVRA official may enter into an agreement on behalf of the commission with the board of trustees of a financial institution to designate the financial institution as a distribution site for registration by mail forms under this section.

(c) The circuit court clerk may enter into an agreement on behalf of the county election board with the board of trustees of a financial institution to designate the financial institution as a distribution site for registration by mail forms under this section. A clerk that enters into an agreement under this subsection must provide the NVRA official with the following:

(1) A copy of the agreement.

(2) The address of the voter registration site.

(3) The name of the person responsible for voter registration services at the site.

(d) If the agreement under subsection (c) is revised or the information provided under subsection (c) changes, the clerk shall promptly provide the NVRA official with the revised agreement or changed information.

As added by P.L.12-1995, SEC.34. Amended by P.L.2-1996, SEC.47.

IC 3-7-24-16

Processing of forms by distributions sites not required

Sec. 16. An office with a distribution site for registration forms under this chapter is not required to do the following:

(1) Accept registration forms when completed.

(2) Mail or deliver the forms to a circuit court clerk or board of registration.

As added by P.L.12-1995, SEC.34.

IC 3-7-24-17

Notice

Sec. 17. Each office with a distribution site for registration forms under this chapter shall post a notice in a prominent location easily visible to members of the public. The notice must state substantially the following:

"VOTER REGISTRATION FORMS
AVAILABLE HERE

This office has forms that you can fill out to register to vote in Indiana.

If you live in Indiana and are not registered to vote where you live

now, and you want to register (or change your registration record), please take one of the forms.

If you cannot find a blank voter registration form in this office, ask us to give you a form.

You must take the form with you and mail or deliver the form to the voter registration office.

Applying to register or declining to register to vote will not affect the assistance or service that you will be provided by this office.".

As added by P.L.12-1995, SEC.34.

IC 3-7-25
Repealed

(Repealed by P.L.2-1996, SEC.297.)

IC 3-7-26
Repealed

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

IC 3-7-26.3

Chapter 26.3. Statewide Voter Registration List

IC 3-7-26.3-1

Repealed

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

IC 3-7-26.3-2

"Computerized list"

Sec. 2. As used in this chapter, "computerized list" refers to the statewide voter registration list established under section 3 of this chapter.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-3

Establishment of statewide voter registration list

Sec. 3. As required under 42 U.S.C. 15483, the secretary of state with the consent of the co-directors of the election division shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, and interactive statewide voter registration list under this chapter.

As added by P.L.209-2003, SEC.35. Amended by P.L.164-2006, SEC.12.

IC 3-7-26.3-4

Requirements for list; ownership of list; use of list

Sec. 4. (a) As required under 42 U.S.C. 15483, the computerized list must:

(1) be defined, maintained, and administered at the state level;

(2) contain the name and registration information of every voter in Indiana; and

(3) assign a unique identifier to each voter in Indiana.

(b) To ensure the proper maintenance and administration of the list under subsection (a)(1), the secretary of state and the election division are the owners of all property comprising the computerized list. Except as expressly provided by statute, the computerized list and each of its components must be used exclusively for voter registration and election administration and for no other purpose.

As added by P.L.209-2003, SEC.35. Amended by P.L.81-2005, SEC.11.

IC 3-7-26.3-4.5

Maintaining computerized list; agreement with county

Sec. 4.5. The state may enter into agreements with a county to use existing county property for purposes of maintaining the computerized list. If the county's equipment fails to perform properly in maintaining the computerized list, the state may cancel any existing agreement with the county and install additional state owned equipment in any county facility to ensure proper operation and maintenance of the computerized list.

As added by P.L.164-2006, SEC.13.

IC 3-7-26.3-5
List as single system to maintain voter registration information in Indiana

Sec. 5. In accordance with 42 U.S.C. 15483, the computerized list serves as:

(1) the single system for storing and managing the official list of voters throughout Indiana; and

(2) the official voter registration list for the conduct of all elections in Indiana.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-6
Coordination with other state agency data bases

Sec. 6. As required under 42 U.S.C. 15483, the computerized list must be coordinated with other agency data bases within Indiana.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-7
Electronic access to the list

Sec. 7. As required under 42 U.S.C. 15483, each county voter registration office, the election division, and the secretary of state must be able to obtain immediate electronic access to the information contained in the computerized list.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-8
Change of data in list; authority of county voter registration offices

Sec. 8. The computerized list must be formatted so that only the county voter registration office of a county may change data in the file concerning the voters registered in that county.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-9
Entry of voter registration information

Sec. 9. As required under 42 U.S.C. 15483, a county voter registration office must electronically enter all voter registration information obtained by the county voter registration office into the computerized list on an expedited basis at the time the information is provided to the county voter registration office.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-10
Support to county voter registration offices

Sec. 10. As required under 42 U.S.C. 15483, the secretary of state and the election division shall provide the support required for the county voter registration office to enter the information into the computerized list.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-11
List maintenance; removal of voters from the list

Sec. 11. As required under 42 U.S.C. 15483, the county voter registration office shall perform list maintenance with respect to the computerized list on a regular basis. The list maintenance activity required under this section includes the removal of an individual from the list when required by this article and NVRA following:

(1) the death of the individual;

(2) the individual's confirmation that the individual resides outside the county in which the individual is registered; or

(3) an inactive voter's failure to respond to a notice or otherwise act in accordance with 42 U.S.C. 1973gg-6 to require the voter's registration to be reclassified as active within the period prescribed by NVRA.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-12
Coordination of list with department of correction records

Sec. 12. As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list with the department of correction records concerning individuals disfranchised under IC 3-7-46.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-13
Coordination of list with state department of health records

Sec. 13. As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list with the state department of health concerning individuals identified as deceased under IC 3-7-45.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-14
Standards for list maintenance

Sec. 14. As required under 42 U.S.C. 15483, the computerized list maintenance performed under sections 11 through 13 of this chapter must ensure that:

(1) the name of each voter appears in the computerized list;

(2) only voters who are not eligible to vote are removed from the computerized list; and

(3) duplicate names of an individual voter are eliminated from the computerized list.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-15
Security of list

Sec. 15. As required under 42 U.S.C. 15483, the election division and each county voter registration office shall provide adequate technological security measures to prevent unauthorized access to the computerized list.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-16
Accuracy of list; updates

Sec. 16. As required under 42 U.S.C. 15483, the election division and each county voter registration office shall ensure that voter registration records are accurate and updated regularly.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-17
Removal of inactive voters from list

Sec. 17. As required under 42 U.S.C. 15483, the election division and each county voter registration office shall perform the list maintenance required under NVRA to ensure that inactive voters described in section 11(3) of this chapter and 42 U.S.C. 1973gg-6(d)(1)(B) are removed from the official list of eligible voters.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-18
Verification of information with bureau of motor vehicles; agreement to implement

Sec. 18. As required under 42 U.S.C. 15483, the secretary of state, the co-directors of the election division, and the bureau of motor vehicles commission shall enter into an agreement to match information in the computerized list data base with information in the data base of the bureau of motor vehicles commission to enable the election division (acting on behalf of the secretary of state) and the commission to verify the accuracy of the information provided on voter registration applications.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-19
Agreement between bureau of motor vehicles and Social Security Administration; information to be verified

Sec. 19. (a) As required under 42 U.S.C. 15483, the bureau of motor vehicles commission shall enter into an agreement with the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A) to verify information set forth on voter registration applications.

(b) The following information is subject to verification under this section:

(1) Whether the name (including the first name and any family forename or surname), date of birth (including month, day, and year), and Social Security number of an individual provided to the Commissioner of Social Security match the information contained in the Commissioner's records.

(2) Whether the individual is shown in the records of the Commissioner of Social Security as deceased.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-20
Requirements for agreement

Sec. 20. As required by 42 U.S.C. 15483, the agreement under section 19 of this chapter must include:

(1) safeguards to assure the maintenance of the confidentiality of any information disclosed to the bureau;

(2) procedures to permit the bureau to use the information to maintain the bureau's records; and

(3) procedures to permit the election division to coordinate the records of the computerized list established under this chapter with the bureau's data base as provided by section 6 of this chapter.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-21

Confidentiality of information; permissible uses of information

Sec. 21. As provided by 42 U.S.C. 15483, the information provided by the Commissioner of Social Security or by an individual to the bureau of motor vehicles is confidential. The information may be used only for the purposes described under 42 U.S.C. 15483 and sections 19 and 20 of this chapter.

As added by P.L.209-2003, SEC.35.

IC 3-7-26.3-22

List requirement; voter information

Sec. 22. The computerized list must contain at least the following information for each voter:

(1) The voter's voting history for at least the previous ten (10) years, if available, including the political party ballot requested by the voter at any primary election during the period.

(2) The source of the voter's registration application.

(3) A listing of all previous addresses at which the voter was registered to vote during at least the previous ten (10) years, if available.

(4) Information concerning the documentation submitted by the voter to comply with the requirements of HAVA.

(5) Documentation of all changes to the registration made by the voter.

(6) Documentation concerning all notices sent to the voter by the county voter registration office.

As added by P.L.14-2004, SEC.29.

IC 3-7-26.3-23

List requirement; absentee ballot management features

Sec. 23. The computerized list must include absentee ballot management features that do the following:

(1) Manage absentee ballots based on the type, eligibility, and status of the absentee voter.

(2) Permit the printing of absentee labels by group or date, or by individual for use by a voter voting in person at the county election board office.

(3) Permit the documentation of the date on which each

absentee ballot is issued and returned.

(4) Permit the printing of absentee ballot applications with voter registration information for the absentee ballot applicant.

As added by P.L.14-2004, SEC.30.

IC 3-7-26.3-24

List requirement; clerk transmittals to election division

Sec. 24. The computerized list must permit a circuit court clerk to transmit reports or statements to the election division under IC 3-6-5, this article, IC 3-8-3, or IC 3-12-5.

As added by P.L.14-2004, SEC.31. Amended by P.L.81-2005, SEC.12.

IC 3-7-26.3-25

List requirement; election and poll worker management features

Sec. 25. The computerized list must include election and poll worker management features such as whether poll workers served only part of an election day.

As added by P.L.14-2004, SEC.32.

IC 3-7-26.3-26

List requirement; disaster recovery plan

Sec. 26. The computerized list must provide fully synchronized backup and recovery with a well defined disaster recovery plan.

As added by P.L.14-2004, SEC.33.

IC 3-7-26.3-27

List requirement; signature digitizing features

Sec. 27. The computerized list must include signature digitizing features that have the ability to accept and maintain a scanned image of the voter's signature.

As added by P.L.14-2004, SEC.34.

IC 3-7-26.3-28

List requirement; street file management features

Sec. 28. The computerized list must include street file management features that do the following:

(1) Include an integral street file with automatic assignment to election districts and jurisdictions based on residence address location.

(2) Permit changing street names throughout a county or for specific areas within a county.

(3) Permit interfacing with geographic information systems.

(4) Permit comprehensive changes to reflect changes in legislative district or precinct boundary lines.

(5) Permit the accommodation of multiple place names within a single ZIP code area.

(6) Permit the tracking and management of data concerning polling place locations.

As added by P.L.14-2004, SEC.35.

IC 3-7-26.3-29

Required list voter registration management features; restriction of access to certain information

Sec. 29. (a) The computerized list must include voter registration management features that do the following:

(1) Automatically assign voter identification numbers in accordance with this title.

(2) Calculate the number of registered voters by precinct or any election district.

(3) Permit expedited web based inquiries concerning polling place locations.

(4) Track and report all voter list maintenance transactions performed within the system.

(5) Permit tracking regarding the political party ballot requested by voters voting in a primary.

(6) Generate a variety of reports on paper or disc format, such as walking lists, call lists, lists of voters by precinct, lists of voters by name, date of birth, or date of registration, and lists of voters by other household data.

(7) Identify voters who are currently less than eighteen (18) years of age.

(8) Permit electronic processing of voter registration information received as files from other state and federal agencies.

(9) Provide flexible query functions for management and statistical reports, including the ability of the secretary of state or a co-director of the election division to view individual voter registration records.

(10) Contain full audit controls and management reports to track and manage the work of county voter registration office employees, including the ability of the secretary of state or the co-directors of the election division to determine whether a county voter registration office is performing voter list maintenance functions in the manner required by IC 3-7.

(b) The reports and lists generated under subsection (a)(6) and (a)(7) may not contain any information described by IC 3-7-26.4-8(c), except when provided to a person who:

(1) is entitled to a complete compilation of the voter registration information; and

(2) has paid the annual fee required under IC 3-7-26.4 for the current calendar year.

As added by P.L.14-2004, SEC.36. Amended by P.L.258-2013, SEC.36.

IC 3-7-26.3-30

List requirement; help desk support feature

Sec. 30. The computerized list must include a help desk support feature, staffed by individuals who can provide assistance to county voter registration offices regarding the proper operation of the system.

As added by P.L.14-2004, SEC.37.

IC 3-7-26.3-31
List requirement; other features

Sec. 31. The computerized list must include features permitting the secretary of state or a co-director of the election division to include other features determined by the secretary of state and the co-directors of the election division.
As added by P.L.14-2004, SEC.38.

IC 3-7-26.3-32
List requirement; features for county with county voter registration office

Sec. 32. (a) This section applies to a county with a county voter registration office described in IC 3-5-2-16.2(1) or IC 3-5-2-16.2(2).

(b) The computerized list must permit a county election board to view data concerning voters of the county in order to do the following:

(1) Administer absentee balloting.

(2) Determine whether an individual who wishes to file as a candidate is a voter of the county.

As added by P.L.14-2004, SEC.39.

IC 3-7-26.3-33
Receipt of vote history and other information from electronic pollbooks; downloading images onto electronic pollbooks; other capabilities

Sec. 33. (a) The computerized list must have the capacity to receive vote history and other information from an electronic pollbook certified by the secretary of state under IC 3-11-18.1-12. This information must be able to be uploaded into the computerized list on each day after absentee voting concludes in the circuit court clerk's office, a satellite office, or a vote center, and after election day.

(b) The computerized list must have the capacity to transmit electronic images of the signature of a voter taken from the voter's registration application, if available, to be downloaded in connection with a voter's record on any electronic poll list certified by the secretary of state under IC 3-11-18.1-12.
As added by P.L.258-2013, SEC.37.

IC 3-7-26.4

Chapter 26.4. Statewide Voter Registration Information

IC 3-7-26.4-1

Application of chapter

Sec. 1. This chapter applies to the computerized list established under IC 3-7-26.3.

As added by P.L.81-2005, SEC.13. Amended by P.L.164-2006, SEC.14.

IC 3-7-26.4-2

Provision of part of compilation of list; conditions

Sec. 2. The election division may not provide any part of the compilation of the voter registration information contained in the computerized list except:

(1) as provided in IC 3-7-26.3 or this chapter;

(2) to perform voter list maintenance duties required by 42 U.S.C. 15483; or

(3) to redact voter registration information declared confidential under a court order or IC 5-26.5-2.

As added by P.L.81-2005, SEC.13.

IC 3-7-26.4-3

Provision of information to individual voter

Sec. 3. The election division shall provide information from the computerized list to an individual to permit the individual to confirm the voter registration status of the individual and the location of the polling place for the individual's precinct.

As added by P.L.81-2005, SEC.13.

IC 3-7-26.4-4

Provision of list information for list management and to other political, judicial, legislative, and media entities

Sec. 4. (a) The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29.

(b) Except as otherwise provided in this section, the parts and reports provided under this section may not include information described under section 8 of this chapter.

(c) The parts and reports may contain the information described in section 8 of this chapter if:

(1) the part or report is to be provided to an entity that:

(A) is described in section 6 of this chapter; and

(B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or

(2) the part or report is a purely statistical compilation that:

(A) includes the information described in section 8 of this chapter; and

(B) does not include any information:

(i) concerning an individual voter; or
(ii) that would permit the identification of an individual voter as a result of providing the compilation.

(d) The parts and reports provided under this section may not include the complete Social Security number of any individual.

As added by P.L.81-2005, SEC.13. Amended by P.L.225-2011, SEC.13.

IC 3-7-26.4-5
Parts and reports from list other than lists of registered voters

Sec. 5. The election division may provide parts and reports from the computerized list concerning information other than lists of registered voters.

As added by P.L.81-2005, SEC.13.

IC 3-7-26.4-6
Provision of complete list; entities permitted to receive

Sec. 6. Upon request, and not later than five (5) days after the request is filed with the election division, the election division shall provide a complete compilation of the voter registration information contained in the computerized list, including any format information or other information necessary to decode the data, to any of the following entities:

(1) The state committee of a major political party.
(2) The state organization of a bona fide political party that is not a major political party if the party has at least two (2) candidates on the ballot in the next election.
(3) The committee of an independent candidate for federal or state office if the candidate is on the ballot in the next general election.
(4) A member of the media for publication in a news broadcast or newspaper.
(5) The chief justice of the supreme court, for purposes of state administration of a jury management system.
(6) The clerk of the:
(A) United States District Court for the Northern District of Indiana; and
(B) United States District Court for the Southern District of Indiana;
for purposes of administration of a jury management system.
(7) Each of the following:
(A) The speaker of the house of representatives.
(B) The minority leader of the house of representatives.
(C) The president pro tempore of the senate.
(D) The minority leader of the senate.

As added by P.L.81-2005, SEC.13. Amended by P.L.64-2014, SEC.8.

IC 3-7-26.4-7
Notification of availability of compilation

Sec. 7. The election division shall promptly notify a person

described in section 6 of this chapter when the compilation requested by the person is available.
As added by P.L.81-2005, SEC.13.

IC 3-7-26.4-8
Information regarding individual voter; redaction of information

Sec. 8. (a) This section applies to a person other than a registered voter requesting information about the registered voter.

(b) After a person files a request with the election division for voter registration information compiled under this chapter, the election division shall provide a compilation of the information from the computerized list to the person, redacting the information described in subsection (c).

(c) The election division shall not provide information under this section concerning any of the following information concerning a voter:

(1) Date of birth.
(2) Gender.
(3) Telephone number or electronic mail address.
(4) Voting history.
(5) A voter identification number or another unique field established to identify a voter.
(6) The date of registration of the voter.

As added by P.L.81-2005, SEC.13.

IC 3-7-26.4-9
Request for information from list; execution of agreement

Sec. 9. A person who files a request for a compilation of the information contained in the computerized list with the election division under this chapter must execute an agreement with the election division on a form prescribed under IC 3-5-4-8.
As added by P.L.81-2005, SEC.13.

IC 3-7-26.4-10
Form of agreement; requirements

Sec. 10. The form described by section 9 of this chapter must state that the person receiving a compilation of information under this chapter may not:

(1) use the compilation to solicit for the sale of merchandise, goods, services, or subscriptions; or
(2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person (as defined in IC 5-14-3-2);

for a purpose other than political activities or political fundraising activities.
As added by P.L.81-2005, SEC.13.

IC 3-7-26.4-11
Publication of information from list in news report

Sec. 11. The publication of information obtained under this

chapter in a news broadcast or newspaper is not prohibited by this chapter.
As added by P.L.81-2005, SEC.13.

IC 3-7-26.4-12
Charge for obtaining complete compilation of list; updates of information; expiration of subscription

Sec. 12. (a) This section does not apply to the chief justice of the supreme court, the clerk of the United States District Court for the Northern District of Indiana, the clerk of the United States District Court for the Southern District of Indiana, or to a person described by section 8 of this chapter.

(b) Notwithstanding IC 5-14-3-8, the election division shall charge each person described by section 6 of this chapter an annual subscription fee of five thousand dollars ($5,000) to receive the following:

(1) A complete compilation of the voter registration information contained in the computerized list.

(2) Updates of the voter registration information made during the year covered by the fee.

(c) A subscription to the statewide voter registration system information expires on the first January 1 following the payment of the subscription fee.
As added by P.L.81-2005, SEC.13. Amended by P.L.164-2006, SEC.15; P.L.258-2013, SEC.38; P.L.64-2014, SEC.9.

IC 3-7-26.4-13
No charge for information provided from list to chief justice or voter

Sec. 13. (a) This section applies to the following:

(1) A registered voter requesting information about the registered voter.

(2) The chief justice of the supreme court who receives a complete compilation of voter registration information for the purpose described in section 6 of this chapter.

(b) The election division may not a charge a fee to a person who receives a compilation under this section.
As added by P.L.81-2005, SEC.13.

IC 3-7-26.7

Chapter 26.7. Online Voter Registration

IC 3-7-26.7-1

Application

Sec. 1. This chapter applies to an individual who:

(1) is eligible to register to vote under IC 3-7-13; and

(2) possesses a current and valid:

(A) Indiana driver's license issued under IC 9-24; or

(B) Indiana identification card for nondrivers issued under IC 9-24-16.

As added by P.L.120-2009, SEC.3.

IC 3-7-26.7-2

"Applicant"

Sec. 2. As used in this chapter, "applicant" means an individual who submits an application as provided in this chapter.

As added by P.L.120-2009, SEC.3.

IC 3-7-26.7-3

"Bureau"

Sec. 3. As used in this chapter, "bureau" refers to the bureau of motor vehicles created by IC 9-14-1-1.

As added by P.L.120-2009, SEC.3.

IC 3-7-26.7-4

Submission of voter registration application; effective date

Sec. 4. After June 30, 2010, an individual described in section 1 of this chapter may submit a voter registration application to a county voter registration office using the procedures set forth in this chapter.

As added by P.L.120-2009, SEC.3.

IC 3-7-26.7-5

Establishment of secure web site; requirements for web site

Sec. 5. (a) The secretary of state, with the consent of the co-directors of the election division, shall establish a secure Internet web site to permit individuals described in section 1 of this chapter to submit applications under this chapter.

(b) The secure web site established under subsection (a) must allow an individual described in section 1 of this chapter to submit:

(1) an application:

(A) for registration as a first time voter in Indiana; or

(B) to change the individual's name, address, or other information set forth in the individual's existing voter registration record; and

(2) information to establish that the applicant is eligible under section 1 of this chapter to register online.

As added by P.L.120-2009, SEC.3.

IC 3-7-26.7-6

Processing Internet application; bureau's duties

Sec. 6. (a) When an applicant submits an application described in section 5(b)(1) of this chapter by use of the secure Internet web site established under this chapter, the bureau shall compare the information submitted by the applicant with the information maintained in the bureau's data base listing individuals who possess a current and valid Indiana:

(1) driver's license; or

(2) identification card for nondrivers.

(b) If the bureau confirms that the applicant possesses a current and valid:

(1) Indiana driver's license issued under IC 9-24; or

(2) Indiana identification card for nondrivers issued under IC 9-24-16;

the completed application and information compiled by the bureau (including the digital signature of the applicant) shall be submitted to the county voter registration office in the county in which the applicant currently resides using the computerized statewide voter registration list maintained under IC 3-7-26.3.

(c) If the bureau is unable to confirm that the applicant possesses a current and valid:

(1) Indiana driver's license issued under IC 9-24; or

(2) Indiana identification card for nondrivers issued under IC 9-24-16;

the Internet web site must display a message advising the applicant to review and correct all errors, and that there was an error validating the driver's license or identification card entered by the applicant. The Internet web site may not permit the applicant to continue the registration process unless the bureau is able to confirm that the number entered belongs to an individual.

As added by P.L.120-2009, SEC.3. Amended by P.L.64-2014, SEC.10.

IC 3-7-26.7-7

Application of article to Internet applications

Sec. 7. Except as otherwise provided in this chapter, the county voter registration office shall process the application under this article.

As added by P.L.120-2009, SEC.3. Amended by P.L.1-2010, SEC.2.

IC 3-7-27

Chapter 27. County Voter Registration; Offices and Records Generally

IC 3-7-27-1

Registration record; affidavits and forms

Sec. 1. The registration affidavits or forms of each precinct are the registration record of all voters residing in and entitled to vote in the precinct. The registration record shall be compiled, amended, supplemented, and preserved as prescribed by this article.

As added by P.L.12-1995, SEC.37.

IC 3-7-27-2

Custody of property

Sec. 2. Each board of registration has custody of all registration facilities, equipment, supplies, forms, records (including the records of registered voters of the county), registration affidavits, and other property used in connection with the registration of voters of the county.

As added by P.L.12-1995, SEC.37.

IC 3-7-27-3

Offices

Sec. 3. The county executive shall provide each board of registration with suitable offices. The offices must be:

(1) located in the county courthouse or in a building easily accessible to the courthouse;

(2) easily accessible to the public; and

(3) adequate to meet the needs of the board.

As added by P.L.12-1995, SEC.37.

IC 3-7-27-4

Record keeping; methods

Sec. 4. A circuit court clerk or board of registration may:

(1) keep records by using electronic data processing equipment; and

(2) enter into contracts for this purpose.

As added by P.L.12-1995, SEC.37.

IC 3-7-27-5

Records unfit to be used

Sec. 5. If the registration records of a precinct are destroyed, mutilated, inaccessible, or for any other reasonable cause, unfit to be used, as determined by the county election board of the county in which the precinct is located, the circuit court clerk or board of registration shall conduct a registration of all voters residing in the precinct. Each voter who is a resident of the precinct must register as provided in this article.

As added by P.L.12-1995, SEC.37.

IC 3-7-27-6

Ensuring accuracy; implementation of programs; records; computerized registration information; fees; use of information

Sec. 6. (a) As required under 42 U.S.C. 1973gg-6(i), a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the following:

(1) Lists of names and addresses of voters who were sent notices under the voter list maintenance program.

(2) Information concerning whether a voter has responded to a notice described by subdivision (1) as of the date the inspection of the record is made.

(b) The county voter registration office shall retain the records described by this section for at least two (2) years. Except for records concerning declinations to register to vote or that indicate the identity of a voter registration agency where a person registered, the county voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.

(c) In accordance with IC 5-14-3-3(h) and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer disc or other similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information. Notwithstanding IC 5-14-3-8, the county election board may adopt a nondiscriminatory uniform fee for the production of this electronic record.

(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that the person will not:

(1) use the information to solicit merchandise, goods, services, or subscriptions; or

(2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;

for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

As added by P.L.12-1995, SEC.37. Amended by P.L.3-1997, SEC.82; P.L.209-2003, SEC.36; P.L.225-2011, SEC.14; P.L.258-2013, SEC.39.

IC 3-7-27-7

Active voter; determination

Sec. 7. The voter registration records must indicate whether a

person is an active voter. The circuit court clerk or board of registration is not required to compile separate lists of active and inactive voters.
As added by P.L.12-1995, SEC.37.

IC 3-7-27-8
Repealed
(Repealed by P.L.258-2013, SEC.40.)

IC 3-7-27-9
Repealed
(Repealed by P.L.258-2013, SEC.41.)

IC 3-7-27-10
Repealed
(Repealed by P.L.258-2013, SEC.42.)

IC 3-7-27-11
Repealed
(Repealed by P.L.3-1997, SEC.475.)

IC 3-7-27-12
Availability of information
Sec. 12. Except for information declared confidential under this article, the affidavits or forms must be available at reasonable times during regular office hours for inspection, transcription, and duplication, including photocopy duplication and microfilming, as provided in IC 5-14-3.
As added by P.L.12-1995, SEC.37.

IC 3-7-27-13
Repealed
(Repealed by P.L.3-1997, SEC.475.)

IC 3-7-27-14
Repealed
(Repealed by P.L.3-1997, SEC.475.)

IC 3-7-27-15
Storage of affidavits or forms
Sec. 15. (a) This section does not apply to a county acting in accordance with section 21.1 or 22 of this chapter.
(b) The county voter registration office shall keep all original affidavits or forms of registration (or duplicate affidavits or forms) securely arranged and maintained in the office.
As added by P.L.12-1995, SEC.37. Amended by P.L.3-1995, SEC.37; P.L.3-1997, SEC.83; P.L.164-2006, SEC.16; P.L.219-2013, SEC.8.

IC 3-7-27-16
Repealed

(Repealed by P.L.219-2013, SEC.9.)

IC 3-7-27-17
Municipalities

Sec. 17. The registration record used at any municipal primary or municipal election is that part of the registration record of the county in which the municipality is located.
As added by P.L.12-1995, SEC.37.

IC 3-7-27-18
Cancellation; entry into record

Sec. 18. When a registration is canceled for any reason prescribed in this chapter, the circuit court clerk or board of registration shall have a proper entry made on the voter registration record indicating the date and the cause for cancellation. The person who canceled the affidavits or forms shall also sign the affidavits or forms.
As added by P.L.12-1995, SEC.37.

IC 3-7-27-19
Cancellation; disposal of affidavit or form

Sec. 19. The original canceled affidavit or form shall be filed and preserved in the office of the clerk or board for the period required by this article and then transferred to the county commission of public records for disposal under IC 5-15-6-7.
As added by P.L.12-1995, SEC.37.

IC 3-7-27-20
Repealed

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

IC 3-7-27-20.1
Computerized systems; entry of information

Sec. 20.1. (a) The county voter registration office shall prepare an entry in the computerized system that accurately reflects the information set forth in the original affidavit of registration. However, the county voter registration office is required to enter a voter's voting history for the previous ten (10) years only if that history is available.

(b) The county voter registration office is not required to prepare a duplicate paper copy of a registration properly entered into the computerized system.
As added by P.L.209-2003, SEC.38. Amended by P.L.164-2006, SEC.17.

IC 3-7-27-20.2
Computerized system identifying documentation for voter submitting registration application by mail

Sec. 20.2. (a) The county voter registration office shall prepare an entry in the computerized system indicating:

(1) whether the applicant was required to provide

documentation under IC 3-7-33-4.5; and

(2) if so, whether the required documentation has been provided.

(b) If the documentation required under IC 3-7-33-4.5 has been provided, the entry must include the following:

(1) The date the documentation was filed with the county voter registration office.

(2) Whether the documentation was filed with the county voter registration office by:

(A) a precinct election board after the person voted in person at the polling place;

(B) the county election board after the person applied to cast an absentee ballot; or

(C) the applicant as part of the original filing of the application to register to vote, or in a subsequent filing received by the county voter registration office.

(3) A brief description of the type of documentation provided.

The election division shall provide each county voter registration office with a suggested coding system for identifying the types of documentation.

As added by P.L.14-2004, SEC.41. Amended by P.L.164-2006, SEC.18.

IC 3-7-27-21
Repealed

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

IC 3-7-27-21.1
Duplicate paper copies of registration information not required

Sec. 21.1. (a) The county voter registration office is not required to maintain duplicate paper copies of original registrations.

(b) Notwithstanding IC 5-15, a county voter registration office may dispose of duplicate paper copies of original registrations made before January 1, 2006, by destroying the duplicate paper copies.

As added by P.L.209-2003, SEC.40. Amended by P.L.164-2006, SEC.19.

IC 3-7-27-22
Maintenance of registration affidavits

Sec. 22. The county voter registration office may maintain the original affidavits of registration in a secure location outside the county voter registration office.

As added by P.L.3-1995, SEC.40. Amended by P.L.209-2003, SEC.41; P.L.164-2006, SEC.20.

IC 3-7-27-23
Repealed

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

IC 3-7-28

Chapter 28. County Voter Registration; Providing Records to Candidates and Parties

IC 3-7-28-1

Provision of information to county chairmen, candidates

Sec. 1. The county voter registration office shall provide voter registration information to certain county chairmen and candidates as provided in this chapter.

As added by P.L.12-1995, SEC.38. Amended by P.L.258-2013, SEC.43.

IC 3-7-28-2

Forwarding report of information upon request

Sec. 2. (a) This section does not apply to confidential information included on a voter registration application.

(b) A report containing information regarding all registration applications executed under this article during that part of a registration period ending sixty-five (65) days before a primary, general, or municipal election shall be forwarded not later than sixty (60) days before the election to the following upon request:

(1) Each of the county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party that has at least one (1) candidate on the ballot of the election.

(B) An independent candidate's committee if the candidate is on the ballot at the election.

As added by P.L.12-1995, SEC.38. Amended by P.L.258-2013, SEC.44.

IC 3-7-28-3

Forwarding reports upon request; confidential information

Sec. 3. (a) This section does not apply to confidential information included on a voter registration application.

(b) A report containing information regarding all registration applications executed under this article during that part of a registration period beginning sixty-five (65) days before a primary, general, or municipal election and ending twenty-nine (29) days before the election shall be forwarded daily and within forty-eight (48) hours of the date on which the report was originally made to the following upon request:

(1) Each of the county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party that has at least one (1) candidate on the ballot of the election.

(B) An independent candidate's committee if the candidate is on the ballot at the election.

As added by P.L.12-1995, SEC.38. Amended by P.L.258-2013,

SEC.45.

IC 3-7-28-4
List furnished to county chairmen of major political parties

Sec. 4. After the county election board receives a written request from the county chairman of a major political party, one (1) copy of the registered voter list prepared for the inspector of each precinct under IC 3-7-29-1 shall be furnished to the county chairman making the request. The copy shall be furnished to the county chairman as soon as the lists are prepared.

As added by P.L.12-1995, SEC.38. Amended by P.L.3-1997, SEC.86.

IC 3-7-28-5
List furnished upon request

Sec. 5. Upon written request and as soon as the list required by section 4 of this chapter is prepared, a copy of the list shall be furnished to the following:

(1) The county chairman of any political party that has at least one (1) candidate on the ballot in the next election.

(2) The committee of a candidate whose name will appear on the ballot in the next election.

(3) The county chairman of any other bona fide political party.

As added by P.L.12-1995, SEC.38. Amended by P.L.66-2003, SEC.7.

IC 3-7-28-6
Bona fide political parties; procedures to qualify

Sec. 6. To qualify as a bona fide political party under section 5 of this chapter, a political party must file a certification with the clerk of the circuit court of the county that the political party is a bona fide political party together with verifiable factual representations to support the certification.

As added by P.L.12-1995, SEC.38.

IC 3-7-28-7
Lists; additional copies

Sec. 7. Notwithstanding IC 5-14-3-3(f), additional copies of the registration lists prepared for the inspectors of each precinct shall be kept open to the public for inspection and copying in the same manner as other public records under IC 5-14-3 at the office of the circuit court clerk or board of registration as soon as the registration lists are completed.

As added by P.L.12-1995, SEC.38. Amended by P.L.261-2003, SEC.1.

IC 3-7-28-8
Voters receiving voter list maintenance notices; list furnished upon request

Sec. 8. The circuit court clerk or board of registration shall send a list of voters who are mailed voter list maintenance notices under this article to the following upon request:

(1) The county chairmen of the major political parties of the county.
(2) The chairman of the following:
(A) A bona fide political party of the county.
(B) An independent candidate's committee, if the independent candidate is on the ballot for the next election to be conducted in the county.
As added by P.L.12-1995, SEC.38.

IC 3-7-28-9
Master list showing cancellation of registration
Sec. 9. The circuit court clerk or board of registration shall, following the mailing of voter list maintenance notices under this article and the cancellation of a voter's registration under this article, prepare a master list of precincts showing all persons whose registrations have been canceled.
As added by P.L.12-1995, SEC.38.

IC 3-7-28-10
Master list showing cancellation of registration; furnishing copies
Sec. 10. The circuit court clerk or board of registration shall furnish copies of the master list, as described in section 9 of this chapter, to the following upon request:
(1) The county chairmen of the major political parties of the county.
(2) The chairman of the following:
(A) A bona fide political party of the county.
(B) An independent candidate's committee if the candidate is on the ballot for the next general election to be conducted in the county.
As added by P.L.12-1995, SEC.38.

IC 3-7-28-11
Master list showing cancellation of registration; time requirements
Sec. 11. The master list copies shall be prepared and furnished not later than fifteen (15) days after a voter's registration has been canceled under the voter list maintenance program.
As added by P.L.12-1995, SEC.38.

IC 3-7-28-12
Deceased persons; notice
Sec. 12. (a) Each county voter registration office shall send a list of the deceased persons whose registrations have been canceled to the following upon request:
(1) The county chairman of each major political party of the county.
(2) The chairman of the following:
(A) A bona fide political party of the county.
(B) An independent candidate's committee, if the candidate is on the ballot for the next election to be conducted in the

county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

As added by P.L.12-1995, SEC.38. Amended by P.L.225-2011, SEC.15.

IC 3-7-28-13

Disfranchised persons; notice

Sec. 13. (a) Each county voter registration office shall send a list of disfranchised voters whose registrations have been canceled to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next general election to be conducted in the county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

As added by P.L.12-1995, SEC.38. Amended by P.L.225-2011, SEC.16.

IC 3-7-28-14

Lists of canceled registrations; provision to county chairmen

Sec. 14. (a) Each county voter registration office shall provide a list of the names and addresses of all voters whose registrations have been canceled under this article to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee participating in a primary, general, or municipal election.

Upon request the county voter registration office shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

As added by P.L.12-1995, SEC.38. Amended by P.L.225-2011, SEC.17; P.L.219-2013, SEC.10.

IC 3-7-29

Chapter 29. County Voter Registration; Providing Records to Precinct Inspectors

IC 3-7-29-1

Applicability; list of registered voters; required information; false information Level 6 felony

Sec. 1. (a) Except as provided in subsection (f), this section does not apply to a county that:

(1) has adopted an order under section 6 of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(c) The lists must contain the following information concerning each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

(3) The assigned voter identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

(5) The date of birth of the voter, including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.

(6) The scanned signature of the voter.

(7) Whether the voter is required to provide an affirmation of the voter's residence.

(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.

(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.

(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement:

(1) by signing a poll list; or

(2) on a poll list concerning the individual's name, voter identification number, or residence address;

commits a Level 6 felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under section 6 of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll book; and

(2) indicates that an individual commits a Level 6 felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer concerning:

(A) the individual's name;

(B) the individual's voter identification number; or

(C) the individual's residence address.

As added by P.L.12-1995, SEC.39. Amended by P.L.209-2003, SEC.43; P.L.81-2005, SEC.14; P.L.271-2013, SEC.2; P.L.258-2013, SEC.46; P.L.64-2014, SEC.11.

IC 3-7-29-2

Applicability; use of list on election day by precinct election officers

Sec. 2. (a) This section does not apply to a county that:

(1) has adopted an order under section 6 of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) After the county election board receives a request from the county chairman of a major political party, not more than two (2) copies of the list required by this chapter shall be prepared and furnished to the inspector of the precinct for use at the polls on election day. The inspector may provide a list furnished under this section to any other precinct officer.

As added by P.L.12-1995, SEC.39. Amended by P.L.3-1997, SEC.87; P.L.271-2013, SEC.3.

IC 3-7-29-3

Supplies; certified copies of voter registration record

Sec. 3. (a) This section does not apply to a county that:

(1) has adopted an order under section 6 of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter and other necessary registration supplies.

As added by P.L.12-1995, SEC.39. Amended by P.L.3-1995, SEC.41; P.L.209-2003, SEC.44; P.L.164-2006, SEC.21; P.L.271-2013, SEC.4; P.L.258-2013, SEC.47.

IC 3-7-29-4

Applicability; providing scanned copies of voter signatures to inspectors

Sec. 4. (a) This section does not apply to a county that:

(1) has adopted an order under section 6 of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) The county voter registration office may also provide the inspector of each precinct in the county with a scanned copy of the signature on the affidavit of registration (or a more recent signature of the voter from an absentee application, poll list, or registration document) of each voter of the precinct for the comparison of signatures under IC 3-10-1-24.6 or IC 3-11-8-25.1.

As added by P.L.12-1995, SEC.39. Amended by P.L.209-2003, SEC.45; P.L.164-2006, SEC.22; P.L.271-2013, SEC.5; P.L.64-2014, SEC.12.

IC 3-7-29-5

Duties of inspector on election day

Sec. 5. The inspector shall have the record or copies and supplies at the polls on election day. The inspector shall return the registration record or copies and supplies at the same time when other election supplies and ballots are returned.

As added by P.L.12-1995, SEC.39.

IC 3-7-29-6

Electronic poll books; requirements for use; electronic signatures; download of information

Sec. 6. (a) If a county election board adopts an order to provide an electronic poll book to the inspector for use at a polling place, an office of the circuit court clerk (under IC 3-11-10-26), or at a satellite office established under IC 3-11-10-26.3, electronic poll books shall be used at an election (rather than certified poll lists prepared under this chapter) in all precincts in which the election is to be conducted.

(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll book at an election (rather than requiring voters to sign certified poll lists prepared under this chapter).

(c) The county voter registration office shall download the information required to be available on an electronic poll book before the electronic poll list is delivered and installed as required by IC 3-11-3-11(b).

(d) An electronic poll book used in a polling place, the office of a circuit court clerk under IC 3-11-10-26, or a satellite office established under IC 3-11-10-26.3, under an order adopted under subsection (a) must:

(1) comply with IC 3-11-8-10.3; and

(2) be approved by the secretary of state in accordance with the procedures set forth in IC 3-11-18.1-12.

As added by P.L.271-2013, SEC.6. Amended by P.L.258-2013, SEC.48; P.L.64-2014, SEC.13.

IC 3-7-30

Chapter 30. Voter Registration Record Confidentiality Requirements and Use Restrictions

IC 3-7-30-1

Records indicating identity of voter

Sec. 1. As required under 42 U.S.C. 1973gg-6(a)(6), the records of the statewide voter registration system or a county voter registration office indicating the identity of the voter registration agency through which an individual registered are confidential.

As added by P.L.12-1995, SEC.40. Amended by P.L.209-2003, SEC.46.

IC 3-7-30-2

Declination

Sec. 2. As provided in 42 U.S.C. 1973gg-3(c), the fact that an applicant declined to register at a license branch or at a voter registration agency is confidential.

As added by P.L.12-1995, SEC.40. Amended by P.L.14-2004, SEC.42.

IC 3-7-30-3

Driver's license

Sec. 3. A person shall not use information relating to the failure of an applicant for a driver's license to apply for voter registration for any purpose other than voter registration, as required under 42 U.S.C. 1973gg-3(b).

As added by P.L.12-1995, SEC.40. Amended by P.L.3-1997, SEC.88.

IC 3-7-30-4

Uses and prohibitions of registration list

Sec. 4. (a) This section applies to the following:

(1) A county chairman who receives a certified list of registered voters prepared for a precinct inspector under this article.

(2) A person who receives a list from a county chairman described in subdivision (1).

(b) A list received under subsection (a) may not be:

(1) disclosed by a person who receives the list under subsection (a) to a commercial entity for commercial purposes; or

(2) used by a commercial entity for commercial purposes.

(c) A person may:

(1) use information obtained under this section in connection with the preparation of a news broadcast or a publication in a newspaper; and

(2) publish information obtained under this section in a news broadcast or newspaper.

As added by P.L.12-1995, SEC.40.

IC 3-7-30-5

Prohibition of certain uses of information

Sec. 5. Certain uses of information from the statewide voter file are prohibited under IC 3-7-26.3.

As added by P.L.12-1995, SEC.40. Amended by P.L.209-2003, SEC.47; P.L.164-2006, SEC.23.

IC 3-7-30-6

Confidentiality of certain voter registration information

Sec. 6. Certain voter registration information in the statewide voter registration file maintained by the election division under IC 3-7-26.3 is confidential.

As added by P.L.12-1995, SEC.40. Amended by P.L.3-1997, SEC.89; P.L.209-2003, SEC.48; P.L.164-2006, SEC.24.

IC 3-7-31

Chapter 31. Registration Forms; Content

IC 3-7-31-1

Duties of commission

Sec. 1. (a) The commission shall prescribe the forms required or permitted under NVRA or this article.

(b) The election division shall make the forms available on the website maintained by the election division. A form must be made available so that an individual can download the form for completion.

As added by P.L.12-1995, SEC.41. Amended by P.L.2-1996, SEC.59; P.L.199-2001, SEC.10.

IC 3-7-31-2

Forms prescribed by commission

Sec. 2. Except as provided under section 3 of this chapter, the county voter registration office shall use the forms prescribed by the commission under section 1 of this chapter.

As added by P.L.12-1995, SEC.41. Amended by P.L.2-1996, SEC.60; P.L.258-2013, SEC.49.

IC 3-7-31-3

Modifications

Sec. 3. A county voter registration office may make minor modifications to registration forms to use the form in the county registration records after filing a copy of the modified form with the election division.

As added by P.L.12-1995, SEC.41. Amended by P.L.258-2013, SEC.50.

IC 3-7-31-4

Forms used to apply for registration

Sec. 4. (a) A form used to apply for registration at a license branch must comply with 42 U.S.C. 1973gg-3(c)(2) and 42 U.S.C. 1973gg-3(d).

(b) A form used to apply for registration at:

(1) a public assistance agency designated under IC 3-7-15;

(2) an agency serving persons with disabilities designated under IC 3-7-16;

(3) an additional office designated under IC 3-7-18 or IC 3-7-19; or

(4) an office of the department of employment and training services designated under IC 3-7-20.5;

must comply with 42 U.S.C. 1973gg-5(a)(6).

As added by P.L.12-1995, SEC.41. Amended by P.L.3-1997, SEC.90; P.L.2-1998, SEC.5; P.L.81-2005, SEC.15.

IC 3-7-31-5

Contents of forms; version of form that may be used

Sec. 5. (a) The registration forms prescribed under section 1 of this chapter must:

(1) provide for the residence address and the mailing address of the individual completing the forms;

(2) contain a statement that a notice of disposition of the person's registration application will be mailed to the mailing address of the individual;

(3) require the applicant to provide the applicant's voter identification number;

(4) after December 31, 2013, require an individual subject to IC 3-7-32-8 who receives a completed application from the applicant to state on the application the name and residence address of the individual and the date on which the individual received the application from the applicant, with this statement being certified to by the individual under the penalties for perjury; and

(5) after December 31, 2013, contain a receipt to be given by an individual subject to IC 3-7-32-8 to the applicant when the individual receives the completed application.

The receipt provided under subdivision (5) must state the name and residence address of the individual and the date on which the individual took custody of the application.

(b) Not later than August 1, 2013, the commission shall act under IC 3-5-4-8 to approve a voter registration form that complies with this section and IC 3-7-32. Any version of a form approved by the commission under section 1 of this chapter before August 1, 2013, may not be used after December 31, 2013, or accepted by a county voter registration office under IC 3-5-4-8.

As added by P.L.12-1995, SEC.41. Amended by P.L.3-1997, SEC.91; P.L.199-2001, SEC.11; P.L.258-2013, SEC.51.

IC 3-7-31-6
Repealed

(Repealed by P.L.199-2001, SEC.29.)

IC 3-7-31-7
Repealed

(Repealed by P.L.2-1996, SEC.297.)

IC 3-7-31-8
Duties of circuit court clerk or board of registration

Sec. 8. A circuit court clerk or board of registration shall provide a sufficient number of affidavits of registration for the registration of voters residing in the county. The clerk or board shall also prepare and provide all other supplies needed to permit the registration of voters as provided in this title.

As added by P.L.12-1995, SEC.41.

IC 3-7-32

Chapter 32. Registration Forms; Completion by Voters

IC 3-7-32-1

Execution of forms

Sec. 1. (a) Each voter shall execute an original registration form.

(b) An applicant's original registration form may not be signed by a person acting for the applicant under IC 30-5-5-14.

As added by P.L.12-1995, SEC.42. Amended by P.L.2-1996, SEC.61; P.L.81-2005, SEC.16.

IC 3-7-32-2

Method of signature

Sec. 2. A registration application must be signed:

(1) in indelible ink or indelible pencil; or

(2) with an electronic signature in a manner authorized under:

(A) IC 3-7-26.3 if submitted to a license branch under IC 3-7-14; or

(B) IC 3-7-26.7 (online voter registration).

As added by P.L.12-1995, SEC.42. Amended by P.L.14-2004, SEC.43; P.L.164-2006, SEC.25; P.L.120-2009, SEC.4.

IC 3-7-32-3

Repealed

(Repealed by P.L.2-1996, SEC.297.)

IC 3-7-32-4

Submission by fax or electronic transmission

Sec. 4. A voter may not submit a registration application by fax or an electronic transmission except:

(1) a voter who is an absent uniformed services voter or overseas voter submitting a registration application on the combined absentee registration form and absentee ballot request approved under 42 U.S.C. 1973ff(b);

(2) as provided in IC 3-7-26.3; or

(3) as provided in IC 3-7-26.7.

As added by P.L.12-1995, SEC.42. Amended by P.L.126-2002, SEC.23; P.L.14-2004, SEC.44; P.L.198-2005, SEC.1; P.L.164-2006, SEC.26; P.L.66-2010, SEC.1.

IC 3-7-32-5

Notice of disposition; acknowledgment

Sec. 5. (a) This section does not apply to a registration by mail form.

(b) Each voter applying to register at the county voter registration office shall, upon completing the voter registration form, receive a notice of disposition stating whether the voter's name has been added to the registration rolls if the application is approved.

(c) Each voter applying to register before a bureau of motor vehicles commission or voter registration agency shall, upon

completing the voter registration application form, receive a registration acknowledgement stating that the registration form will be forwarded to the appropriate county voter registration office so that the voter's name may be added to the registration rolls if the application is approved.
As added by P.L.12-1995, SEC.42. Amended by P.L.2-1996, SEC.62; P.L.3-1997, SEC.92.

IC 3-7-32-6
Repealed
(Repealed by P.L.2-1996, SEC.297.)

IC 3-7-32-7
Voter unable to execute application; person assisting voter
Sec. 7. (a) If the voter is unable to execute an original registration application in a manner authorized under section 1 of this chapter, the voter may procure another individual to assist with the execution of the application.
(b) If the voter is unable to sign the application, the person assisting the voter may write the voter's name in the space provided for the voter's signature. Unless the voter is physically unable to do so, the voter shall also make the voter's mark in the space provided for the voter's signature.
(c) The person assisting the voter with the execution of the application shall write the person's own name and residence address on the affidavit in the space indicated for that purpose.
As added by P.L.12-1995, SEC.42. Amended by P.L.258-2013, SEC.52.

IC 3-7-32-8
Applicability; when person who receives application from voters must file application; receipt of false, fictitious, or fraudulent application; statement; county election board action
Sec. 8. (a) This section does not apply to a voter registration application received by any of the following:
(1) An employee of a license branch:
(A) acting in accordance with IC 3-7-14; or
(B) who voluntarily:
(i) receives an application for voter registration by mail; and
(ii) forwards the application to a county voter registration office as part of the license branch's transmittal of other applications under IC 3-7-14.
(2) An employee of a public assistance agency:
(A) acting in accordance with IC 3-7-15; or
(B) who voluntarily:
(i) receives an application for voter registration by mail; and
(ii) forwards the application to a county voter registration office as part of the agency's transmittal of other

applications under IC 3-7-15.

(3) An employee of an agency serving persons with disabilities:

(A) acting in accordance with IC 3-7-16; or

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the agency's transmittal of other applications under IC 3-7-16.

(4) An employee of an office designated under IC 3-7-18:

(A) acting in accordance with that chapter; or

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the office's transmittal of other applications under IC 3-7-18.

(5) An employee of an office designated under IC 3-7-19:

(A) acting in accordance with that chapter; or

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the office's transmittal of other applications under IC 3-7-19.

(6) An employee of the office of the department of employment and training services:

(A) acting in accordance with IC 3-7-20.5; or

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the office's transmittal of other applications under IC 3-7-20.5.

(7) An employee of the United States Postal Service or a bonded courier company, acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company.

(8) A member of the applicant's household.

(9) An applicant's attorney in fact under IC 30-5-5-14.

(10) The election division acting in accordance with IC 3-7-33-3.7.

(11) A state agency or county voter registration office receiving an application through the online voter registration system under IC 3-7-26.7.

(12) A precinct election officer acting in the officer's official capacity under IC 3-6-6.

(13) A county voter registration officer acting in accordance with IC 3-7.

(b) A person who receives a completed application form shall file

the application with the appropriate county voter registration office or the election division not later than:

(1) noon ten (10) days after the person receives the application; or

(2) the deadline set by state law for filing the application with the county voter registration office;

whichever occurs first.

(c) If a person receives a completed voter registration application that the person has reason to believe is materially false, fictitious, or fraudulent, the person shall deliver the application to the appropriate county election board not later than the deadline set forth in subsection (b), with a statement sworn or affirmed to under the penalties for perjury, setting forth the reasons why the person believes the application may be materially false, fictitious, or fraudulent. The county election board shall act under IC 3-6-5-31 to determine if a violation of election law has occurred.

As added by P.L.258-2013, SEC.53. Amended by P.L.64-2014, SEC.14.

IC 3-7-33

Chapter 33. Registration Forms; General Procedures for Processing by Counties

IC 3-7-33-1

Applicability of chapter

Sec. 1. This chapter applies to the processing of registration forms by a county voter registration office.

As added by P.L.12-1995, SEC.43. Amended by P.L.81-2005, SEC.17.

IC 3-7-33-2

Repealed

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

IC 3-7-33-3

Acceptance not later than 29 days before election; driver's license application; voter registration agency

Sec. 3. (a) This section applies to a voter registration application that is:

(1) completed as part of a driver's license application under IC 3-7-14; or

(2) submitted at a voter registration agency under this article.

(b) As provided in 42 U.S.C. 1973gg-6(a)(1), an eligible applicant whose application is accepted by the bureau of motor vehicles or a voter registration agency not later than twenty-nine (29) days before the election shall be registered to vote in the election.

As added by P.L.12-1995, SEC.43.

IC 3-7-33-3.5

Effect of Internet application

Sec. 3.5. (a) This section applies to a voter registration application submitted online in accordance with IC 3-7-26.7.

(b) An eligible applicant who submits a complete application online in accordance with IC 3-7-26.7 not later than midnight on the twenty-ninth day before the election shall be registered to vote in the election.

As added by P.L.120-2009, SEC.5.

IC 3-7-33-3.7

Voter registration application submitted to election division; transmission of application to county voter registration office

Sec. 3.7. (a) This section applies to a voter registration application submitted to the election division in person or by mail.

(b) An eligible applicant:

(1) who submits a completed application; or

(2) on whose behalf a completed application is submitted;

in person to the election division not later than 5 p.m. on the twenty-ninth day before an election shall be registered to vote in the election.

(c) An eligible applicant:

(1) who submits a completed application; or

(2) on whose behalf a completed application is submitted;

by mail to the election division shall be registered to vote in the election, if the application is postmarked not later than the twenty-ninth day before the election. If a postmark on an application submitted by mail is missing or illegible, an eligible applicant shall be registered to vote in the election, if the application is received by the election division not later than the Monday following the close of the registration period.

(d) The election division shall promptly forward an application received under this section to the county voter registration office of the county where the applicant resides. However, the election division shall not transmit to a county voter registration office an application that cannot be processed during the period when registration is closed under IC 3-7-13-10 until at least seven (7) days after the date of the close of registration. The election division shall clearly identify the applications described by this subsection in the transmittal to the county voter registration office as "late registrations".

As added by P.L.225-2011, SEC.18. Amended by P.L.258-2013, SEC.54.

IC 3-7-33-4

Acceptance not later than 29 days before election; mail form; postmark

Sec. 4. (a) This section applies to a voter registration application submitted on a registration by mail form under IC 3-7-22.

(b) Except as provided in subsection (c), and as provided in 42 U.S.C. 1973gg-6(a)(1), an eligible applicant whose application is postmarked not later than twenty-nine (29) days before the election shall be registered to vote in the election.

(c) If a postmark on a registration by mail form is missing or illegible, an eligible applicant shall be registered to vote in the election if the form is received by the county voter registration office not later than the Monday following the close of the registration period before the election.

As added by P.L.12-1995, SEC.43. Amended by P.L.209-2003, SEC.50; P.L.14-2004, SEC.45.

IC 3-7-33-4.5

Voter registration application submitted by mail; identifying documentation; exceptions

Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if the application was received by the county voter registration office after December 31, 2002, and before January 1, 2006.

(b) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes:

(A) the individual's Indiana driver's license number; or

(B) the last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

(1) is not required to submit additional documentation under this section; or

(2) has provided the documentation required under this section;

the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the

applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

As added by P.L.209-2003, SEC.51. Amended by P.L.14-2004, SEC.46; P.L.164-2006, SEC.27; P.L.225-2011, SEC.19.

IC 3-7-33-5

Applicability; determination of eligibility and subsequent notice; pending applications; certificate of error; provisional ballot

Sec. 5. (a) This subsection does not apply to a voter who indicates:

(1) under IC 3-7-39-7 or on an absentee application submitted under IC 3-11-4 that the voter has changed the voter's residence to an address within the same precinct where the voter's former address was located; or

(2) under IC 3-7-41 or an absentee application submitted under IC 3-11-4 that the voter has changed the voter's name.

When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

(1) A statement that the application has been received.

(2) The disposition of the application by the county voter registration office.

(3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

(A) Except as provided under subsection (g), the applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

(4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may not include a voter identification number.

(e) The notice required by subsection (b) may include a voter registration card.

(f) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall determine that the applicant is ineligible and deny the application.

(g) During the seven (7) days following the mailing of the notice to the voter under this section, the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending. If the notice:

(1) is not returned by the United States Postal Service and received by the county voter registration office at; or

(2) is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;

the expiration of the seven (7) day period under subsection (c), the county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

(1) the seven (7) day period under subsection (c) expires before election day;

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g); and

(3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of error under IC 3-7-48 to note the addition of the voter to the certified list.

(i) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

(1) the seven (7) day period has not expired before election day; and

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a

provisional ballot.
As added by P.L.12-1995, SEC.43. Amended by P.L.3-1995, SEC.42; P.L.4-1996, SEC.20; P.L.122-2000, SEC.3; P.L.209-2003, SEC.52; P.L.81-2005, SEC.18; P.L.164-2006, SEC.28; P.L.14-2013, SEC.1; P.L.64-2014, SEC.15.

IC 3-7-33-5.5
Voter registration application received by county voter registration office after deadline; eligibility of applicant; notice to county election board

Sec. 5.5. (a) This section applies to a voter registration application that is received by a county voter registration office after the date specified for filing the application under IC 3-7-32-8.

(b) In determining the eligibility of the applicant, the county voter registration office may not reject the application solely on the ground that an individual who received the application from the applicant failed to comply with IC 3-7-32-8. However, the county voter registration office shall, not later than three (3) days after receipt of the application, provide notice of the apparent violation of IC 3-7-32-8 to the county election board for appropriate action under IC 3-6-5-31.
As added by P.L.258-2013, SEC.55.

IC 3-7-33-6
Removal from rolls

Sec. 6. As provided by 42 U.S.C. 1973gg-4(d), if:

(1) the county voter registration office mails a notice of the disposition of a voter registration application under section 5(b) of this chapter by nonforwardable mail; and

(2) the notice is returned as undeliverable, after the applicant is added to the registration rolls under section 5 of this chapter;

the county voter registration office may initiate steps to remove the voter from the registration rolls as provided in 42 U.S.C. 1973gg-6(d) and this article.
As added by P.L.12-1995, SEC.43. Amended by P.L.3-1995, SEC.43; P.L.3-1997, SEC.93; P.L.122-2000, SEC.4.

IC 3-7-33-7
Repealed

(Repealed by P.L.3-1995, SEC.157.)

IC 3-7-34

Chapter 34. Registration Forms; Special Procedures for Processing Incomplete or Incorrectly Filed Applications

IC 3-7-34-1

Applicability of chapter

Sec. 1. This chapter applies when a county voter registration office receives a registration form that is not properly completed under:

(1) IC 3-7 or 42 U.S.C. 15483; or

(2) is filed in an incorrect county.

As added by P.L.12-1995, SEC.44. Amended by P.L.209-2003, SEC.53; P.L.81-2005, SEC.19.

IC 3-7-34-1.5

"Incomplete" registration forms; determination

Sec. 1.5. (a) For purposes of this chapter, a registration form is "incomplete" if the applicant does not provide any of the following:

(1) The name of the applicant.

(2) The residence address of the applicant (other than the ZIP code).

(3) The mailing address of the applicant (other than the ZIP code), unless the applicant provides a residence address at which United States Postal Service mail delivery for the applicant can be received.

(4) The date of birth of the applicant.

(5) The voter identification number of the applicant or a statement that the applicant has no voter identification number.

(6) The applicant's response to the question, "Are you a citizen of the United States of America?".

(7) The applicant's response to the question, "Will you be at least eighteen (18) years of age on or before election day?".

(8) A map, description, or diagram sufficient to permit locating the voter's residence (if the applicant has no residence address with a street number or name included on this application).

(9) The signature of the applicant to the statement swearing or affirming that:

(A) the applicant meets the requirements for approval of the application;

(B) the information and all other statements on the application are true; and

(C) the applicant understands if the applicant signs the statement knowing that the statement is not true, the applicant is committing perjury, and understands the penalties for committing perjury.

(b) For purposes of this chapter, a registration form is "incomplete" if a person who received a completed application from the applicant does not provide any of the following:

(1) The name and residence address of the individual who received the application.

(2) The date on which the individual received the application from the applicant.

(3) The signature of the individual certifying this information.

As added by P.L.258-2013, SEC.56. Amended by P.L.64-2014, SEC.16.

IC 3-7-34-1.7
"Registration form"

Sec. 1.7. As used in this chapter, "registration form" includes an application for registration or a request to transfer the voter's registration to another address.

As added by P.L.81-2005, SEC.20.

IC 3-7-34-2
Duties of county voter registration office when registration application incomplete

Sec. 2. (a) This section applies when a county voter registration office receives a registration form that is not fully and properly completed so that the county voter registration office can:

(1) administer voter registration and other parts of the election process (as provided by 42 U.S.C. 1973gg-7); or

(2) determine if the applicant is eligible to register under this article, including when the applicant fails to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4).

(b) As required by 42 U.S.C. 15483, the county voter registration office shall promptly make:

(1) one (1) effort to contact the voter by mail if possible; and

(2) one (1) effort to contact the voter by telephone if a telephone number is listed.

As added by P.L.12-1995, SEC.44. Amended by P.L.209-2003, SEC.54; P.L.81-2005, SEC.21; P.L.258-2013, SEC.57.

IC 3-7-34-3
Processing incomplete voter registration application

Sec. 3. (a) This subsection applies to a registration form that is incomplete as a result of the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the county voter registration office obtains a written statement from the applicant:

(1) answering either or both of the questions that were not answered on the original form; and

(2) not later than the twenty-ninth day before the date of the next election following the date the form was filed;

the county voter registration office shall process the form under this article.

(b) This subsection applies to a registration application that is incomplete for a reason other than the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the county voter registration office obtains information under section 2(b)(1) of this chapter that permits the

county voter registration office to complete the registration form, the county voter registration office shall process the form under this article. If the county voter registration office obtains information under section 2(b)(2) of this chapter from the voter that permits the county voter registration office to complete the registration form, the county voter registration office shall document the information and process the form under this article.

As added by P.L.12-1995, SEC.44. Amended by P.L.209-2003, SEC.55; P.L.81-2005, SEC.22.

IC 3-7-34-4

Applicability; certification of incomplete forms to board; rejection

Sec. 4. (a) This section does not apply to an absent uniformed services voter who submits a registration application less than ten (10) days before the election under IC 3-7-36.

(b) Not later than ten (10) days before the election, the county voter registration office shall certify to the county election board a list of the registration forms that remain incomplete after the effort made under section 2 of this chapter and that do not permit the county voter registration office to determine if the applicant is eligible to register under this article. Upon certification, the county voter registration office shall reject the applications.

As added by P.L.12-1995, SEC.44. Amended by P.L.81-2005, SEC.23; P.L.64-2014, SEC.17.

IC 3-7-34-4.5

Voter registration application lacking information to be supplied by individual who received application; contact voter and individual who received application; effect of lack of information; notice to county election board

Sec. 4.5. (a) This section applies to an application that is incomplete under section 1.5(b) of this chapter.

(b) If the application contains all the information required to be supplied by the voter, but does not include:

(1) information required to be supplied by an individual who received the completed application from the voter; or

(2) the signature of that individual;

the county voter registration office shall promptly make one (1) effort to contact the individual who received the completed application from the voter, if possible, and one (1) effort to contact the voter to obtain the missing information or the signature in the case of the individual who received the completed application from the voter. For purposes of this subsection, "effort" refers to the activities described in section 2(b) of this chapter.

(c) The county voter registration office shall process the application under this article if the county voter registration office:

(1) obtains the information or signature; or

(2) cannot obtain the information or signature of the individual who had custody of the application and the application is otherwise complete.

(d) In determining the eligibility of the applicant, the county voter registration office may not reject the application solely on the ground that the individual who received the completed application from the voter failed to complete the application with the information or signature described in section 1.5(b) of this chapter. However, the county voter registration office shall, not later than three (3) days after receipt of the application, provide notice of the failure to properly complete the application to the county election board for appropriate action under IC 3-6-5-31.
As added by P.L.219-2013, SEC.11. Amended by P.L.64-2014, SEC.18.

IC 3-7-34-5
Effort to be made to obtain missing information

Sec. 5. (a) If a registration form contains all of the information required to be supplied by the voter, but does not include the information required to be supplied by the bureau of motor vehicles commission, the county voter registration office shall promptly make one (1) effort to contact the commission to obtain the information.

(b) If the information is not obtained from the commission under subsection (a) not later than seven (7) days after the county voter registration office provides the notice, the county voter registration office shall notify the NVRA official. The NVRA official shall contact the commission to request that the information be provided to the county voter registration office or that the commission file a statement with the county voter registration office indicating why the information is not available.
As added by P.L.12-1995, SEC.44. Amended by P.L.2-1996, SEC.63; P.L.209-2003, SEC.56; P.L.164-2006, SEC.29; P.L.64-2014, SEC.19.

IC 3-7-34-6
Processing of forms

Sec. 6. If the county voter registration office obtains the information under section 5 of this chapter required to complete the form, the county voter registration office shall process the form under this article. If the county voter registration office cannot obtain the information under section 5 of this chapter and the form is otherwise complete, the county voter registration office shall process the form under this chapter.
As added by P.L.12-1995, SEC.44. Amended by P.L.81-2005, SEC.24.

IC 3-7-34-7
Certification of processed incomplete forms; notice to supply omitted information

Sec. 7. (a) The county voter registration office shall certify to the NVRA official on an expedited basis a list of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor

vehicles commission or a voter registration agency.

(b) The NVRA official shall notify the commission or agency that the commission or agency is required to supply the omitted information on an expedited basis to the county voter registration office.

As added by P.L.12-1995, SEC.44. Amended by P.L.2-1996, SEC.64; P.L.81-2005, SEC.25; P.L.225-2011, SEC.20.

IC 3-7-34-8

Notice of noncompliance

Sec. 8. The county election board shall notify the NVRA official if an officer, a commission, or an agency does not comply with section 7 of this chapter.

As added by P.L.12-1995, SEC.44. Amended by P.L.2-1996, SEC.65.

IC 3-7-34-9

Forwarding forms to proper county

Sec. 9. (a) This section applies when a county voter registration office receives a registration form for a voter whose address is:

(1) located in Indiana; and

(2) not located in the county where the county voter registration office is located.

(b) The county voter registration office shall deliver or mail the registration form described in subsection (a) on an expedited basis to the county voter registration office of the county in which the voter resides. To comply with this subsection, the county voter registration office may forward an optically scanned image of the voter registration form to the county voter registration office of the county in which the voter resides and subsequently forward the original copy of the form to the county voter registration office.

(c) The county voter registration office of the county in which the voter resides shall process the registration form and register the voter under this article if the registration:

(1) was received by the original county voter registration office or accepted by the bureau of motor vehicles or a voter registration agency during the registration period specified under IC 3-7-13-10; or

(2) is a registration by mail form received in compliance with IC 3-7-33-4.

As added by P.L.12-1995, SEC.44. Amended by P.L.2-1996, SEC.66; P.L.81-2005, SEC.26.

IC 3-7-34-10

Election division to forward forms to county voter registration office

Sec. 10. Whenever the election division receives authorization to cancel a registration for a resident of a county in Indiana, the election division shall forward the cancellation on an expedited basis to the county voter registration office. To comply with this section, the election division may forward an optically scanned image of the

cancellation to the county voter registration office and subsequently forward the original copy of the cancellation to the county voter registration office.
As added by P.L.12-1995, SEC.44. Amended by P.L.2-1996, SEC.67; P.L.3-1997, SEC.94; P.L.81-2005, SEC.27.

IC 3-7-34-11
Clerk to forward forms to county board

Sec. 11. (a) This section applies to a county with a board of registration.

(b) If the circuit court clerk receives a registration form for a resident of the county, the clerk shall promptly forward the form to the board of registration.
As added by P.L.12-1995, SEC.44.

IC 3-7-34-12
Reproduction of incompatible forms

Sec. 12. If the registration form is not compatible with the county's voter registration files of original voter registration affidavits, the county voter registration office may reproduce the form for the county's system and retain the original form to document the registration.
As added by P.L.12-1995, SEC.44. Amended by P.L.209-2003, SEC.57; P.L.164-2006, SEC.30.

IC 3-7-34-13
Forms received after preparation of list or download to electronic poll books

Sec. 13. (a) If a registration form complies with section 9(c) of this chapter and is received after the certified list has been prepared under IC 3-7-29 or the information required to be available on an electronic poll list has been downloaded onto an electronic poll book for use on election day, the county voter registration office shall:

(1) process the form in accordance with IC 3-7-33-5; and
(2) if the registration application is approved, issue a certificate of error under IC 3-7-48.

(b) If a registration form does not comply with section 9(c) of this chapter, the county voter registration office shall process the form in accordance with IC 3-7-13-12.
As added by P.L.12-1995, SEC.44. Amended by P.L.81-2005, SEC.28; P.L.64-2014, SEC.20.

IC 3-7-35

Chapter 35. Registration Forms; Special Procedures for Processing Applications From Persons Less Than 18 Years of Age

IC 3-7-35-1

Applicability of chapter

Sec. 1. This chapter applies when a circuit court clerk or board of registration receives a registration form from an individual who is eligible to register under this article but is less than eighteen (18) years of age.

As added by P.L.12-1995, SEC.45.

IC 3-7-35-2

Repealed

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

IC 3-7-35-2.1

Generation of poll lists

Sec. 2.1. The county voter registration office shall generate a poll list for the precinct where the voter resides that does not include the name of a voter unless the voter will be:

(1) at least eighteen (18) years of age when the election is conducted; or

(2) eligible to vote in the election under this article.

As added by P.L.209-2003, SEC.59. Amended by P.L.164-2006, SEC.31.

IC 3-7-35-3

Repealed

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

IC 3-7-35-3.1

Generation of jury lists

Sec. 3.1. The county voter registration office shall generate information to be used in the compilation of a jury list that does not include the name of a voter unless the voter will be at least eighteen (18) years of age when the jury is empaneled.

As added by P.L.209-2003, SEC.61. Amended by P.L.164-2006, SEC.32.

IC 3-7-35-4

Repealed

(Repealed by P.L.38-1999, SEC.73.)

IC 3-7-36

Chapter 36. Special Registration Procedures for Military Voters and Overseas Voters

IC 3-7-36-1

Applicability of chapter

Sec. 1. This chapter applies to absent uniformed services voters and overseas voters.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-2

Signatures in presence of person authorized to administer oath not required

Sec. 2. A voter described in section 1 of this chapter who wants to:

(1) vote by absentee ballot under IC 3-11-4; and

(2) execute an affidavit or a form for voter registration;

is not required to sign the affidavit or form in the presence of a person authorized to administer an oath, and the affidavit or form need not be signed by such a person.

As added by P.L.12-1995, SEC.46. Amended by P.L.126-2002, SEC.24.

IC 3-7-36-3

Additional signatures not required; false statements

Sec. 3. The circuit court clerk or board of registration shall inform the voter that no signature other than that of the voter is required on the affidavit or form and that a voter who makes a false statement on the affidavit or form is subject to the penalties for perjury.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-4

Person designated to sign

Sec. 4. If the voter is unable to sign or mark the registration form due to disability, any person designated by the voter may sign the voter's name on the form in the presence of the voter.

As added by P.L.12-1995, SEC.46.

IC 3-7-36-5

Delivery of affidavit to voter after receipt of application; effectiveness of registration

Sec. 5. (a) This section does not apply to a voter who files a combined absentee registration form and absentee ballot request.

(b) When a county voter registration office receives an application for registration from an absent uniformed services voter or an overseas voter, the office shall promptly mail or deliver to the applicant the affidavit prescribed by this title for the registration of a voter. The county voter registration office shall transmit the voter registration application to the applicant by electronic mail or fax if:

(1) requested by the applicant; and

(2) the applicant provides an electronic mail address or a fax number that permits the county voter registration office to send an application not later than the end of the first business day after the county voter registration office receives the communication from the voter.

If the electronic mail address or the fax number provided by the voter does not permit the county voter registration office to send the voter an application not later than the end of the first business day after the county voter registration office receives the communication, the county voter registration office shall send the application to the voter by United States mail.

(c) When the properly executed and certified affidavit is returned to the voter registration office and approved under this article, the applicant becomes a registered voter in the precinct of residence.

As added by P.L.12-1995, SEC.46. Amended by P.L.126-2002, SEC.25; P.L.66-2010, SEC.2.

IC 3-7-36-6

Procedures upon receipt of application for absentee ballot

Sec. 6. (a) This section does not apply to a voter who files a combined absentee registration form and absentee ballot request.

(b) When a board of registration receives an application for registration under section 5 of this chapter and a request for an absentee ballot application, the board shall promptly deliver the applicant's request to the circuit court clerk for the mailing of an application for an absentee ballot.

As added by P.L.12-1995, SEC.46. Amended by P.L.66-2010, SEC.3.

IC 3-7-36-7

Duties of election division when receiving application

Sec. 7. (a) If the election division receives an application for registration from an absent uniformed services voter or an overseas voter under this chapter, the election division shall promptly forward the application to the county voter registration office of the county where the applicant resides according to the address on the application.

(b) If the application is a combined application for voter registration and an application for an absentee ballot, the election division shall promptly forward the application to the county voter registration office.

As added by P.L.12-1995, SEC.46. Amended by P.L.3-1997, SEC.95; P.L.66-2010, SEC.4.

IC 3-7-36-8

Transmission of absentee ballot application upon receipt of request for application

Sec. 8. (a) This section does not apply to a combined absentee registration and request for an absentee ballot.

(b) When a circuit court clerk receives a request for an absentee ballot application, the clerk shall promptly mail the absentee ballot

application (or transmit the application to the voter by electronic mail or fax if requested by the voter).
As added by P.L.12-1995, SEC.46. Amended by P.L.66-2010, SEC.5.

IC 3-7-36-9
Clerk to forward application to board of registration; recording information; transmission of absentee ballot application

Sec. 9. (a) If a voter registration application is delivered to the circuit court clerk in a county where there is a board of registration, the clerk shall promptly deliver to the board the application requesting registration.

(b) If the application is a combined application for registration and an application for an absentee ballot, the clerk shall record the name, address, and other necessary information for the use of the county election board or board of elections and registration in mailing an application for an absentee ballot.

(c) The requested application for an absentee ballot shall be mailed or transmitted to the applicant by electronic mail or fax if:

(1) requested by the applicant; and

(2) the applicant provides an electronic mail address or a fax number that permits the board to send an application not later than the end of the first business day after the board receives the communication from the voter.

If the electronic mail address or fax number provided by the applicant does not permit the board to send the application not later than the end of the first business day after the board receives the communication, the board shall send the application by United States mail.

(d) The clerk shall promptly deliver a combined application to the board. The board shall promptly mail the registration application to the applicant at the address appearing on the application submitted by the applicant or transmit the application to the applicant by electronic mail or fax if:

(1) requested by the applicant; and

(2) the applicant provides an electronic mail address or a fax number that permits the board to send an application not later than the end of the first business day after the board receives the communication from the voter.

If the electronic mail address or fax number provided by the applicant does not permit the board to send the application not later than the end of the first business day after the board receives the communication, the board shall send the application by United States mail.
As added by P.L.12-1995, SEC.46. Amended by P.L.66-2010, SEC.6.

IC 3-7-36-10
Processing of affidavit or form

Sec. 10. (a) The county voter registration office shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period

or during the period beginning on the twenty-ninth day before the election and ending on the eighth day before the election.

(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.

As added by P.L.12-1995, SEC.46. Amended by P.L.225-2011, SEC.21; P.L.76-2014, SEC.7.

IC 3-7-36-11
Repealed

(Repealed by P.L.219-2013, SEC.12.)

IC 3-7-36-12
Repealed

(Repealed by P.L.126-2002, SEC.93.)

IC 3-7-36-13
Repealed

(Repealed by P.L.126-2002, SEC.93.)

IC 3-7-36-14
Registration of absent uniformed services voters beginning after ninth day before election

Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

(1) beginning on the seventh day before election day; and

(2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period applicable to the voter under this chapter and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the county voter registration office:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the eighth day before election day, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the eighth day before election day, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

(1) Complete an application for an absentee ballot.

(2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

(1) Certify in writing that the voter registered under this section.

(2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

As added by P.L.126-2002, SEC.27. Amended by P.L.14-2004, SEC.47; P.L.219-2013, SEC.13; P.L.76-2014, SEC.8.

IC 3-7-37

Chapter 37. Special Registration Procedures for Homeless or Mobile Voters

IC 3-7-37-1

Mailing address for individual with nontraditional residence

Sec. 1. If the United States Postal Service does not deliver mail directly to an individual with a nontraditional residence in the precinct where the individual resides, the individual may use a mailing address within a precinct in the county to complete the registration affidavit and to provide an address for the mailing of notices under this article. However, if the person uses a mailing address under this section, the registration affidavit must also state the precinct in which the individual with a nontraditional residence resides.

As added by P.L.12-1995, SEC.47.

IC 3-7-37-2

Designation of registration in permanent registration record

Sec. 2. The circuit court clerk or board of registration shall designate each registration by an individual with a nontraditional residence in the permanent registration record of the precinct.

As added by P.L.12-1995, SEC.47.

IC 3-7-38
Repealed

(Repealed by P.L.4-1996, SEC.108.)

IC 3-7-38.1
Repealed

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

IC 3-7-38.2

Chapter 38.2. Voter List Maintenance Programs

IC 3-7-38.2-1

Removal of ineligible voters from lists

Sec. 1. As required under 42 U.S.C. 1973gg-6(a)(4), the NVRA official and each county voter registration office shall conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters due to a change of residence of the voter.

As added by P.L.3-1997, SEC.104. Amended by P.L.258-2013, SEC.58.

IC 3-7-38.2-2

Requirements for voter list maintenance programs; county voter registration office voter list maintenance programs; inactive voters, criteria for determining; removal of voter registration record

Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

(1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);

(2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and

(3) be completed not later than ninety (90) days before a primary, general, or municipal election.

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

(1) listed in the voter's registration record; and

(2) determined by the county voter registration office not to be the voter's current residence address.

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

(1) The United States Postal Service National Change of Address Service.

(2) A court regarding jury duty notices returned because of an unknown or insufficient address.

(3) The return of a mailing sent by the county voter registration office to all active voters (as defined in IC 3-11-18.1-2) in the county because of an unknown or insufficient address.

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(5) The return by the United States Postal Service after the

expiration of the seven (7) day pending period of a notice regarding the disposition of a voter registration application under IC 3-7-33-5 because of an unknown or insufficient address.

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

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

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

(2) include a postage prepaid return card that:

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

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

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

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

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

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

(f) If a voter returns the card described in subsection (d)(2) after the final day for completing voter list maintenance activities under section 3 of this chapter, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any update or cancellation of the voter registration record indicated on the card by the voter under subsection (e). If a card is returned as undeliverable due to an unknown or insufficient address by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, then designate the voter as inactive.

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

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

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

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

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

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

As added by P.L.3-1997, SEC.104. Amended by P.L.209-2003, SEC.63; P.L.14-2004, SEC.49; P.L.164-2006, SEC.33; P.L.1-2007, SEC.1; P.L.258-2013, SEC.59; P.L.64-2014, SEC.21.

IC 3-7-38.2-3

Removal of name from registration record during 90 day period before election

Sec. 3. As provided under 42 U.S.C. 1973gg-6(c)(2)(B)(i), this chapter does not prevent the removal of a voter's name from the voter registration record during the final ninety (90) day period before a primary, general, or municipal election due to any of the following in accordance with this article:

(1) The written request of the voter.

(2) Disenfranchisement due to criminal conviction and incarceration.

(3) The death of the voter.

As added by P.L.3-1997, SEC.104. Amended by P.L.209-2003, SEC.64; P.L.164-2006, SEC.34.

IC 3-7-38.2-4

Correction of registration records

Sec. 4. As provided under 42 U.S.C. 1973gg-6(c)(2)(B)(ii), this chapter does not prevent the correction of voter registration records under this article.

As added by P.L.3-1997, SEC.104. Amended by P.L.209-2003, SEC.65; P.L.164-2006, SEC.35.

IC 3-7-38.2-5

Submission of names to change of address service; receiving voter registration information from other states; memorandum of understanding with Kansas Secretary of State; cancellation of duplicate registrations

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) Not later than August 1, 2013, 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. 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;
(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), 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.

As added by P.L.3-1997, SEC.104. Amended by P.L.209-2003,

SEC.66; P.L.164-2006, SEC.36; P.L.258-2013, SEC.60; P.L.2-2014, SEC.1.

IC 3-7-38.2-6
Voters who no longer reside at submitted address

Sec. 6. When the names of voters are submitted under section 5 of this chapter, the NVRA official shall request that the United States Postal Service indicate the voters who no longer reside at the submitted address. However, the NVRA official shall also request that a voter who:

(1) has a temporary forwarding order in effect;
(2) is an absent uniformed services voter; or
(3) is an overseas voter;

not be included in the list of voters who no longer reside at the submitted address.

As added by P.L.3-1997, SEC.104. Amended by P.L.258-2013, SEC.61.

IC 3-7-38.2-7
Use of postal service's change of address information

Sec. 7. As permitted under 42 U.S.C. 1973gg-6(c)(1), the NVRA official (or a contractor retained by the election division under this chapter) shall use change of address information supplied by the United States Postal Service through the Postal Service's licensee to identify a voter whose residence may have changed.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-7.5
Identification of voters registered in more than one state; provision of information to county voter registration offices

Sec. 7.5. The NVRA official shall do both of the following:

(1) Compare the lists of voters described in section 5(c) of this chapter with the list of registered voters in Indiana to identify any individuals who may be registered to vote in more than one (1) state.
(2) Provide each county voter registration office with a list of potential duplicate registrations not later than thirty (30) days after receipt of a list of voters of a state.

As added by P.L.258-2013, SEC.62.

IC 3-7-38.2-8
Notice to county voter registration offices of changes in residence of voters

Sec. 8. At least once each month, the NVRA official shall notify each county voter registration office of voters within the county whose residences may have changed according to information supplied under this chapter.

As added by P.L.3-1997, SEC.104. Amended by P.L.258-2013, SEC.63; P.L.64-2014, SEC.22.

IC 3-7-38.2-9
Registration records for overseas or uniformed services voters

Sec. 9. (a) This section applies to an absent uniformed services voter or an overseas voter with an address in the county's voter registration record that does not include an "APO" designation.

(b) If a county voter registration office:

(1) is advised under this chapter that the voter's residence may have changed; and

(2) determines that the voter is subject to this section;

the voter registration office may disregard the notification of change of residence and is not required to act under this chapter concerning the voter's registration.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-10
Change in registration record

Sec. 10. (a) As provided in 42 U.S.C. 1973gg-6(c)(1)(B)(i), if the county voter registration office determines from information provided under this chapter that a voter has moved to an address different from the address where voter is currently registered, the voter registration office shall:

(1) change the registration record to show the new address; and

(2) send the voter a notice of the change;

if the information provided under this chapter includes a forwarding address.

(b) If the information provided under this chapter:

(1) indicates that a voter has moved to an address different from the address where the voter is currently registered; and

(2) does not include a forwarding address;

the county voter registration office shall indicate on the registration record that the voter is an inactive voter at that address and shall remove the voter's name from the registration rolls under the procedures of this chapter if the voter has not voted, appeared to vote, or has failed to correct the voter registration record within the period described in section 14(2)(B) of this chapter.

As added by P.L.3-1997, SEC.104. Amended by P.L.38-1999, SEC.15.

IC 3-7-38.2-11
Notice to county voter registration offices of change in residence; requirements

Sec. 11. The notice under section 8 of this chapter must be:

(1) a postage prepaid pre-addressed return form that permits the voter to verify or correct the address information; and

(2) sent by forwardable mail.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-12
Change of address to residence outside county

Sec. 12. As provided in 42 U.S.C. 1973gg-(6)(c)(1)(B)(ii), if the

county voter registration office determines from information provided under this chapter that a voter has moved to a different residence address that is not located in the same county in which the voter is currently registered, the voter registration office shall cancel the voter's registration if the change of address to a residence outside the county is confirmed.
As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-13
Notice to voter after change in residence

Sec. 13. After the county voter registration office has determined under this chapter that a voter's residence may have changed, the election division shall send a notice to the voter that sets forth substantially the following statements as provided in 42 U.S.C. 1973gg-6(d)(2):

(1) If the voter did not change the voter's residence or changed the residence but remained in the same county where the voter was listed on the voter registration record, the voter must return the card enclosed with the notice in person to the county voter registration office not later than twenty-nine (29) days before the election or by regular United States mail:

(A) with a postmark not later than twenty-nine (29) days before the election; or

(B) if a postmark is missing or illegible, to the county voter registration office not later than twenty-one (21) days before the election.

(2) If the card is not returned under subdivision (1), the voter must affirm or confirm the voter's address before the voter is permitted to vote in an election during the period:

(A) beginning on the date of the notice; and

(B) ending on the day after the date of the second general election scheduled to occur after the date of the notice.

(3) If the voter does not vote in an election described in subdivision (2), the voter's name will be removed from the voter registration list.

(4) If the voter changed residence to a place outside the county in which the voter is included on the voter registration list, information concerning how the voter can continue to be eligible to vote in the county where the voter currently resides.

As added by P.L.3-1997, SEC.104. Amended by P.L.38-1999, SEC.16; P.L.14-2004, SEC.50.

IC 3-7-38.2-14
Removal of name from registration records due to change in address or failure to vote or respond to notice

Sec. 14. As required under 42 U.S.C. 1973gg-6(d)(1), a county voter registration office shall not remove the name of a voter from the voter registration records due to the voter's change of residence unless the voter:

(1) confirms in writing that the voter has changed residence to

a location outside the county in which the voter is currently registered; or

(2) has:

(A) failed to respond to a notice sent under section 13 of this chapter; and

(B) not voted (or appeared to vote or to correct the registration record stating the voter's address) in an election during the period:

(i) beginning on the date of the notice; and

(ii) ending on the day after the date of the second general election that occurs after the date of the notice.

As added by P.L.3-1997, SEC.104.

IC 3-7-38.2-15

Cancellation of registration

Sec. 15. At the expiration of the period ending thirty (30) days after the second general election following the date on which notices are mailed to a voter described in section 14(2) of this chapter, the county voter registration office shall cancel the registration of a voter who has not responded to the notice sent under section 13 of this chapter.

As added by P.L.3-1997, SEC.104. Amended by P.L.38-1999, SEC.17.

IC 3-7-38.2-16

Residency confirmation and outreach procedure

Sec. 16. (a) During each even-numbered year, the NVRA official shall conduct a residency confirmation and outreach procedure under this chapter. The NVRA official (or a contractor acting on behalf of the NVRA official) shall send a nonforwardable mailing by U.S. mail, postage prepaid, to each active voter (as defined in IC 3-11-18.1-2) in Indiana.

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

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

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

concerning the return of U.S. mail sent by the court for jury selection purposes. The state shall provide each county voter registration office with information concerning any registered voter who appears to no longer reside at the address set forth in the voter's registration record due to a mailing returned to the courts as undeliverable due to an unknown or insufficient address. The county voter registration office shall send an address confirmation notice to the voter described by this subsection.

As added by P.L.3-1997, SEC.104. Amended by P.L.258-2013, SEC.64; P.L.64-2014, SEC.23.

IC 3-7-38.2-17

Residency confirmation and outreach procedure; second mailing; inactive voters, criteria for determining; removal of voter registration record from registration records

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 the information is provided to the county voter registration office; and

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

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

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

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

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

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

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

(f) If a card is returned after the date specified in subsection (a)(2)(B) as undeliverable because of an unknown or insufficient address, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities,

and if not, designate the voter as inactive.

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

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

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

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

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

As added by P.L.3-1997, SEC.104. Amended by P.L.38-1999, SEC.18; P.L.64-2014, SEC.24.

IC 3-7-38.2-18

Secretary of state to perform duty NVRA official fails to perform

Sec. 18. If the NVRA official does not perform a duty in accordance with this chapter, the secretary of state shall perform the duty.

As added by P.L.153-2013, SEC.3.

IC 3-7-39

Chapter 39. Address Changes by Voter on Registration Records

IC 3-7-39-1

Duty of voter to transfer registration

Sec. 1. A voter who changes residence shall transfer the voter's registration to the address where the voter currently resides by sending a transfer of registration on a prescribed form to the circuit court clerk or board of registration.

As added by P.L.12-1995, SEC.49.

IC 3-7-39-2

Change of address within same county

Sec. 2. A voter may change the residence address on the voter's registration to an address within the same county at any time during the registration period prescribed in this article. The circuit court clerk or board of registration shall receive and execute transfers during regular office hours.

As added by P.L.12-1995, SEC.49.

IC 3-7-39-3

Signature required

Sec. 3. A change of address within a county by a voter must be signed in ink or with an indelible pencil.

As added by P.L.12-1995, SEC.49. Amended by P.L.2-1996, SEC.71.

IC 3-7-39-4

Receipt and placement of change of address forms

Sec. 4. Upon receipt of a properly executed change of address form, the circuit court clerk or board of registration shall place the form in the proper precinct registration record and enter the change in any computerized record.

As added by P.L.12-1995, SEC.49.

IC 3-7-39-5

Registration to be transferred after change of address within same county

Sec. 5. Upon receiving a properly executed affidavit for transfer of registration under IC 3-10-11 or IC 3-10-12 from a person whose new residence is in the same county as the former residence, the circuit court clerk or the board of registration shall transfer the person's registration to the proper precinct in the county as soon as the transfer is permitted under this article.

As added by P.L.12-1995, SEC.49.

IC 3-7-39-6

Cancellation of registration in county of previous residence

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.

As added by P.L.12-1995, SEC.49. Amended by P.L.3-1995, SEC.44.

IC 3-7-39-7

Change of address within same precinct as former residence

Sec. 7. (a) This section applies to a voter who changes residence to an address in the same precinct where the voter's former residence was located.

(b) As required under 42 U.S.C. 1973gg-6(e)(1), a voter described in subsection (a) may vote at the precinct polling place after the voter makes an oral or a written affirmation of the change of address before a member of the precinct election board.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person 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.

(d) 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. A voter described in subsection (a) may make a written affirmation of the voter's change of residence on election day using the affidavit prescribed by the commission under IC 3-10-11-6. 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 prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

As added by P.L.12-1995, SEC.49. Amended by P.L.64-2014, SEC.25.

IC 3-7-39-8

Change of address to different precinct in same county

Sec. 8. (a) This section applies to a voter who changes residence from a precinct in a county to another precinct in the same county.

(b) As required under 42 U.S.C. 1973gg-6(f), the county voter registration office:

(1) shall correct the address shown on the voter registration records for a voter subject to this section; and

(2) may not remove the voter from the voter registration records due to a change of address, except as provided in this title.

(c) A voter described in this section, who is otherwise eligible to vote, may vote as provided in IC 3-10-11 or IC 3-10-12.

As added by P.L.12-1995, SEC.49. Amended by P.L.164-2006,

SEC.37.

IC 3-7-39-9
Change of address at license branch not intended for voter registration purposes

Sec. 9. As provided in 42 U.S.C. 1973gg-3(d), a voter may indicate on a change of address form submitted at a license branch that the change of address is not intended to be used for voter registration purposes. A circuit court clerk or board of registration may not change an address on a voter registration record if the change is contrary to the voter's instructions under this section.
As added by P.L.12-1995, SEC.49.

IC 3-7-39-10
Record amended from form submitted at license branch

Sec. 10. Except as provided in section 9 of this chapter, and as required under 42 U.S.C. 1973gg-3(a)(2), the circuit court clerk or board of registration shall amend a voter's registration record under this chapter to reflect information stated by the voter on a registration form submitted at a license branch.
As added by P.L.12-1995, SEC.49.

IC 3-7-39-11
Record amended from form submitted at voter registration office

Sec. 11. The circuit court clerk or board of registration shall amend a voter's registration record under this chapter to reflect information stated by the voter on a registration form submitted at a voter registration office established under this article.
As added by P.L.12-1995, SEC.49.

IC 3-7-39-12
Record amended from form submitted by mail

Sec. 12. As required under 42 U.S.C. 1973gg-4(a)(3), the circuit court clerk or board of registration shall amend a voter's registration record under this chapter to reflect information stated by a voter on a registration by mail form.
As added by P.L.12-1995, SEC.49.

IC 3-7-40

Chapter 40. Address Changes by Governmental Agencies on Registration Records

IC 3-7-40-1

Repealed

(Repealed by P.L.4-1996, SEC.108.)

IC 3-7-40-2

Repealed

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

IC 3-7-40-3

Duty of local officials to report changes

Sec. 3. The local public officials (or plan commission under IC 36-7-4-405) responsible for:

(1) naming or renaming streets;

(2) numbering or renumbering lots or structures; and

(3) converting rural route addresses to numbered addresses;

shall report the changes to the county voter registration office not later than the last day of the month following the month in which the change was made.

As added by P.L.12-1995, SEC.50. Amended by P.L.225-2011, SEC.22.

IC 3-7-40-4

Submission of rural route addresses to Postal Service

Sec. 4. The NVRA official may submit to the United States Postal Service a list of the names and addresses of voters with rural route addresses.

As added by P.L.12-1995, SEC.50. Amended by P.L.2-1996, SEC.72; P.L.209-2003, SEC.68; P.L.164-2006, SEC.38.

IC 3-7-40-5

Replacement of converted rural route addresses

Sec. 5. If the information is submitted under section 4 of this chapter, the NVRA official shall request that the United States Postal Service indicate the rural route addresses that have been converted and the numbered addresses that replace the converted rural route addresses.

As added by P.L.12-1995, SEC.50. Amended by P.L.2-1996, SEC.73.

IC 3-7-40-6

Duties upon notice of converted rural route addresses, discontinuance of delivery to post office boxes, renaming or renumbering of addresses

Sec. 6. When notified by:

(1) the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter;

(2) the United States Postal Service that mail delivery to postal

boxes located in a United States Postal Service facility will be discontinued and replaced by residential delivery; or

(3) a local public official (or plan commission) under section 3 of this chapter of:

(A) the naming or renaming of streets;

(B) the numbering or renumbering of lots or structures; or

(C) the conversion of rural route addresses to numbered addresses;

the county voter registration office shall, as soon as practicable, amend the entry for the voter in the computerized list under IC 3-7-26.3.

As added by P.L.12-1995, SEC.50. Amended by P.L.2-1996, SEC.74; P.L.209-2003, SEC.69; P.L.164-2006, SEC.39; P.L.225-2011, SEC.23; P.L.64-2014, SEC.26.

IC 3-7-40-7

Repealed

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

IC 3-7-40-8

Notification by local public official or plan commission; amendment of voter's entry in computerized list

Sec. 8. When notified by a local public official or plan commission under section 3 of this chapter, the county voter registration office shall, as soon as practicable, amend the entry for the voter in the computerized list under IC 3-7-26.3 to be consistent with the information submitted under section 3 of this chapter.

As added by P.L.76-2014, SEC.9.

IC 3-7-40.5

Chapter 40.5. Changes in Registration Records to Update Signature of Voter

IC 3-7-40.5-1

Applicability; missing or destruction of voter's original signature; scanning copy of original signature

Sec. 1. (a) This section applies when a county voter registration office determines that the original signature of a voter on a voter registration application previously approved by the county voter registration office is missing or has been destroyed.

(b) The county voter registration office may scan a copy of the voter's original signature from a poll list or other document maintained by the county election board or the county voter registration office into the computerized list to generate a copy of the signature for printing on a poll list or for an electronic poll book.

As added by P.L.64-2014, SEC.27.

IC 3-7-41

Chapter 41. Name Changes on Registration Records

IC 3-7-41-1

Name change

Sec. 1. A voter whose name is changed may vote at the election by filing with the circuit court clerk or board of registration a verified statement.

As added by P.L.12-1995, SEC.51. Amended by P.L.3-1995, SEC.45.

IC 3-7-41-2

Transfer of previous registration records; effective immediately

Sec. 2. (a) The statement described in section 1 of this chapter may be filed with the county voter registration office at any time.

(b) A voter who wishes to indicate that the voter's name has changed may also write the necessary information concerning the name change on the poll list under IC 3-11-8-25.1 before the person receives a ballot. The change of name on the voter registration record is effective immediately, and the person may then vote if otherwise qualified.

(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. A voter described in subsection (b) may indicate that the voter's name has changed by writing the necessary information concerning the name change on election day using the affidavit prescribed by the commission under IC 3-10-11-6. The poll clerks shall initial the affirmation. The change of name on the voter registration record is effective immediately, and the person may then vote if otherwise qualified.

As added by P.L.12-1995, SEC.51. Amended by P.L.3-1997, SEC.105; P.L.164-2006, SEC.40; P.L.64-2014, SEC.28.

IC 3-7-41-3

Change made to voter's registration record

Sec. 3. If a voter indicates a change of name on the poll list under section 2 of this chapter, the county voter registration office shall change the name of the voter on the registration record of the precinct.

As added by P.L.12-1995, SEC.51. Amended by P.L.3-1997, SEC.106.

IC 3-7-41-4

Record amended from form submitted at license branch

Sec. 4. As required under 42 U.S.C. 1973gg-3(a)(2), the circuit court clerk or board of registration shall amend a voter's registration record under this chapter to reflect information stated by the voter on a registration form submitted at a license branch.

As added by P.L.12-1995, SEC.51.

IC 3-7-41-5

Record amended from form submitted at voter registration office

Sec. 5. The circuit court clerk or board of registration shall amend a voter's registration record under this chapter to reflect information stated by the voter on a registration form submitted at a voter registration office established under this article.

As added by P.L.12-1995, SEC.51.

IC 3-7-41-6

Record amended from form submitted by mail

Sec. 6. The circuit court clerk or board of registration shall amend a voter's registration record under this chapter to reflect information stated by a voter on a registration by mail form.

As added by P.L.12-1995, SEC.51.

IC 3-7-42

Chapter 42. Changes in Registration Records Due to Precinct Boundary Changes

IC 3-7-42-1

Applicability of chapter

Sec. 1. This chapter applies whenever a county executive establishes new precincts under IC 3-11-1.5.

As added by P.L.12-1995, SEC.52.

IC 3-7-42-2

Transfer of previous registration records

Sec. 2. If the county executive establishes any precincts under IC 3-11-1.5 so that voters who would not otherwise be required to register are transferred to or included within a precinct other than the precinct in which the voters were registered and voted at the last election, the circuit court clerk or board of registration shall transfer the affidavits of registration from the precinct registration record in which the affidavits are filed to the precinct registration record in which the affidavits belong.

As added by P.L.12-1995, SEC.52.

IC 3-7-42-3

Time for transfer

Sec. 3. The transfer may be made at any time after the order establishing the precincts becomes effective and before the day on which the clerk or board is required to deliver the copy of the registration record or certified copies to the inspectors of the precincts.

As added by P.L.12-1995, SEC.52.

IC 3-7-42-4

County voter registration office to make appropriate changes to affidavit or form

Sec. 4. At the time of transfer, the county voter registration office shall amend the entry for the voter in the computerized list under IC 3-7-26.3.

As added by P.L.12-1995, SEC.52. Amended by P.L.209-2003, SEC.71; P.L.164-2006, SEC.41; P.L.64-2014, SEC.29.

IC 3-7-43

Chapter 43. Removal From Registration Records Due to Request of Voter

IC 3-7-43-1

Removal of name

Sec. 1. As provided by 42 U.S.C. 1973gg-6(a)(3)(A), a circuit court clerk or board of registration may remove the name of a voter from the official list of registered voters at the voter's request.

As added by P.L.12-1995, SEC.53.

IC 3-7-43-2

Writing required

Sec. 2. A request from a voter under this chapter must be in writing and may be on a form prescribed by the commission or other forms provided by the circuit court clerk or board of registration (including jury notices) if the voter signs the request for removal.

As added by P.L.12-1995, SEC.53. Amended by P.L.2-1996, SEC.75.

IC 3-7-43-3

Time for request; cancellation of previous registrations; forwarding notices to appropriate county voter registration office

Sec. 3. (a) A request from a voter under this chapter may be made when the voter registers in another county in Indiana or in a jurisdiction outside of Indiana. A registration form under this section must be signed by the voter or, if not signed by the voter, after the NVRA official notifies the county voter registration office that the jurisdiction where the voter has registered has provided the election division with written notice of the voter's registration in the jurisdiction and request for cancellation of previous registrations.

(b) The election division shall forward a copy of the notice to the appropriate county voter registration office.

As added by P.L.12-1995, SEC.53. Amended by P.L.2-1996, SEC.76; P.L.209-2003, SEC.72.

IC 3-7-43-4

Cancellation of registration; move to another county

Sec. 4. (a) This section applies only to a person who has:

(1) moved from the county where the person is registered to another county in Indiana; and

(2) executed an affidavit under IC 3-10-11.

(b) Execution by a person of the affidavit constitutes authorization by the person to cancel the person's registration in the county of the person's former residence.

(c) The circuit court clerk or the board of registration of the county of the person's former residence shall mail the original affidavit of registration and the affidavit executed under IC 3-10-11 within thirty (30) days after the beginning of the next registration period to the clerk or board in the county in which the person currently resides, as shown by the affidavit.

(d) Upon receiving the affidavits sent under subsection (c), the clerk or board of the county in which the person currently resides shall transfer the person's registration to the proper precinct registration record in the county.

(e) Upon mailing the person's affidavits to another county under this section, the person's registration in the county of the person's former residence shall be canceled.

As added by P.L.12-1995, SEC.53.

IC 3-7-43-5

Cancellation of registration; move to another state

Sec. 5. (a) This section applies only to a person who has:

(1) moved from Indiana to another state; and

(2) executed an affidavit under IC 3-10-10.

(b) Execution by a person of the affidavit under IC 3-10-10 constitutes authorization by the person to cancel the person's registration in the county of the person's former residence.

As added by P.L.12-1995, SEC.53.

IC 3-7-43-6

Cancellation of registration at voter's request; time to process request; transmittal of request; retention of records

Sec. 6. (a) This section applies to a voter who requests a cancellation of voter registration under IC 3-7-39-6.

(b) The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office using the computerized list, on an expedited basis, as required by IC 3-7-26.3. A county voter registration office is not required to forward a paper copy of the request for cancellation of registration to another county voter registration office if the authorization of cancellation has been transmitted to the other county voter registration office using the computerized list. The county voter registration office shall retain the paper copy of the request for cancellation for the two (2) year period required under 42 U.S.C. 1974.

As added by P.L.12-1995, SEC.53. Amended by P.L.209-2003, SEC.73; P.L.164-2006, SEC.42; P.L.219-2013, SEC.14.

IC 3-7-43-7

Removal and cancellation of affidavit

Sec. 7. The county voter registration office shall cancel the affidavit of registration and enter the date and other information concerning the cancellation in the computerized list under IC 3-7-26.3.

As added by P.L.12-1995, SEC.53. Amended by P.L.209-2003, SEC.74; P.L.164-2006, SEC.43.

IC 3-7-43-8

Cancellation to be sent to proper jurisdiction if registration contains out-of-state address

Sec. 8. (a) If either of the addresses given by a person under IC 3-7-39 is outside Indiana, the county voter registration office shall send the authorization of cancellation to the election division on an expedited basis.

(b) The election division shall promptly send the authorization to the voter registration office of the political subdivision that has jurisdiction over the address.

As added by P.L.12-1995, SEC.53. Amended by P.L.3-1997, SEC.107; P.L.209-2003, SEC.75; P.L.164-2006, SEC.44.

IC 3-7-44
Repealed

(Repealed by P.L.4-1996, SEC.108.)

IC 3-7-45

Chapter 45. Removal From Registration Records Due to Death

IC 3-7-45-1

Removal of name

Sec. 1. The name of a voter who dies shall be removed from the registration records as provided in this chapter.

As added by P.L.12-1995, SEC.55.

IC 3-7-45-2

Repealed

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

IC 3-7-45-2.1

Coordination of statewide voter registration list with state department of health to remove names of deceased voters; cancellation of voter registration of deceased voters

Sec. 2.1. (a) As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the state department of health to permit a county voter registration office to cancel the registration records of deceased individuals on an expedited basis.

(b) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons who:

(1) died within Indiana but outside the county of residence; and

(2) maintained a residence address within the county during the two (2) years preceding the date of death.

(c) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

(1) who have died within the jurisdiction of the officer; or

(2) for whom burial permits have been issued by the officer.

The state department of health shall report this information to the election division.

(d) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

(1) who died outside Indiana;

(2) who maintained a residence address within the county during the two (2) years preceding the date of death; and

(3) whose names were supplied to the state department of health under an agreement made under section 5 of this chapter.

(e) The county voter registration office shall request a copy of the death records filed quarterly by the local health department with the county auditor under IC 16-37-3-9(c). If a voter is identified as deceased in the death records, the county voter registration office shall cancel the voter registration record of that individual in

conformity with section 3 of this chapter.
As added by P.L.209-2003, SEC.77. Amended by P.L.164-2006, SEC.45; P.L.64-2014, SEC.30.

IC 3-7-45-2.2
Cancellation of voter registration based on information from bureau of motor vehicles

Sec. 2.2. The election division shall coordinate the computerized list described in section 2.1 of this chapter with the bureau of motor vehicles to permit a county voter registration office to cancel on an expedited basis the registration record of an individual who is reported deceased by the bureau of motor vehicles.
As added by P.L.64-2014, SEC.31.

IC 3-7-45-3
Cancellation of registration

Sec. 3. As required by 42 U.S.C. 15483, after receipt of the reports required by section 2.1 or 2.2 of this chapter, each county voter registration office shall cancel the registration of each deceased person listed in the reports.
As added by P.L.12-1995, SEC.55. Amended by P.L.209-2003, SEC.78; P.L.164-2006, SEC.46; P.L.64-2014, SEC.32.

IC 3-7-45-4
Cancellation after receipt of death certificate

Sec. 4. (a) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under 42 U.S.C. 15483. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.

(b) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of an obituary, notice of estate administration, or other notice of death of that person published in a newspaper in which a legal notice may be published under IC 5-3-1.

(c) A county voter registration office may require additional written information before canceling the registration of a person under subsection (a) or (b) if the information contained in the death certificate or notice of death is insufficient to identify the person whose registration is to be canceled. If:

(1) additional written information is not given to the county voter registration office; or

(2) the additional written information is insufficient to identify the person whose registration is to be canceled;

the county voter registration office is not required to cancel the person's registration.
As added by P.L.4-1996, SEC.23. Amended by P.L.209-2003, SEC.79; P.L.164-2006, SEC.47; P.L.258-2013, SEC.65;

P.L.219-2013, SEC.15.

IC 3-7-45-5
Acquiring information from other states, STEVE, and EVVE

Sec. 5. (a) The state department of health shall acquire information regarding the deaths of Indiana residents occurring in each of the other states from those states or from the State and Territorial Exchange of Vital Events (STEVE) System and Electronic Verification of Vital Events (EVVE) System, administered by the National Association for Public Health Statistics and Information Systems. The state department of health may offer to share with each other state information regarding the deaths of the other state's residents in Indiana.

(b) At least once each month, the state department of health shall forward that information as provided in section 2.1 of this chapter.
As added by P.L.4-1996, SEC.24. Amended by P.L.209-2003, SEC.80; P.L.164-2006, SEC.48; P.L.258-2013, SEC.66.

IC 3-7-45-6
Repealed

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

IC 3-7-45-6.1
Information regarding deceased voters from Social Security Administration; cancellation of registrations

Sec. 6.1. (a) At least once each month, the election division shall obtain information regarding Indiana residents identified as deceased by the federal Social Security Administration as required by 42 U.S.C. 15483 and in conformity with IC 3-7-26.3.

(b) Not later than thirty (30) days after receiving a report obtained under subsection (a), the election division shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county.

(c) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (b).

(d) If the election division does not perform a duty in accordance with this section, the secretary of state shall perform the duty.
As added by P.L.209-2003, SEC.82. Amended by P.L.164-2006, SEC.49; P.L.153-2013, SEC.4; P.L.258-2013, SEC.67.

IC 3-7-45-7
Voter erroneously identified as deceased

Sec. 7. (a) If a county voter registration office determines that:

(1) a voter has been identified as deceased in a list or report described by this chapter; and

(2) the identification is in error;

the voter registration office may decline to cancel the registration and shall note the apparent error on the voter registration record.

(b) If a county voter registration office determines that a

registration has been previously canceled in error due to a report that the voter is deceased, the voter registration office shall reinstate the registration by:

(1) correcting the registration record before a certified list of voters is prepared under IC 3-7-29-1; or

(2) issuing a certificate of error under IC 3-7-48.

As added by P.L.38-1999, SEC.20.

IC 3-7-45-8

Notice of names of deceased voters

Sec. 8. (a) At least once each month, the NVRA official shall notify each county voter registration office of the names of deceased persons obtained under this chapter.

(b) If the NVRA official does not perform a duty in accordance with this section, the secretary of state shall perform the duty.

As added by P.L.199-2001, SEC.13. Amended by P.L.209-2003, SEC.83; P.L.153-2013, SEC.5; P.L.258-2013, SEC.68.

IC 3-7-46

Chapter 46. Removal From Registration Records Due to Criminal Conviction and Incarceration

IC 3-7-46-1

Removal of disfranchised voters

Sec. 1. As permitted under 42 U.S.C. 1973gg-6(a)(3)(B) and in the manner required under 42 U.S.C. 15483, a county voter registration office shall remove from the official list of registered voters the name of a voter who is disfranchised under this chapter due to a criminal conviction.

As added by P.L.12-1995, SEC.56. Amended by P.L.209-2003, SEC.84.

IC 3-7-46-2

Imprisoned voter disfranchised

Sec. 2. A person imprisoned following conviction of a crime is disfranchised during the person's imprisonment.

As added by P.L.12-1995, SEC.56.

IC 3-7-46-3

Removal of name if disfranchisement due to felony conviction

Sec. 3. (a) This section applies to a person convicted of a felony in a district court of the United States.

(b) As required by 42 U.S.C. 1973gg-6(g)(5), the NVRA official shall notify the county voter registration office of the county in Indiana in which the person resides of the information provided by the United States attorney under 42 U.S.C. 1973gg-6(g)(2), 42 U.S.C. 1973gg-6(g)(3), and 42 U.S.C. 1973gg-6(g)(4).

(c) If the information provided under subsection (b) indicates that the person is disfranchised under section 2 of this chapter, the county voter registration office shall remove the name of the person from the voter registration records on an expedited basis as required by 42 U.S.C. 15483.

As added by P.L.12-1995, SEC.56. Amended by P.L.2-1996, SEC.77; P.L.209-2003, SEC.85.

IC 3-7-46-4

Repealed

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

IC 3-7-46-4.1

Coordination of statewide voter registration list with department of correction

Sec. 4.1. (a) As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the department of correction to permit a county voter registration office to cancel the registration records of disfranchised individuals on an expedited basis.

(b) The department of correction shall provide the NVRA official with a list identifying each person who:

(1) is a resident of Indiana;

(2) has been convicted of a crime; and

(3) has been placed in a department of correction facility during the previous month.

(c) The department of correction shall provide the information required by this section electronically in a format prescribed by the election division.

As added by P.L.209-2003, SEC.87. Amended by P.L.164-2006, SEC.50.

IC 3-7-46-5

Notice by NVRA official

Sec. 5. The NVRA official shall notify the county voter registration office of each county where a person on the report resides for processing under section 8 of this chapter.

As added by P.L.12-1995, SEC.56. Amended by P.L.2-1996, SEC.79; P.L.209-2003, SEC.88.

IC 3-7-46-6

County sheriff to provide list of residents

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 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.

As added by P.L.12-1995, SEC.56. Amended by P.L.8-1995, SEC.35; P.L.66-2003, SEC.9; P.L.209-2003, SEC.89.

IC 3-7-46-7

Notice by county voter registration office

Sec. 7. The county voter registration office shall notify the county voter registration office of each county where a person on the list resides that a voter registered in that county has been listed on the report described in section 6 of this chapter.

As added by P.L.12-1995, SEC.56. Amended by P.L.209-2003, SEC.90.

IC 3-7-46-7.5

Cancellation of registration of disfranchised person

Sec. 7.5. If the information provided under section 5 or 6 of this chapter indicates that the person is disfranchised under section 2 of this chapter, the county voter registration office shall:

(1) remove the name of the person from the voter registration records; and

(2) enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3;

on an expedited basis, as required under 42 U.S.C. 15483.

As added by P.L.209-2003, SEC.91. Amended by P.L.164-2006, SEC.51.

IC 3-7-46-8

Notice to disfranchised persons

Sec. 8. Each county voter registration office shall prepare a notice to be mailed to the names and last known addresses of all persons within the county who have been disfranchised.

As added by P.L.12-1995, SEC.56. Amended by P.L.3-1997, SEC.108; P.L.209-2003, SEC.92; P.L.164-2006, SEC.52.

IC 3-7-46-9

Notice to disfranchised person; procedure

Sec. 9. After preparation of the notice under section 8 of this chapter, the county voter registration office shall mail the notice to the alleged disfranchised person not later than the day following the day that the voter's registration has been canceled under this chapter. The notice must be mailed to each alleged disfranchised person at the person's last known address using a form prescribed by the commission under this article.

As added by P.L.12-1995, SEC.56. Amended by P.L.2-1996, SEC.80; P.L.209-2003, SEC.93; P.L.164-2006, SEC.53.

IC 3-7-47
Repealed

(Repealed by P.L.2-1996, SEC.297.)

IC 3-7-48

Chapter 48. Determining Registration Status on Election Day

IC 3-7-48-1

Certificate of error; proof of registration; eligibility to cast provisional ballot

Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless the county voter registration office issues a signed certificate of error immediately available for inspection in the county voter registration office showing that the voter is legally registered in the precinct where the voter resides.

(b) A person whose name does not appear on the registration record may cast a provisional ballot as provided in IC 3-11.7.

As added by P.L.12-1995, SEC.58. Amended by P.L.126-2002, SEC.28; P.L.271-2013, SEC.7.

IC 3-7-48-2

Certificate of error; issuance and execution

Sec. 2. A certificate of error issued under section 1 of this chapter:

(1) may be issued at any time after:

(A) the production of the certified list under IC 3-7-29; or

(B) the downloading of the information into an electronic poll book under IC 3-7-29-6(c);

(2) shall be executed by the circuit court clerk, or in a county with a board of registration, by both members of the board; and

(3) shall be numbered serially in the method prescribed for entry in the computerized list maintained under IC 3-7-26.3.

As added by P.L.12-1995, SEC.58. Amended by P.L.81-2005, SEC.29; P.L.271-2013, SEC.8; P.L.76-2014, SEC.10.

IC 3-7-48-3

Applicability; filing certificate of error

Sec. 3. (a) This section does not apply whenever a county voter registration office provides confirmation of the issuance of a certificate of error to a precinct election officer by transmitting the confirmation through an electronic poll book used at a precinct or vote center.

(b) One (1) copy of the certificate of error shall be filed by the circuit court clerk with other election material for the precinct in which the voter resides at the close of the polls as provided in this title.

As added by P.L.12-1995, SEC.58. Amended by P.L.271-2013, SEC.9; P.L.64-2014, SEC.33.

IC 3-7-48-4

Repealed

(Repealed by P.L.76-2014, SEC.11.)

IC 3-7-48-5

Applicability; affirmation regarding residency

Sec. 5. (a) This section applies to a voter who:

(1) formerly resided in a precinct according to the voter registration record; and

(2) no longer resides in that precinct according to the voter registration record.

(b) As provided under 42 U.S.C. 1973gg-6(e)(3), a voter described by subsection (a) may vote in the precinct where the voter formerly resided (according to the voter registration record) if the voter makes an oral or a written affirmation to a member of the precinct election board that the voter continues to reside at the address shown as the voter's former residence on the voter registration record.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person 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.

(d) 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. A voter described in subsection (a) may make a written affirmation described in this section on the affidavit prescribed by the commission under IC 3-10-11-6. If the person makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing by using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

As added by P.L.12-1995, SEC.58. Amended by P.L.64-2014, SEC.34.

IC 3-7-48-6

Removal of incorrect name

Sec. 6. If a voter casts a ballot under section 5 of this chapter, the inspector of the precinct shall immediately contact the circuit court clerk or board of registration of the county. The clerk or board shall promptly contact the precinct election board of any precinct in which the voter's name is incorrectly shown on the rolls, and order the precinct election board to remove the name of the voter from the registration record of that precinct.

As added by P.L.12-1995, SEC.58.

IC 3-7-48-7

Written affirmation of residence in precinct

Sec. 7. (a) A voter shall be permitted to vote in a precinct upon written affirmation of the voter's residence in the precinct if:

(1) the voter produces a registration receipt indicating that the voter completed a registration application at a license branch or

voter registration agency under this article on a date within the registration period;

(2) the county voter registration office advises the precinct election board that the office:

(A) approved the application; or

(B) has no record of either approving or rejecting the application; and

(3) the voter completes a registration application and provides the completed application to the precinct election board before voting.

(b) A county election board shall provide each precinct election board with a sufficient number of the registration applications for the purposes described in subsection (a). The precinct election board shall attach the completed registration applications to the poll list for processing by the county voter registration office under IC 3-10-1-31.1.

As added by P.L.12-1995, SEC.58. Amended by P.L.3-1997, SEC.109; P.L.14-2004, SEC.51; P.L.164-2006, SEC.54; P.L.2-2014, SEC.2.

IC 3-7-48-7.5

Voter making affirmation challenged as ineligible; provisional ballot; sufficiency of affidavit

Sec. 7.5. If a voter makes an oral or a written affirmation under section 5 or 7 of this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.

As added by P.L.164-2006, SEC.55.

IC 3-7-48-8

Addition of name and address to poll list; name to county registration record

Sec. 8. (a) The precinct election board shall add the name and address of a voter described by section 7 of this chapter to the poll list of the precinct.

(b) The county voter registration office shall add the name of a voter described by section 7 of this chapter to the registration record of the county.

As added by P.L.12-1995, SEC.58. Amended by P.L.66-2003, SEC.10.

IC 3-7-48-9

Notice after permission to vote given

Sec. 9. The circuit court clerk or board of registration of a county in which a voter cast a ballot under section 7 of this chapter shall notify the NVRA official and the governing body of the voter registration agency not later than seven (7) days after the election is

conducted.
As added by P.L.12-1995, SEC.58. Amended by P.L.2-1996, SEC.81.

IC 3-7-48-10
Investigation regarding voting with permission

Sec. 10. The NVRA official shall investigate the incident reported by the circuit court clerk or board of registration under section 9 of this chapter and determine if:

(1) the voter had properly registered at the license branch or agency; and

(2) a violation of NVRA or this article occurred.

As added by P.L.12-1995, SEC.58. Amended by P.L.2-1996, SEC.82.

IC 3-8

ARTICLE 8. CANDIDATES

IC 3-8-1

Chapter 1. Qualifications for Candidates

IC 3-8-1-1

Candidates must be registered voters

Sec. 1. (a) This section does not apply to a candidate for any of the following offices:

(1) Judge of a city court.

(2) Judge of a town court.

(b) A person is not qualified to run for:

(1) a state office;

(2) a legislative office;

(3) a local office; or

(4) a school board office;

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.80; P.L.4-1991, SEC.31; P.L.12-1992, SEC.2; P.L.3-1997, SEC.110; P.L.254-1999, SEC.1; P.L.194-2013, SEC.9.

IC 3-8-1-1.1

Error by election division or circuit court clerk does not invalidate filing

Sec. 1.1. Subject to IC 3-5-4-1.2, if a candidate filing error is made by the election division or a circuit court clerk, the error does not invalidate the filing.

As added by P.L.194-2013, SEC.10.

IC 3-8-1-1.5

Judges in certain cities and towns; candidates must be registered in county in which municipality is located

Sec. 1.5. (a) This section applies to a candidate for any of the following offices:

(1) Judge of a city court in a city located in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

(2) Judge of a town court.

(b) A person is not qualified to run for an office subject to this section unless not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination the person is registered to vote in a county in which the municipality is located.

As added by P.L.10-1988, SEC.29. Amended by P.L.12-1992, SEC.3; P.L.3-1997, SEC.111; P.L.254-1999, SEC.2; P.L.119-2012, SEC.4.

IC 3-8-1-1.6

Duty of division or board to determine candidate's compliance

Sec. 1.6. (a) This section does not apply to a candidate unless the candidate is required to file a campaign finance statement of organization under IC 3-9-1-5 or IC 3-9-1-5.5.

(b) Not later than noon fourteen (14) days after the final day for filing a declaration of candidacy, declaration of intent to be a write-in candidate, petition of nomination, certificate of nomination, or certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8, the election division or county election board shall determine if a candidate has complied with IC 3-9-1-5 or IC 3-9-1-5.5 (if applicable) by filing any campaign finance statement of organization required for the candidate's committee.

As added by P.L.3-1995, SEC.46. Amended by P.L.2-1996, SEC.83; P.L.3-1997, SEC.112; P.L.26-2000, SEC.4.

IC 3-8-1-1.7

"Before the election" defined

Sec. 1.7. As used in this chapter, "before the election" refers to a general, municipal, or special election.

As added by P.L.3-1993, SEC.53.

IC 3-8-1-2

Questioned candidacy filing; jurisdiction to act; sworn statement; determination of eligibility or validity; denial of filing

Sec. 2. (a) 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) The commission has jurisdiction to act under this section with regard to any filing described in subsection (a) 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) 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) Except as provided in subsection (e), before the commission or election board acts under this section, a registered voter of the election district that a candidate seeks to represent must file a sworn statement with the election division or election board:

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

(2) setting forth the facts known to the voter concerning this question.

(d) 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) 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) Upon the filing of a sworn statement under subsection (c) or (e), 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) 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.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.81; P.L.12-1995, SEC.59; P.L.3-1995, SEC.47; P.L.2-1996, SEC.84; P.L.3-1997, SEC.113; P.L.38-1999, SEC.21; P.L.176-1999, SEC.25; P.L.66-2003, SEC.11; P.L.97-2004, SEC.3; P.L.194-2013, SEC.11.

IC 3-8-1-3
Limitation on number of lucrative offices

Sec. 3. A person may not hold more than one (1) lucrative office at a time, as provided in Article 2, Section 9 of the Constitution of the State of Indiana.
As added by P.L.5-1986, SEC.4.

IC 3-8-1-4
Collectors and holders of public money

Sec. 4. A person may not hold an office of trust or profit unless the person has accounted for and paid over as required by law all sums of public money for which the person was liable as a collector or holder, as provided in Article 2, Section 10 of the Constitution of the State of Indiana.
As added by P.L.5-1986, SEC.4. Amended by P.L.6-1991, SEC.1.

IC 3-8-1-5
Disqualification of candidates

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:

(1) for which the person has been pardoned; or
(2) 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.

(c) 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

(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) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c).

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.82; P.L.4-1991, SEC.32; P.L.3-1993, SEC.54; P.L.3-1997, SEC.114; P.L.176-1999, SEC.26; P.L.113-2005, SEC.1; P.L.37-2008, SEC.1; P.L.181-2014, SEC.1.

IC 3-8-1-5.5

Candidates defeated in primary or nomination process; ineligibility

Sec. 5.5. (a) Except as provided in IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a ticket, a person who:

(1) is defeated in a primary election;

(2) appears as a candidate for nomination at a convention and is defeated;

(3) files a declaration of candidacy for nomination by a county, city, or town convention and is defeated; or

(4) files a declaration of candidacy for nomination by a caucus conducted under IC 3-13-1 or IC 3-13-2 and is defeated;

is not eligible to become a candidate for the same office in the next general or municipal election.

(b) For the purposes of subsection (a):

(1) a candidate for an at-large seat on a fiscal body is considered a candidate for the same office as a candidate for a district seat on a fiscal body; and

(2) a candidate for United States representative from a district in Indiana is considered a candidate for the same office as a candidate for any other congressional district in Indiana.

(c) This section does not apply to a candidate who files a written request for placement on the presidential primary ballot under IC 3-8-3.

As added by P.L.10-1988, SEC.30. Amended by P.L.3-1997, SEC.115; P.L.38-1999, SEC.22; P.L.176-1999, SEC.27.

IC 3-8-1-5.7

Requirements of candidates for appointment pro tempore

Sec. 5.7. (a) Except as expressly provided by law, a candidate for selection under IC 3-13-5 or IC 3-13-11 for an appointment pro

tempore to an office must comply with the requirements imposed under this chapter on a candidate for election to the office. For purposes of determining whether a candidate for an appointment pro tempore complies with a requirement imposed under this chapter on a candidate for election to the office, the term "before the election" is considered to read as:

(1) "before the date of the caucus that is required to fill the vacant office"; or

(2) "before the date that the county political party chairman appoints an individual to fill the vacant office";

whichever is the case.

(b) If a town council member:

(1) was elected or selected as a candidate from a town council district; and

(2) served on a council that subsequently adopted an ordinance under IC 36-5-2-4.1 abolishing town council districts;

a candidate for selection for an appointment pro tempore to succeed the town council member is not required to reside within the district formerly represented by the town council member.

As added by P.L.7-1990, SEC.28. Amended by P.L.3-1993, SEC.55; P.L.176-1999, SEC.28; P.L.219-2013, SEC.16.

IC 3-8-1-6
President or Vice President

Sec. 6. (a) A candidate for the office of President or Vice President of the United States must have the qualifications provided in Article 2, Section 1, clause 4 of the Constitution of the United States.

(b) A candidate for the office of elector for President and Vice President of the United States must have the qualifications provided in Article 2, Section 1, clause 2 of the Constitution of the United States and Section 3 of the Fourteenth Amendment to the Constitution of the United States.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.83; P.L.3-1993, SEC.56.

IC 3-8-1-7
United States Senator

Sec. 7. A candidate for the office of United States Senator must have the qualifications provided in Article 1, Section 3, Clause 3 of the Constitution of the United States.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-8
United States Representative

Sec. 8. A candidate for the office of United States Representative must have the qualifications provided in Article 1, Section 2, Clause 2 of the Constitution of the United States.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-9
Governor or lieutenant governor

Sec. 9. A candidate for the office of governor or lieutenant governor:

(1) must have been a United States citizen for at least five (5) years before the election;

(2) must have resided in the state for at least five (5) years before the election;

(3) must be thirty (30) years old upon taking office; and

(4) may not hold any other office of the United States or of this state upon taking office;

as provided in Article 5, Sections 7 and 8 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-9.5
Governor and lieutenant governor must run jointly

Sec. 9.5. (a) This section applies to a candidate for governor who seeks election by filing:

(1) a petition of nomination under IC 3-8-6; or

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

(b) The petition or declaration must contain the name of a candidate for lieutenant governor to permit the candidates to comply with Article 4, Section 4 of the Constitution of the State of Indiana by running jointly in the general election as candidates for governor and lieutenant governor.

As added by P.L.3-1997, SEC.116.

IC 3-8-1-10
Attorney general

Sec. 10. A candidate for the office of attorney general must:

(1) have resided in Indiana for at least two (2) years before the election; and

(2) have been admitted to the practice of law in Indiana for at least five (5) years upon taking office.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.84; P.L.10-1992, SEC.10 and P.L.11-1992, SEC.3.

IC 3-8-1-10.5
State superintendent of public instruction

Sec. 10.5. A candidate for the office of state superintendent of public instruction must have resided in Indiana for at least two (2) years before the election.

As added by P.L.3-1987, SEC.85.

IC 3-8-1-11
Justice of supreme court; judge of court of appeals

Sec. 11. A nominee for appointment as a justice of the supreme court or judge of the court of appeals must:

(1) be a United States citizen;
(2) reside in the appropriate court of appeals district, if applicable; and
(3) have been admitted to the practice of law in Indiana for at least ten (10) years or have served as a circuit, superior, or criminal court judge for at least five (5) years;

upon nomination, as provided in Article 7, Section 10 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.86.

IC 3-8-1-11.5
Repealed

(Repealed by P.L.14-2004, SEC.195.)

IC 3-8-1-12
Tax court judge

Sec. 12. A nominee for appointment as the judge of the tax court must:
(1) have resided in Indiana for at least two (2) years before the election; and
(2) have been admitted to the practice of law in Indiana for at least five (5) years upon nomination.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.88.

IC 3-8-1-13
Senator in general assembly

Sec. 13. A candidate for the office of senator in the general assembly must:
(1) be a United States citizen at the time of election;
(2) have resided in the state for at least two (2) years and in the senate district for at least one (1) year before the election; and
(3) be at least twenty-five (25) years old upon taking office;

as provided in Article 4, Section 7 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-14
Representative in general assembly

Sec. 14. A candidate for the office of representative in the general assembly must:
(1) be a United States citizen at the time of election;
(2) have resided in the state for at least two (2) years and in the house district for at least one (1) year before the election; and
(3) be at least twenty-one (21) years old upon taking office;

as provided in Article 4, Section 7 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-15
Repealed

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

IC 3-8-1-16
Circuit court judge

Sec. 16. A candidate for the office of judge of a circuit court must:

(1) reside in the circuit; and

(2) be admitted to the practice of law in the state;

upon taking office, as provided in Article 7, Section 7 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-17
Superior or probate court judge

Sec. 17. A candidate for the office of judge of a superior or probate court must:

(1) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination, or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; and

(2) comply with any other requirement for that office set forth in IC 33-29, IC 33-33, or IC 33-31.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.89; P.L.5-1989, SEC.22; P.L.98-2004, SEC.28.

IC 3-8-1-18
Repealed

(Repealed by P.L.201-2011, SEC.115.)

IC 3-8-1-19
Prosecuting attorney

Sec. 19. A candidate for the office of prosecuting attorney must be admitted to the practice of law in the state before the election, as provided in Article 7, Section 16 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-19.5
Circuit court clerk

Sec. 19.5. A candidate for the office of circuit court clerk must comply with Article 6, Section 2 of the Constitution of the State of Indiana.

As added by P.L.10-1988, SEC.31.

IC 3-8-1-20
County officers

Sec. 20. A candidate for the office of county auditor, recorder, treasurer, sheriff, coroner, or surveyor must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-21
County commissioner; single county executive

Sec. 21. (a) A candidate for the office of county commissioner must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and

(2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.

(b) This subsection applies only to elections in a county in which a single county executive under IC 36-2-2.5 is elected under IC 3-10-2-13. A candidate for the office of single county executive must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.4. Amended by P.L.77-2014, SEC.2.

IC 3-8-1-22
County council member

Sec. 22. A candidate for membership on the county council of a county must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and

(2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-23 Version a
County assessor

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

Sec. 23. (a) A candidate for the office of county assessor must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana;

(2) own real property located in the county upon taking office; and

(3) fulfill the requirements of subsections (b) through (d), as applicable.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5.

(c) A candidate for the office of county assessor who:

(1) did not hold the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser

under IC 6-1.1-35.5.

(d) A candidate for the office of county assessor who:

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.91; P.L.219-2007, SEC.1; P.L.146-2008, SEC.2; P.L.146-2012, SEC.1.

IC 3-8-1-23 Version b

County assessor

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

Sec. 23. (a) A candidate for the office of county assessor must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana;

(2) own real property located in the county upon taking office; and

(3) fulfill the requirements of subsections (b) through (d), as applicable.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(c) A candidate for the office of county assessor who:

(1) did not hold the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

(d) A candidate for the office of county assessor who:

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.91; P.L.219-2007, SEC.1; P.L.146-2008, SEC.2; P.L.146-2012, SEC.1; P.L.76-2014, SEC.12.

IC 3-8-1-23.4

Repealed

(Repealed by P.L.146-2008, SEC.801.)

IC 3-8-1-23.5

Repealed

(Repealed by P.L.3-2008, SEC.269; P.L.146-2008, SEC.801.)

IC 3-8-1-23.6 Version a

Certification requirements for assessor candidates

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

Sec. 23.6. (a) A person who runs in an election after June 30, 2008, for the office of township assessor under IC 36-6-5-1 must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) A person who runs in an election after January 1, 2012, for the office of township assessor under IC 36-6-5-1 must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

As added by P.L.3-2008, SEC.2. Amended by P.L.146-2008, SEC.3.

IC 3-8-1-23.6 Version b

Certification requirements for township assessor candidates

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

Sec. 23.6. (a) A candidate for the office of township assessor under IC 36-6-5-1 who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) A candidate for the office of township assessor under IC 36-6-5-1 who:

(1) did not hold the office of township assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

(c) A candidate for the office of township assessor under IC 36-6-5-1 who:

(1) held the office of township assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

As added by P.L.3-2008, SEC.2. Amended by P.L.146-2008, SEC.3; P.L.76-2014, SEC.13.

IC 3-8-1-24

Mayor of first class city

Sec. 24. A candidate for the office of mayor of a first class city must have resided in the city for at least one (1) year before the date of taking office.

As added by P.L.5-1986, SEC.4. Amended by P.L.266-2013, SEC.1.

IC 3-8-1-25

City-county council member

Sec. 25. A candidate for membership on city-county council of a first class city must have resided in the district in which seeking election, if applicable, for at least one (1) year before the date of taking office.

As added by P.L.5-1986, SEC.4. Amended by P.L.266-2013, SEC.2.

IC 3-8-1-26
Mayor of second or third class city

Sec. 26. A candidate for the office of mayor of a second or third class city must have resided in the city for at least one (1) year before the election.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-27
Common council member

Sec. 27. A candidate for membership on common council of a second or third class city must:

(1) have resided in the city for at least one (1) year; and

(2) have resided in the district in which seeking election, if applicable, for at least six (6) months;

before the election.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-28
City clerk of second class city; city clerk-treasurer of third class city

Sec. 28. A candidate for the office of city clerk of a second class city or city clerk-treasurer of a third class city must have resided in the city for at least one (1) year before the election.

As added by P.L.5-1986, SEC.4.

IC 3-8-1-28.5
City court judge

Sec. 28.5. (a) This section does not apply to a candidate for the office of judge of a city court in a city located in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

(b) A candidate for the office of judge of a city court must reside in the city upon filing any of the following:

(1) A declaration of candidacy or declaration of intent to be a write-in candidate required under IC 3-8-2.

(2) A petition of nomination under IC 3-8-6.

(3) A certificate of nomination under IC 3-10-6-12.

(c) A candidate for the office of judge of a city court must reside in a county in which the city is located upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

(d) This subsection applies to a candidate for the office of judge of a city court listed in IC 33-35-5-7(c). Before a candidate for the office of judge of the court may file a:

(1) declaration of candidacy or petition of nomination;

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

(3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

As added by P.L.3-1987, SEC.92. Amended by P.L.12-1992, SEC.4; P.L.12-1997, SEC.1; P.L.38-1999, SEC.23; P.L.176-1999, SEC.29; P.L.254-1999, SEC.3; P.L.14-2000, SEC.2; P.L.98-2004, SEC.29; P.L.119-2012, SEC.5.

IC 3-8-1-29
Town council member

Sec. 29. A candidate for membership on a town council must reside in the district in which seeking election, if applicable.
As added by P.L.5-1986, SEC.4. Amended by P.L.8-1989, SEC.3.

IC 3-8-1-29.5
Town court judge

Sec. 29.5. (a) This section applies to a candidate for the office of judge of a town court listed in IC 33-35-5-7(c).

(b) Before a candidate for the office of judge of the court may file a:

(1) declaration of candidacy or petition of nomination;
(2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or
(3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.
As added by P.L.176-1999, SEC.30 and P.L.254-1999, SEC.4. Amended by P.L.14-2000, SEC.3; P.L.98-2004, SEC.30.

IC 3-8-1-30
Small claims court judge

Sec. 30. A candidate for the office of judge of a small claims court must:

(1) be a United States citizen upon taking office;
(2) either:
    (A) have resided in the township from which the candidate is elected for at least one (1) year upon taking office; or
    (B) have been elected as a small claims court judge in the township before 1999;
(3) be of high moral character and reputation; and
(4) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.93; P.L.95-1999, SEC.1.

IC 3-8-1-31
Small claims court constable

Sec. 31. A candidate for the office of constable of a small claims court must:

(1) have resided in the township for more than one (1) year

upon taking office; and

(2) be at least twenty-one (21) years old upon taking office.

As added by P.L.5-1986, SEC.4. Amended by P.L.18-1993, SEC.1.

IC 3-8-1-32

Precinct committeeman; delegate to state convention

Sec. 32. A candidate for:

(1) precinct committeeman; or

(2) delegate to a state convention;

of a political party in the state whose nominee received at least ten percent (10%) of the total vote cast for secretary of state at the last election must comply with any candidate requirement set by state party rules.

As added by P.L.5-1986, SEC.4. Amended by P.L.66-2003, SEC.12.

IC 3-8-1-33

Statement of economic interests

Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

(1) Governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, and state superintendent of public instruction, in accordance with IC 4-2-6-8.

(2) Senator and representative in the general assembly, in accordance with IC 2-2.1-3-2.

(3) Justice of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, judge of a probate court, and prosecuting attorney, in accordance with IC 33-23-11-14 and IC 33-23-11-15.

(4) A candidate for a local office or school board office, in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.94; P.L.3-1995, SEC.48; P.L.14-2004, SEC.52; P.L.98-2004, SEC.31; P.L.2-2005, SEC.2; P.L.201-2011, SEC.2; P.L.90-2012, SEC.1.

IC 3-8-1-34

School board offices

Sec. 34. (a) A candidate for a school board office must have resided in the school corporation for at least one (1) year before the election, unless a longer period is required under IC 20.

(b) This subsection applies to a candidate for school board office

seeking to represent an election district that consists of less than the entire school corporation. The candidate must have resided in the election district for at least one (1) year before the election, unless a longer period is required under IC 20.

As added by P.L.3-1987, SEC.95. Amended by P.L.3-1997, SEC.117.

IC 3-8-2

Chapter 2. Declaration of Candidacy for Federal, State, Legislative, or Local Office in Primary Election

IC 3-8-2-1

Application of chapter

Sec. 1. This chapter applies to the following:

(1) Each political party in the state whose nominee received at least ten percent (10%) of the total vote cast for secretary of state at the last election.

(2) Write-in candidates.

As added by P.L.5-1986, SEC.4. Amended by P.L.4-1991, SEC.33.

IC 3-8-2-2

Necessity of declaration of candidacy for nomination at primary election

Sec. 2. A person who desires to be nominated at a primary election as a candidate of a political party subject to this chapter for a federal, state, legislative, or local office shall file a declaration of candidacy.

As added by P.L.5-1986, SEC.4.

IC 3-8-2-2.2

Repealed

(Repealed by P.L.179-2011, SEC.34.)

IC 3-8-2-2.5 Version a

Requirements for write-in candidates

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

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 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) A statement 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.

The candidate must separately sign the statement required by this subdivision.

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

(A) been a candidate for state 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 commission shall provide that the form of a declaration of intent to be a write-in candidate includes the following information near the separate signature required by subsection (b)(7):

(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.

As added by P.L.4-1991, SEC.34. Amended by P.L.1-1992, SEC.3; P.L.10-1992, SEC.11; P.L.3-1993, SEC.57; P.L.3-1995, SEC.50; P.L.3-1997, SEC.118; P.L.202-1999, SEC.2; P.L.26-2000, SEC.6; P.L.66-2003, SEC.13; P.L.217-2013, SEC.1.

IC 3-8-2-2.5 Version b

Requirements for write-in candidates

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

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 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 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 commission 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.

As added by P.L.4-1991, SEC.34. Amended by P.L.1-1992, SEC.3; P.L.10-1992, SEC.11; P.L.3-1993, SEC.57; P.L.3-1995, SEC.50; P.L.3-1997, SEC.118; P.L.202-1999, SEC.2; P.L.26-2000, SEC.6; P.L.66-2003, SEC.13; P.L.217-2013, SEC.1; P.L.76-2014, SEC.14.

IC 3-8-2-2.6
Repealed

(Repealed by P.L.219-2013, SEC.17.)

IC 3-8-2-2.7
Withdrawal of a write-in candidate

Sec. 2.7. (a) A candidate may withdraw a declaration of intent to be a write-in candidate not later than noon July 15 before a general or municipal election.

(b) This subsection applies to a candidate who filed a declaration of intent to be a write-in candidate with the election division. The election division shall issue a corrected certification of write-in candidates under IC 3-8-7-30 as soon as practicable after a declaration is withdrawn under this section.

As added by P.L.3-1993, SEC.58. Amended by P.L.3-1997, SEC.119; P.L.14-2004, SEC.53; P.L.164-2006, SEC.57; P.L.219-2013, SEC.18.

IC 3-8-2-3
Precinct committeeman or delegate to state convention; necessity of declaration of candidacy

Sec. 3. A person who desires to be elected either or both of the following at a primary election shall file a declaration of candidacy:

(1) Precinct committeeman.

(2) Delegate to a state convention.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1995, SEC.51.

IC 3-8-2-4
Time for filing and execution of declaration of candidacy; declaration of intent to be a write-in candidate

Sec. 4. (a) A declaration of candidacy for a primary election must be filed not later than noon eighty-eight (88) days and not earlier than one hundred eighteen (118) days before the primary election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(b) A declaration of intent to be a write-in candidate must be filed:

(1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and

(2) not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) 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 declaration of:

(1) candidacy may be filed for an office that will appear on the primary election ballot; or

(2) intent to be a write-in candidate may be filed for an office that will appear on the general, municipal, or school board election ballot;

that year as a result of the new tabulation of population or corrected population count.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.96; P.L.1-1988, SEC.5; P.L.10-1988, SEC.32; P.L.5-1989, SEC.23; P.L.2-1990, SEC.6; P.L.4-1991, SEC.35; P.L.10-1992, SEC.12; P.L.3-1993, SEC.59; P.L.3-1997, SEC.120; P.L.14-2004, SEC.54; P.L.230-2005, SEC.23; P.L.164-2006, SEC.58; P.L.225-2011, SEC.25; P.L.219-2013, SEC.19.

IC 3-8-2-5

Filing with secretary of state

Sec. 5. A declaration of candidacy for:

(1) a federal office;

(2) a state office;

(3) a legislative office; or

(4) the local office of:

(A) judge of a circuit, superior, probate, county, or small claims court; or

(B) prosecuting attorney of a judicial circuit;

shall be filed with the secretary of state.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.97; P.L.5-1988, SEC.2.

IC 3-8-2-6

Certain local offices; filing declaration of candidacy; posting

Sec. 6. (a) A declaration of candidacy for:

(1) any local office not described in section 5 of this chapter;

(2) precinct committeeman; or

(3) delegate to a state convention;

shall be filed in the office of the county election board located in the county seat.

(b) Whenever the election district for a local office includes more than one (1) county, the declaration of candidacy shall be filed in the office of the county election board located in the county seat of the county that contains the greatest percentage of population of the election district.

(c) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The chief deputy of the combined election board and board of registration shall post for public

inspection a copy of each declaration of candidacy filed under this section on the day the declaration is filed.
As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.98; P.L.7-1991, SEC.1; P.L.12-1992, SEC.5; P.L.3-1997, SEC.121.

IC 3-8-2-7 Version a
Declaration of candidacy

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

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 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) This subdivision does not apply to a candidate for federal office. A statement 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.

The candidate must separately sign the statement 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 of this chapter.

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate signature required by subsection (a)(7):

(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. *As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.60; P.L.3-1995, SEC.52; P.L.3-1997, SEC.122; P.L.202-1999, SEC.3; P.L.167-2001, SEC.1 and P.L.199-2001, SEC.15; P.L.69-2003, SEC.2; P.L.194-2013, SEC.12.*

IC 3-8-2-7 Version b
Declaration of candidacy

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

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 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 of this chapter.

(10) The candidate's signature.

(b) The commission 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.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.60; P.L.3-1995, SEC.52; P.L.3-1997, SEC.122; P.L.202-1999, SEC.3; P.L.167-2001, SEC.1 and P.L.199-2001, SEC.15; P.L.69-2003,

SEC.2; P.L.194-2013, SEC.12; P.L.76-2014, SEC.15.

IC 3-8-2-8
Declaration of candidacy for U.S. Senator or governor; petitions required; requirements for a signature; petitioner with a disability; affidavit of assistance

Sec. 8. (a) A declaration of candidacy for the office of United States Senator or for the office of governor must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

(d) This subsection applies to a petition filed during the period:

(1) beginning on the date that a congressional district plan has been adopted under IC 3-3; and

(2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1992, SEC.13; P.L.126-2002, SEC.29; P.L.194-2013, SEC.13.

IC 3-8-2-9
Form of petition; certification

Sec. 9. (a) A petition required by section 8 of this chapter must request that the name of the candidate be placed on the ballot at the primary election.

(b) The county voter registration office in the county where a petitioner is registered must certify whether each petitioner is a voter at the residence address listed in the petition at the time the petition is being processed, and whether that address is located within the election district for the office. The certification must accompany and be part of the petition.

(c) If a county is part of more than one (1) congressional district, the certificate must indicate the number of petitioners from that county who reside in each congressional district.

As added by P.L.5-1986, SEC.4. Amended by P.L.38-1999, SEC.24; P.L.194-2013, SEC.14.

IC 3-8-2-10

Submission of petition to county voter registration office; return of petition

Sec. 10. (a) A petition required by section 8 of this chapter must be submitted to the county voter registration office during the period beginning on the first date that a declaration of candidacy may be filed under section 4 of this chapter in the year in which the primary election will be held and ending at noon ninety-one (91) days before the primary election.

(b) After the certification of a petition under this section, the county voter registration office may, upon the request of the candidate named in the petition, return the original petition to the candidate for filing with the secretary of state under section 5 of this chapter.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.33; P.L.5-1989, SEC.24; P.L.225-2011, SEC.26.

IC 3-8-2-11

Filing declaration of candidacy; time for filing; statement of economic interests or financial disclosure statement

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) This subsection applies to a candidate required to file a statement of economic interests under IC 2-2.1-3-2 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 election division shall reject a filing that does not comply with this subsection.

(d) 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.

As added by P.L.5-1986, SEC.4. Amended by P.L.5-1989, SEC.25; P.L.3-1993, SEC.61; P.L.3-1997, SEC.123; P.L.230-2005, SEC.24; P.L.164-2006, SEC.59; P.L.90-2012, SEC.2; P.L.219-2013, SEC.20.

IC 3-8-2-12
Confirmation statement

Sec. 12. (a) Not later than the close of one (1) business day after a person files a declaration of candidacy in the office of the election division or circuit court clerk, the election division or circuit court clerk shall send a statement to the candidate by:

(1) hand delivery;
(2) first class United States mail; or
(3) electronic mail.

(b) The election division or circuit court clerk shall send the statement (or a scanned copy of the statement, if the statement is sent by electronic mail) to the mailing address or electronic mail address set forth in the declaration of candidacy.

(c) The statement must show the following:

(1) That the candidate has filed a declaration.
(2) The name of the candidate.
(3) The office for which the individual is a candidate.
(4) The date on which the declaration was filed.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1995, SEC.53; P.L.3-1997, SEC.124; P.L.76-2014, SEC.16.

IC 3-8-2-12.5
Declaration of intent to be write-in candidate; party affiliation

Sec. 12.5. (a) This section applies to a declaration of intent to be a write-in candidate in which the candidate states that the candidate is affiliated with the political party.

(b) If a candidate claims affiliation with a political party:

(1) described by IC 3-8-4-1;
(2) of a candidate who has previously filed a petition of nomination under IC 3-8-6; or
(3) whose name would result in voter confusion due to its similarity with the name of a political party described in subdivision (1) or (2);

a registered voter of the election district may question the validity of the filing in accordance with IC 3-8-1-2. The commission or county election board shall determine the validity of the questioned filing under section 14 or section 18 of this chapter.

(c) Following the filing of a question under subsection (b) and not later than the deadline for resolution of a question concerning a candidacy under section 14 or section 18 of this chapter, a candidate may file a written amendment to the declaration to alter the name of the political party or to indicate that the candidate is independent.

(d) If:

(1) the commission or county election board determines that the candidate's stated party affiliation is described under subsection (c); and

(2) the candidate does not file an amendment under subsection (d);

the commission or board shall deny the filing.

As added by P.L.3-1997, SEC.125.

IC 3-8-2-13

Release of list of candidates

Sec. 13. Immediately after the deadline for filing, the election division and each circuit court clerk shall certify and release to the public a list of the candidates of each political party for each office. The election division and circuit court clerk shall also release to the public a list of all declarations of candidacy whose validity has been questioned under IC 3-8-1-2.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.126.

IC 3-8-2-14

Questions concerning validity of declaration

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) 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) 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) not later than noon eighty-eight (88) days before election day.

As added by P.L.5-1986, SEC.4. Amended by P.L.4-1991, SEC.36; P.L.3-1993, SEC.62; P.L.2-1996, SEC.85; P.L.58-2001, SEC.1; P.L.14-2004, SEC.55; P.L.225-2011, SEC.27.

IC 3-8-2-15

Declarations for more than one compensated office

Sec. 15. (a) 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 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.

(b) A person may file both:

(1) a declaration of candidacy under this chapter for nomination

to a federal or state office; and

(2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.

As added by P.L.5-1986, SEC.4. Amended by P.L.12-1988, SEC.1; P.L.3-1997, SEC.127; P.L.176-1999, SEC.31; P.L.179-2011, SEC.3.

IC 3-8-2-16

Declarations for more than one political party

Sec. 16. 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 primary election for a different political party until the original declaration is withdrawn.

As added by P.L.5-1986, SEC.4.

IC 3-8-2-17

Certified list of candidates

Sec. 17. (a) At least seventy-four (74) days before a primary election in a county, the election division shall transmit to each county election board a certified list containing the name and address of each person for whom a declaration of candidacy has been filed with the election division and for which voters at the primary election may vote.

(b) The list must designate the office for which the person is a candidate and the political party the person represents.

(c) If the commission determines under section 18 of this chapter that the certified list of candidates should be amended to add or remove the name of a candidate, as soon as practicable after this determination, the election division shall transmit the county election board an amendment indicating the change to be made in the certified list.

As added by P.L.5-1986, SEC.4. Amended by P.L.5-1989, SEC.26; P.L.3-1997, SEC.128; P.L.225-2011, SEC.28.

IC 3-8-2-18

Questions concerning declarations of candidacy

Sec. 18. (a) The commission shall act upon a question concerning a declaration of candidacy not later than noon sixty-eight (68) days before the date of the primary election.

(b) The notice requirements set forth in IC 4-21.5 do not apply to the meeting conducted by the commission under subsection (a). The election division is required to give the best possible notice of the meeting to a person that the election division identifies as an interested party. Unless a written objection is filed with the election division before the end of the meeting, appearance in person or by counsel at the commission's meeting to act under subsection (a) constitutes an admission that adequate notice of the meeting has been given.

As added by P.L.5-1986, SEC.4. Amended by P.L.5-1989, SEC.27; P.L.2-1996, SEC.86; P.L.3-1997, SEC.129; P.L.58-2001, SEC.2;

P.L.225-2011, SEC.29.

IC 3-8-2-19
Publishing and filing notice of election

Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

(1) The title of each office.

(2) The name of each individual who has filed a request to be placed on the presidential primary ballot.

(3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.

(4) The text of any public question to be placed on the ballot.

(5) The date of the primary election.

(6) The hours during which the polls will be open.

(b) The county election board shall do the following:

(1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.

(2) File a copy of the information described in subsection (a):

(A) with the election division; and

(B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

(1) compilation of the information described in subsection (a) has occurred; or

(2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.34; P.L.3-1997, SEC.130; P.L.38-1999, SEC.25; P.L.179-2011, SEC.4.

IC 3-8-2-20
Notice of withdrawal of candidacy

Sec. 20. (a) A person who files a declaration of candidacy under this chapter may, at any time not later than noon eighty-five (85) days before the date set for holding the primary election, file a statement with the same office where the person filed the declaration of candidacy, stating that the person is no longer a candidate and does not wish the person's name to appear on the primary election ballot as a candidate.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. The filing requirements of subsection (a) do

not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.35; P.L.5-1989, SEC.28; P.L.4-1991, SEC.37; P.L.3-1997, SEC.131; P.L.9-2004, SEC.9; P.L.230-2005, SEC.25; P.L.225-2011, SEC.30.

IC 3-8-2-21
Withdrawal of declaration of candidacy

Sec. 21. Upon receipt of notice under section 20 of this chapter, the election division or county election board shall indicate in the records of the division or board that the declaration of candidacy has been withdrawn and may not certify the name of the person as a candidate to be voted for at the primary election.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.132.

IC 3-8-2-22
Repealed

(Repealed by P.L.3-1997, SEC.475.)

IC 3-8-2-23
Candidate moving from district in which running; action upon failure to withdraw

Sec. 23. (a) This section applies if a person:

(1) files a declaration of candidacy under this chapter;

(2) moves from the election district that the person sought to represent following the filing of the declaration of candidacy;

(3) does not file a notice of withdrawal of candidacy under section 20 of this chapter; and

(4) is no longer an active candidate.

(b) The county chairman of any political party on the ballot in the election district or a candidate for the office sought by the person described in subsection (a) may, upon determining that this section applies, file an action in the circuit court in the county where the person described in subsection (a) resided. The complaint in this action must:

(1) state that this section applies to the person;

(2) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants; and

(3) be filed no later than a notice of withdrawal could have been filed under section 20 of this chapter.

(c) When a complaint is filed under subsection (b), the circuit court shall conduct a hearing and rule on the petition within ten (10) days after it is filed.

(d) If the court finds in favor of the plaintiff, a candidate vacancy occurs on the:

(1) general election ballot; and

(2) primary election ballot if no other person is:

(A) a member of the same political party as the person described in subsection (a); and

(B) a candidate on the ballot for the office sought by the person described in subsection (a).

(e) The candidate vacancy shall be filled under IC 3-13-1.

As added by P.L.3-1987, SEC.99.

IC 3-8-2.5

Chapter 2.5. Nomination for School Board Office

IC 3-8-2.5-1

Application of chapter

Sec. 1. This chapter applies to a candidate for a school board office.

As added by P.L.179-2011, SEC.5.

IC 3-8-2.5-2 Version a

Petition of nomination; serves as declaration of candidacy; qualifications for petitioners; required number of signatures; requirements for a signature; petitioner with a disability; affidavit of assistance

Note: This version of section effective until 4-1-2014. See also following version of this section, effective 4-1-2014.

Sec. 2. (a) A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

(b) A candidate may be nominated for a school board office by petition of voters who are:

(1) registered to vote at the residence address set forth on the petition on the date the petition is certified under this chapter; and

(2) qualified to vote for the candidate.

(c) The petition of nomination must be signed by the number of voters required for the school board office under IC 20-23 or IC 20-25.

(d) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

As added by P.L.179-2011, SEC.5. Amended by P.L.194-2013, SEC.15; P.L.2-2014, SEC.3.

IC 3-8-2.5-2 Version b

Petition of nomination; serves as declaration of candidacy; qualifications for petitioners; required number of signatures; requirements for a signature; petitioner with a disability; affidavit of assistance

Note: This version of section effective 4-1-2014. See also preceding version of this section, effective until 4-1-2014.

Sec. 2. (a) A candidate for a school board office must file a petition of nomination in accordance with this chapter and as required under IC 20-23 or IC 20-25. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

(b) A candidate may be nominated for a school board office by petition of voters who are:

(1) registered to vote at the residence address set forth on the petition on the date the petition is certified under this chapter; and

(2) qualified to vote for the candidate.

(c) The petition of nomination must be signed by the number of voters required for the school board office under IC 20-23 or IC 20-25.

(d) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

As added by P.L.179-2011, SEC.5. Amended by P.L.194-2013, SEC.15; P.L.2-2014, SEC.3; P.L.76-2014, SEC.17.

IC 3-8-2.5-2.5

Requirements for a petition of nomination

Sec. 2.5. (a) A petition of nomination for a school board office must state all of the following:

(1) The name of each candidate 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) The address of each candidate, including the mailing address, if different from the residence address of the candidate.

(3) The school board office that each candidate seeks.

(4) That each petitioner is a qualified registered voter and desires to be able to vote for the candidates listed on the petition.

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

(1) The candidate's written consent to become a candidate.

(2) A statement 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 referred

to in clause (A).

The candidate must separately sign the statement required by this subdivision.

(3) 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.

(4) A statement indicating whether or not each 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.

(5) 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.

(6) Any statement of economic interests required under IC 3-8-9.

As added by P.L.194-2013, SEC.16. Amended by P.L.76-2014, SEC.18.

IC 3-8-2.5-3

Statement of organization; when required

Sec. 3. A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5. If a candidate for a school board office is required to file a statement of organization for the candidate's principal committee, the statement of organization must be filed by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate.

As added by P.L.179-2011, SEC.5.

IC 3-8-2.5-4

Time for filing; petition requirements for write-in candidates; withdrawal of petition or declaration

Sec. 4. (a) A petition of nomination for a school board office must be filed not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the general election. The petition must be subscribed and sworn to before a person authorized to administer oaths.

(b) A declaration of intent to be a write-in candidate for a school board office must be filed not earlier than ninety (90) days before the general election and not later than noon seventy-four (74) days

before the general election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) A person who files a petition of nomination for a school board office may, at any time not later than noon seventy-one (71) days before the general election, file a statement with the same office where the person filed the petition of nomination, stating that the person is no longer a candidate and does not wish the person's name to appear on the election ballot as a candidate.

(d) A person who files a declaration of intent to be a write-in candidate for a school board office may, at any time not later than noon seventy-one (71) days before the general election, file a statement with the same office where the person filed the declaration of intent, stating that the person is no longer a write-in candidate for the office.

As added by P.L.179-2011, SEC.5. Amended by P.L.219-2013, SEC.21.

IC 3-8-2.5-5

Filing a petition of nomination; school corporation located in more than one county

Sec. 5. (a) If a school corporation is located entirely within one (1) county, a petition of nomination for the candidate to a school board office must be filed with the county voter registration office of the county. The county voter registration office of the county shall examine the voter registration records of the election district to determine if each petitioner is eligible to vote for the candidates being nominated by the petition.

(b) If a school corporation is located within more than one (1) county, a petition of nomination for the candidate to a school board office must be filed with the county voter registration office of the county having the greatest percentage of population of the school corporation. The county voter registration office shall examine the voter registration records of each county in the election district to determine if each petitioner is eligible to vote for the candidates being nominated by the petition.

(c) When the county voter registration office has completed its determination under subsection (a) or (b), the office shall forward the petitions of nomination to the circuit court clerk.

(d) This subsection applies if a school corporation is located within more than one (1) county. The circuit court clerk of the county having the greatest percentage of population of the school corporation shall promptly certify the names of each of the candidates on the petition to the county election board of each other county in which the school corporation is located.

As added by P.L.194-2013, SEC.17.

IC 3-8-2.5-6

Certification or denial of petition of nomination; notification of denial; contest of denial of certification

Sec. 6. (a) The circuit court clerk with whom the petition of

nomination has been filed by a county voter registration office under section 5 of this chapter shall:

(1) determine whether a sufficient number of signatures as required by section 2 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.

(b) If the circuit court clerk with whom the petition was filed denies certification under subsection (a), the clerk shall notify the candidate immediately by certified mail.

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

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

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

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

As added by P.L.194-2013, SEC.18.

IC 3-8-2.5-7

Consent to candidacy; satisfaction of eligibility requirements; questioning validity of petition of nomination, declaration of intent to be write-in candidate

Sec. 7. (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 for a school board office must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of statements of economic interest.

(c) A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 6 of this chapter must be filed with the county election board in accordance with IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of the general election. A question regarding the validity of a petition of nomination or the denial of certification shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election.

(d) A statement concerning the validity of a declaration of intent to be a write-in candidate for a school board office under section 4 of this chapter must be filed with the county election board in accordance with IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of the general election. A question regarding the validity of a declaration of intent to be a write-in candidate for a school board office shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date

of the general election.
As added by P.L.194-2013, SEC.19.

IC 3-8-2.5-8
Candidate moving from election district fails to withdraw; complaint; hearing; resulting candidate vacancy may not be filled

Sec. 8. (a) This section applies if a person:

(1) files a petition of nomination under this chapter;

(2) moves from the election district that the person sought to represent following the filing of the petition of nomination;

(3) does not file a notice of withdrawal of candidacy under this chapter; and

(4) is no longer an active candidate.

(b) A candidate for the school board office sought by the person described in subsection (a) may, upon determining that this section applies, file an action in the circuit court in the county where the person described in subsection (a) resided. The complaint in this action must:

(1) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants;

(2) state that this section applies to the person; and

(3) be filed not later than a notice of withdrawal could have been filed under this chapter.

(c) When a complaint is filed under subsection (b), the circuit court shall conduct a hearing and rule on the petition not later than ten (10) days after the petition is filed.

(d) If the court finds in favor of the plaintiff, a candidate vacancy occurs on the general election ballot.

(e) The candidate vacancy resulting from the removal of the name of a candidate nominated by petition for a school board office may not be filled.
As added by P.L.194-2013, SEC.20.

IC 3-8-3

Chapter 3. Presidential Primary Candidates

IC 3-8-3-1

Written request to place name on ballot

Sec. 1. (a) This section applies to candidates affiliated with a major political party of the state.

(b) A candidate of a major political party for nomination for the office of President of the United States during the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for the primary election held in the year in which a President is to be elected, shall file with the election division a request that the candidate's name be placed upon the ballot under the label of the political party whose nomination the candidate is seeking.

(c) A candidate described under subsection (b) may, in the alternative, file the request with the secretary of state. If the secretary of state receives a request under this subsection, the secretary shall immediately forward the request to the election division.

(d) Notwithstanding subsection (b), a request filed on the final day permitted under subsection (b) must be filed with the secretary of state. For all other purposes under this title, a request filed with the secretary of state is subject to the same procedures and requirements as a request filed with the election division.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.36; P.L.3-1997, SEC.133.

IC 3-8-3-2

Petition accompanying request; requirements for a signature; petitioner with a disability; affidavit of assistance

Sec. 2. (a) A request filed under section 1 of this chapter must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

(d) This subsection applies to a petition filed during the period:

(1) beginning on the date that a congressional district plan has

been adopted under IC 3-3; and

(2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1995, SEC.54; P.L.126-2002, SEC.30; P.L.194-2013, SEC.21.

IC 3-8-3-3

Validity of petition; certification

Sec. 3. (a) A petition required by section 2 of this chapter must request that the candidate's name be placed on the ballot at the primary election.

(b) The county voter registration office in the county where the petitioner is registered must certify whether each petitioner is a voter at the residence address listed in the petition at the time the petition is being processed. The certification must accompany and be part of the petition.

(c) If a county is part of more than one (1) congressional district, the certificate must indicate the number of petitioners from that county who are registered voters who reside in each congressional district.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.134; P.L.194-2013, SEC.22.

IC 3-8-3-4

Time for filing petition; return of petition

Sec. 4. (a) A petition required by section 2 of this chapter must be submitted to the county voter registration office 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 primary election will be held and ending at noon ten (10) days before the final date for filing a declaration of candidacy under IC 3-8-2-4 for the primary election.

(b) After the certification of a petition under this section, the county voter registration office may, upon the request of the candidate named in the petition, return the original petition to the candidate for filing under section 5 of this chapter.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.37; P.L.3-1997, SEC.135; P.L.225-2011, SEC.31.

IC 3-8-3-5

Deadline for receipt by election division

Sec. 5. A request or petition filed under this chapter is not valid unless received in the office of the election division by noon Indianapolis time on the final day for filing a declaration of candidacy under IC 3-8-2-4 before a primary election.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.136.

IC 3-8-3-6
Certification and release of list of candidates

Sec. 6. Immediately after the deadline for filing, the election division shall certify and release to the public a list of the candidates for nomination as President of the United States for each political party who have filed a request for placement on the primary ballot under this chapter. The election division shall also release to the public a list of all requests whose validity has been questioned under IC 3-8-1-2.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.137.

IC 3-8-3-7
Questions concerning validity of request

Sec. 7. All questions concerning the validity of a request shall be determined by the commission not later than the deadline to act upon questions concerning primary candidates under IC 3-8-2-18.

As added by P.L.5-1986, SEC.4. Amended by P.L.2-1996, SEC.87; P.L.3-1997, SEC.138.

IC 3-8-3-8
Certified list of candidates

Sec. 8. (a) Not later than the date prescribed under IC 3-8-2-17 for transmitting a certified list of candidates before a presidential primary election, the election division shall transmit to each county election board a certified list containing the name of each person qualified as a candidate for nomination for the office of President of the United States and the name of the political party whose nomination the candidate is seeking. This list may be amended in the same manner prescribed by IC 3-8-2-17.

(b) Except in accordance with an amendment to the certified list, each county election board shall have the names of the candidates certified by the election division placed on the ballot as provided by law.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.139.

IC 3-8-3-9
Sending copy of returns to election division

Sec. 9. (a) Each circuit court clerk shall, not later than noon on the second Monday after the day the primary election is held, send to the election division by certified mail or hand delivery one (1) complete copy of all returns for presidential candidates. The clerk shall state the number of votes received by each candidate in each congressional district within the county.

(b) A statement described in subsection (a) may be sent by using the computerized list established under IC 3-7-26.3. A statement sent under this section complies with any requirement for the statement to be certified or sealed.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.100;

P.L.3-1997, SEC.140; P.L.81-2005, SEC.30; P.L.221-2005, SEC.14; P.L.230-2005, SEC.26; P.L.1-2006, SEC.3.

IC 3-8-3-10
Certification of result of presidential primary vote to state chairmen

Sec. 10. The election division shall tabulate the results submitted under section 9 of this chapter and promptly certify to the state chairman of each political party the result of the presidential primary vote for the candidates of that party.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.101; P.L.3-1997, SEC.141.

IC 3-8-3-11
Delegates to national convention; support of candidate on first ballot

Sec. 11. A delegate or alternate delegate selected from a congressional district to the national convention of a political party shall, on the first ballot at the national convention, support the candidate for President of the United States who received the highest number of votes in the congressional district at the primary election if the person is in fact a candidate at the convention. A delegate-at-large or alternate delegate-at-large to the national convention is not required to support a specific candidate for President on any ballot at the convention.

As added by P.L.5-1986, SEC.4.

IC 3-8-4

Chapter 4. State Conventions

IC 3-8-4-1

Application of chapter

Sec. 1. This chapter applies to each political party in the state whose nominee received at least two percent (2%) of the total vote cast for secretary of state at the last election.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.102.

IC 3-8-4-2

Offices nominated by convention

Sec. 2. (a) A political party shall conduct a state convention to nominate the candidates of the political party for the following offices to be voted on at the next general election:

(1) Lieutenant governor.
(2) Secretary of state.
(3) Auditor of state.
(4) Treasurer of state.
(5) Attorney general.
(6) Superintendent of public instruction.

(b) The convention shall also:

(1) nominate candidates for presidential electors and alternate electors; and
(2) elect the delegates and alternate delegates to the national convention of the political party.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.103; P.L.14-2004, SEC.56.

IC 3-8-4-3

Delegates

Sec. 3. (a) This section applies to each political party that elects delegates to the party's state convention at a primary election.

(b) Delegates to a state convention shall be chosen at the primary election conducted by the political party on the first Tuesday after the first Monday in May 2006 and every two (2) years thereafter. If provided in the rules of the state committee of the political party, delegates may be elected from delegate districts in each county.

(c) Not later than noon November 30 of the year preceding the year in which the state convention is to be conducted, the state chairman of a political party shall certify the following to the election division and to each county committee of the party:

(1) The number of delegates to be elected in each county.
(2) Whether the delegates are to be elected from districts or at large in each county.
(3) If a county is to elect delegates from districts, how many districts must be established in each county.

(d) The county committee shall establish any delegate districts required to be established under subsection (c) and file descriptions setting forth the district boundaries with the county election board

not later than noon December 31 of the year preceding the year the state convention is to be conducted. If the county committee does not timely file district descriptions under this subsection, the county election board shall establish districts not later than the first day that a declaration of candidacy may be filed under IC 3-8-2-4, and apportion the delegates to be elected from each district in accordance with subsection (c).

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.104; P.L.3-1995, SEC.55; P.L.3-1997, SEC.142; P.L.122-2000, SEC.5; P.L.230-2005, SEC.27.

IC 3-8-4-4

Vacancy

Sec. 4. If a delegate vacancy exists to a political party's state convention, the vacancy shall be filled in accordance with the rules of the political party.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.143.

IC 3-8-4-5

Furnishing list of delegates to election division

Sec. 5. (a) This section applies to each political party that elects delegates to the party's state convention at a primary election.

(b) Each circuit court clerk, not later than noon on the second Monday after a primary election, shall furnish the election division with a complete list of all delegates elected at the primary election to the state convention of a political party. The list must include the address of each delegate and the United States congressional district in which each delegate resides.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.105; P.L.3-1997, SEC.144; P.L.221-2005, SEC.15.

IC 3-8-4-6

Notice of presidential primary vote to convention

Sec. 6. If the political party participated in a presidential primary during the year in which the state convention is held, the state chairman shall notify the convention of the results of the presidential primary furnished to the chairman under IC 3-8-3-10.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.106.

IC 3-8-4-7

Procedures for nominating candidates and delegates

Sec. 7. The state committee of the political party holding a state convention shall determine the procedure for nominating candidates and electing delegates and alternate delegates to the national convention.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.107.

IC 3-8-4-8

Voting technique; noncontested offices

Sec. 8. Candidates shall be nominated or elected at a state

convention by using ballot card systems or electronic voting systems. However, if there is no contest for an office, the nomination or election may be by motion and acclamation.
As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.108; P.L.221-2005, SEC.16.

IC 3-8-4-9
Inspectors and poll clerks; watchers

Sec. 9. The state chairman of the political party holding a state convention shall appoint an inspector and two (2) poll clerks to attend each voting system at the convention. Each candidate may have one (1) watcher at each voting system to check the voting system before and after each ballot and to check the work of any election officer. The inspector and poll clerks:

(1) shall take an oath to perform their duties faithfully and to the best of their abilities before anyone entitled to administer an oath;

(2) must be qualified in relationship to candidates in the same manner as precinct election officers under IC 3-6-6-7; and

(3) are subject to the same penalties as precinct election officers.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.109; P.L.221-2005, SEC.17.

IC 3-8-4-10
Nomination of candidates

Sec. 10. (a) This section applies to a political party whose nominee received at least two percent (2%) but less than ten percent (10%) of the votes cast for secretary of state at the last election for that office.

(b) A political party subject to this section shall also nominate the party's candidates for the following offices at the state convention of the party:

(1) United States Senator.

(2) United States Representative.

(3) Governor.

(4) Legislative office.

(5) A local office listed in IC 3-8-2-5.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.110; P.L.4-1996, SEC.25.

IC 3-8-4-11
Rules regarding state convention

Sec. 11. All matters regarding a state convention that are not prescribed by this chapter or by other laws are controlled by the rules of the state committee of the political party holding the convention and by the rules adopted by the convention.
As added by P.L.5-1986, SEC.4.

IC 3-8-4-12

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

IC 3-8-4-13
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-14
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-15
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-16
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-17
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-18
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-19
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-20
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-21
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-22
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-23
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-4-24
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-8-5

Chapter 5. Town Conventions and Major Political Party Nominations in Small Towns

IC 3-8-5-1

Application of chapter

Sec. 1. (a) This chapter applies to the nomination of candidates for town offices in each town having a population of less than three thousand five hundred (3,500) that is not located entirely or partially within a county having a consolidated city.

(b) Prison inmates may not be counted in determining population size for purposes of this chapter.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.111; P.L.11-1988, SEC.2; P.L.15-1995, SEC.1.

IC 3-8-5-2

Nomination of candidates

Sec. 2. (a) A candidate for a town office may be nominated using any of the following methods:

(1) By convention conducted under this chapter.

(2) By a primary election.

(3) By petition filed under IC 3-8-6.

(4) 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), a town shall use the convention method described in this chapter to nominate 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.

(d) The town legislative body must adopt an ordinance under subsection (c) not later than January 1 of the year in which a municipal election is held. 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) to nominate 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.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.63; P.L.167-2001, SEC.2; P.L.14-2004, SEC.57.

IC 3-8-5-3
Town committees

Sec. 3. (a) Each of the major political parties of the state shall have a committee in a town subject to this chapter known as the _____ town committee of the town of _____ (designating the name of the party and the town).

(b) A political party's town committee consists of the following individuals:

(1) A registered voter of the town appointed by the political party's county chairman of the county containing the greatest percentage of the population of the town. The individual appointed under this subdivision is the chairman of the town committee. The county chairman may not appoint an individual who holds a town office for the town.

(2) A registered voter of the town appointed by the political party's town chairman. The individual appointed under this subdivision is the secretary of the town committee.

(c) A member of a town committee serves until the member's successor is appointed and qualified.

(d) A member of the town committee serves at the pleasure of the appointing authority of the member.

(e) The individual who is town chairman vacates the office whenever the individual becomes a candidate for a town office of the town.

(f) A vacancy on the town committee shall be filled by the appointing authority of the member who vacated the committee.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.112; P.L.4-1996, SEC.26.

IC 3-8-5-4
Repealed

(Repealed by P.L.4-1996, SEC.107.)

IC 3-8-5-5
Repealed

(Repealed by P.L.4-1996, SEC.107.)

IC 3-8-5-6
Repealed

(Repealed by P.L.4-1996, SEC.107.)

IC 3-8-5-7
Repealed

(Repealed by P.L.4-1996, SEC.107.)

IC 3-8-5-8
Repealed

(Repealed by P.L.4-1996, SEC.107.)

IC 3-8-5-9

Repealed

(Repealed by P.L.4-1996, SEC.107.)

IC 3-8-5-10

Calling town conventions; necessity; purpose; notice; rescheduling

Sec. 10. (a) If more than one (1) candidate from the same political party files a declaration of candidacy for the same office, that political party shall conduct:

(1) a town convention under this chapter; or

(2) a primary election;

to choose the nominee of that party for that office as provided in the ordinance adopted under section 2 of this chapter.

(b) If a town convention is required under subsection (a), the town chairman shall organize, conduct, and issue a call for a town convention to be held in the town, or, if there is no suitable location in the town, then either at the nearest available location within any county in which the town is located or at the county seat of any county in which the town is located.

(c) The convention must be held not later than August 21 in each year in which a municipal election is to be held. The purpose of the convention is to select the nominees for all town offices to be elected at the next municipal election and for which more than one (1) declaration of candidacy has been filed.

(d) The chairman shall file a notice of the call with the circuit court clerk of the county containing the greatest percentage of population of the town. The chairman shall also have notice of the call posted at least three (3) days in three (3) prominent public places in the town, including the office of the clerk-treasurer. The notice must state the time, place, and purpose of the convention.

(e) If the county chairman determines that an emergency requires the rescheduling of a town convention after notice has been given under subsection (d), the chairman shall promptly file a notice in the office of the county election board and in the office of the town clerk-treasurer stating the date, time, and place of the rescheduled convention.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.114; P.L.10-1988, SEC.40; P.L.3-1993, SEC.64; P.L.4-1996, SEC.27; P.L.144-1999, SEC.1; P.L.167-2001, SEC.3; P.L.230-2005, SEC.28; P.L.225-2011, SEC.32.

IC 3-8-5-10.5 Version a

Declaration of candidacy

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

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 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.

(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) 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 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. *As added by P.L.3-1987, SEC.115. Amended by P.L.10-1988, SEC.41; P.L.4-1991, SEC.39; P.L.3-1993, SEC.65; P.L.3-1995, SEC.56; P.L.4-1996, SEC.28; P.L.144-1999, SEC.2; P.L.202-1999, SEC.4; P.L.167-2001, SEC.4; P.L.14-2004, SEC.58; P.L.225-2011, SEC.33.*

IC 3-8-5-10.5 Version b
Declaration of candidacy

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

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 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.

(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) 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 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. *As added by P.L.3-1987, SEC.115. Amended by P.L.10-1988, SEC.41; P.L.4-1991, SEC.39; P.L.3-1993, SEC.65; P.L.3-1995, SEC.56; P.L.4-1996, SEC.28; P.L.144-1999, SEC.2; P.L.202-1999, SEC.4; P.L.167-2001, SEC.4; P.L.14-2004, SEC.58; P.L.225-2011, SEC.33; P.L.76-2014, SEC.19.*

IC 3-8-5-11

Eligibility to vote at convention; list of voters

Sec. 11. (a) An individual is eligible to participate in a town convention if the individual meets all the following requirements:

(1) The voter resides in the town on the date the convention is conducted.

(2) The voter became a registered voter of the town not later than the date specified in the rules of the major political party conducting the convention.

(3) The voter subscribes to a statement under the penalties for perjury stating that the individual is affiliated with the political

party conducting the convention.

(4) The voter complies with any other requirement for determining political party affiliation set forth in the rules of the major political party conducting the convention.

(b) The county election board shall furnish the secretary of the convention a list of all the town's voters. The list must state the date that the individual became a voter of the town, if the individual became a voter of the town during the year in which the list is furnished. An individual who wants to vote in a town convention must register with the secretary of the convention and subscribe to the statement described in subsection (a)(3) before being permitted to vote in the convention. The secretary of the convention shall note on the list of the town's voters when an individual registers with the secretary.

(c) An individual may not vote at more than one (1) convention held in the town during the same election year.

As added by P.L.5-1986, SEC.4. Amended by P.L.167-2001, SEC.5; P.L.9-2004, SEC.10.

IC 3-8-5-12

Chairman and secretary of convention; items of business to be conducted; nomination of candidates; recess and reconvening

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 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.

(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.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.42; P.L.4-1991, SEC.40; P.L.3-1993, SEC.66; P.L.4-1996, SEC.29; P.L.230-2005, SEC.29.

IC 3-8-5-13
Certificate of nomination

Sec. 13. (a) The chairman and secretary of a town convention shall execute a certificate of nomination in writing, setting out the following:

(1) The name of each nominee as:

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

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

(2) The residence address of each nominee.

(3) The office for which each nominee was nominated.

(4) That each nominee is legally qualified to hold office.

(b) Both the chairman and secretary shall acknowledge the certificate before an officer authorized to take acknowledgment of deeds.

(c) The certificate must be filed with the circuit court clerk of the county having the greatest percentage of the population of the town.

(d) The certificate must be filed with the circuit court clerk no later than noon August 28 before the municipal election.

(e) The circuit court clerk shall file a copy of each certificate with the town clerk-treasurer no later than noon September 4.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.116; P.L.10-1988, SEC.43; P.L.3-1989, SEC.5; P.L.3-1993, SEC.67; P.L.144-1999, SEC.3; P.L.202-1999, SEC.5; P.L.14-2004, SEC.59.

IC 3-8-5-14
Certificate of nomination

Sec. 14. A certificate of nomination executed under section 13 of this chapter must be signed before a person authorized to administer oaths and certify the following information:

(1) The name of the party, the town where the convention was held, the date of the convention, and the date of the town election.

(2) The title of the party that the candidates represent and the

device by which the candidates may be designated on the ballots (a symbol to designate the party).

(3) The signature and residence address of the presiding officer and secretary of the convention.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.44; P.L.8-1989, SEC.4; P.L.3-1993, SEC.68; P.L.3-1995, SEC.57; P.L.4-1996, SEC.30; P.L.225-2011, SEC.34.

IC 3-8-5-14.3
Effect and procedure where convention not required

Sec. 14.3. If a convention or a primary election is not required under section 10 of this chapter, notwithstanding IC 3-10-7:

(1) a municipal primary election or town convention may not be held; and

(2) each candidate who filed a declaration of candidacy shall be placed on the municipal election ballot, unless IC 3-10-7-6(b) applies.

As added by P.L.3-1993, SEC.69. Amended by P.L.167-2001, SEC.6.

IC 3-8-5-14.5
Notice of withdrawal

Sec. 14.5. (a) A town election board or circuit court clerk conducting a municipal election under IC 3-10-7 may not include the name of a candidate nominated by a town convention on the municipal election ballot if the person files a notice to withdraw with the board or clerk.

(b) The notice to withdraw must:

(1) be signed and acknowledged before an officer authorized to take acknowledgments of deeds;

(2) have the certificate of acknowledgment appended to the notice; and

(3) be filed with the board or clerk no later than noon three (3) days following the adjournment of the convention.

As added by P.L.10-1988, SEC.45.

IC 3-8-5-14.7
Validity of documents

Sec. 14.7. (a) All questions regarding the validity of:

(1) a declaration of candidacy;

(2) a petition of nomination; or

(3) a certificate of nomination of a candidate by a town convention;

subject to this chapter shall be filed under IC 3-8-1-2 not later than noon seven (7) days after the final date for filing a certificate under section 13(d) of this chapter. The question shall be referred to and determined by the town election board (or by the appropriate county election board if a county election board is conducting the election for the town).

(b) The election board shall rule on the validity of any document described in subsection (a) not later than noon seven (7) days

following the deadline for filing of the document required by subsection (a).

(c) A question regarding the validity of a declaration to be a write-in candidate for election to a town office must be filed under IC 3-8-1-2 not later than the date and time specified by IC 3-8-2-14(c), and shall be determined by the election board not later than the date and time specified by IC 3-8-2-14(c).

As added by P.L.4-1996, SEC.31. Amended by P.L.144-1999, SEC.4; P.L.14-2004, SEC.60.

IC 3-8-5-15

Preservation of certificates of nomination and petitions of nomination

Sec. 15. A town clerk-treasurer shall preserve in the clerk-treasurer's office:

(1) all certificates of nomination and declarations of candidacy filed with the town clerk-treasurer under this chapter; and

(2) all petitions of nomination filed under IC 3-8-6-10;

for the period required under IC 3-10-1-31 or IC 3-10-1-31.1 after the municipal election for which the nominations were made.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.117; P.L.10-1988, SEC.46; P.L.14-2004, SEC.61.

IC 3-8-5-16

Repealed

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

IC 3-8-5-17

Nomination for town office

Sec. 17. (a) This section applies to a political party:

(1) not qualified to conduct a primary election under IC 3-10; and

(2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

(b) An individual who desires to be nominated for a town office by the political party must file a declaration of candidacy in the same manner as a candidate for nomination by a major political party under section 10.5 of this chapter. If a convention would be required for the political party under section 10 of this chapter, the political party shall conduct a convention to nominate candidates for town office not later than the date for conducting a major party town convention under section 10 of this chapter.

(c) The chairman and secretary of the town convention shall execute, acknowledge, and file a certificate setting forth the nominees of the convention in accordance with section 13 of this chapter.

(d) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6. The consent must be filed with the certificate under subsection (c). An individual who wishes to

withdraw as a candidate after nomination by the convention must do so in the manner prescribed by section 14.5 of this chapter.

(e) The circuit court clerk shall file a copy of each certificate and each candidate's consent with the town clerk-treasurer in accordance with section 13 of this chapter.

(f) A candidate's consent to the nomination 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 consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination 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 the nomination.

As added by P.L.3-1995, SEC.58. Amended by P.L.38-1999, SEC.26; P.L.202-1999, SEC.6.

IC 3-8-6

Chapter 6. Nomination by Petition for Independent or Minor Political Party Candidates

IC 3-8-6-1

Application of chapter

Sec. 1. (a) This chapter applies to a candidate for nomination to an elected office who:

(1) is an independent candidate; or

(2) represents a political party not qualified to nominate candidates in a primary or by convention.

(b) This chapter does not apply to a candidate for a school board office.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.70; P.L.194-2013, SEC.23.

IC 3-8-6-2

Nomination by petition

Sec. 2. A candidate may be nominated for an elected office by petition of voters who are:

(1) registered to vote at the residence address set forth on the petition on the date the county voter registration office certifies the petition under section 8 of this chapter; and

(2) qualified to vote for the candidate.

As added by P.L.5-1986, SEC.4. Amended by P.L.225-2011, SEC.35; P.L.194-2013, SEC.24.

IC 3-8-6-3

Required number of signatures

Sec. 3. (a) A petition of nomination must be signed by the number of voters equal to two percent (2%) of the total vote cast at the last election for secretary of state in the election district that the candidate seeks to represent.

(b) In determining the number of signatures required under this section, any fraction in excess of a whole number must be disregarded.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.145.

IC 3-8-6-4

Nature of office sought; independent candidates

Sec. 4. (a) Each candidate nominated by petition under section 2 of this chapter must be seeking an office that serves the entire state or a congressional or legislative district, or the same political subdivision.

(b) For purposes of subsection (a), candidates seeking a fiscal or legislative body seat elected only by the voters of a district within a county or municipality and candidates seeking an office to be voted on by all the voters of the county or municipality are considered to be seeking offices that serve the same political subdivision.

(c) An independent candidate may not include the name of any

other candidate on the petition or request to be placed on the ballot as associated with any other candidate, except for the other candidate included on an independent ticket for President and Vice President of the United States or governor and lieutenant governor.
As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.71; P.L.14-2004, SEC.62.

IC 3-8-6-5
Contents of petition

Sec. 5. (a) A petition of nomination must state all of the following:

(1) The name of each candidate 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) The address of each candidate, including the mailing address, if different from the residence address of the candidate.

(3) The office that each candidate seeks.

(4) The information required under IC 3-10-4-5, if the petition nominates candidates for presidential electors.

(5) That the petitioners desire and are registered and qualified to vote for each candidate.

(6) Whether the candidate is affiliated with the same political party as any other candidate or group of candidates that has filed or will be filing a petition of nomination with the county voter registration office under section 10 of this chapter. This subdivision does not apply to an independent candidate.

(b) A petition of nomination must:

(1) designate a brief name of the political party that the candidates represent;

(2) indicate that the candidate is an independent candidate; or

(3) indicate that the candidates are an independent ticket.

(c) If a political party has previously filed a device with the election division under IC 3-8-7-11, the petition may incorporate that device by reference in the petition. If a political party has not previously filed a device under IC 3-8-7-11, or the petition is for an independent ticket, the petition of nomination may include a device for designating the party or ticket on the ballot.
As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.47; P.L.3-1993, SEC.72; P.L.3-1995, SEC.59; P.L.3-1997, SEC.146; P.L.202-1999, SEC.7; P.L.14-2004, SEC.63; P.L.230-2005, SEC.30.

IC 3-8-6-5.5
Questions concerning validity of filings

Sec. 5.5. (a) This section applies to a petition of nomination which states that a candidate is affiliated with a political party.

(b) If a candidate claims affiliation with a political party:

(1) described by IC 3-8-4-1;

(2) of a candidate who has previously filed a petition of

nomination under this chapter; or

(3) whose name would result in voter confusion due to its similarity with the name of a political party described in subdivision (1) or (2);

a registered voter of the election district may question the validity of the filing in accordance with IC 3-8-1-2.

(c) If the voter affirms under subsection (b) that:

(1) the candidate is not the nominee of the political party described in subsection (b)(1);

(2) the candidate is not affiliated with the political party described in subsection (b)(2); or

(3) the name of the political party set forth in the petition would cause voter confusion under subsection (b)(3);

the commission or county election board shall determine the validity of the questioned filing under section 14 of this chapter.

(d) Following the filing of a question under subsection (b)(3) and not later than the deadline for resolution of a question concerning a petition under section 14 of this chapter, all candidates named in the petition may file a joint written amendment to the petition to alter the name of the political party or to indicate that the candidates are independent.

(e) If:

(1) the commission or county election board determines that the party affiliation stated on the petition is described under subsection (b) and that the affirmation of the voter under subsection (c) is correct; and

(2) in the case of a determination under subsection (c)(3), the candidates do not file an amendment under subsection (d);

the commission or board shall deny the filing.

As added by P.L.3-1997, SEC.147. Amended by P.L.14-2004, SEC.64.

IC 3-8-6-6

Signatures; petitioners must be registered to vote; requirements for a signature; petitioner with a disability; affidavit of assistance

Sec. 6. (a) The signatures to a petition of nomination need not be appended to one (1) paper, but a petitioner may not be counted unless the petitioner is registered and qualified to vote in conformity with section 8 of this chapter. Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(b) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form

must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.
As added by P.L.5-1986, SEC.4. Amended by P.L.194-2013, SEC.25; P.L.64-2014, SEC.35.

IC 3-8-6-7
Form of signature on petition of nomination

Sec. 7. Each petitioner on a petition of nomination must, in conformity with section 6 of this chapter:

(1) sign the petitioner's name;
(2) have the petitioner's mark attested; or
(3) authorize an individual to sign on behalf of the petitioner with a disability.

As added by P.L.5-1986, SEC.4. Amended by P.L.194-2013, SEC.26.

IC 3-8-6-8
Certification of petitioners as eligible to vote

Sec. 8. For a petition of nomination to be considered valid by the officer required to receive the petition, the county voter registration office in the county where the petitioner is registered must certify that each petitioner is a voter at the residence address listed in the petition at the time the petition is being processed. The certification must accompany and be part of each petition. The certification must indicate that each petitioner is eligible to vote for the candidates being nominated by the petition.
As added by P.L.5-1986, SEC.4. Amended by P.L.194-2013, SEC.27.

IC 3-8-6-9
Repealed

(Repealed by P.L.10-1992, SEC.30 and P.L.11-1992, SEC.4.)

IC 3-8-6-10
Time for submitting and filing petition; census

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) not later than noon July 15. 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.

(d) 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.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.118; P.L.1-1988, SEC.6; P.L.10-1988, SEC.48; P.L.2-1990, SEC.7; P.L.3-1997, SEC.148; P.L.176-1999, SEC.32; P.L.260-2001, SEC.1; P.L.225-2011, SEC.36.

IC 3-8-6-11
Town and school board offices; filing petition of nomination

Sec. 11. (a) Whenever a town is wholly or partly located in a county having a consolidated city, a petition of nomination must be filed with the circuit court clerk of the county having the consolidated city.

(b) Whenever a town not described in subsection (a) has entered into an agreement with a county under IC 3-10-7-4, the petition must be filed with the county voter registration office of that county.

(c) When a petition is filed under subsection (a) or (b) for nomination to an office whose election district is in more than one (1) county, the circuit court clerk or board of registration shall examine the voter registration records of each county in the election district to determine if each petitioner is eligible to vote for the candidates being nominated by the petition.

As added by P.L.5-1986, SEC.4. Amended by P.L.6-1986, SEC.5; P.L.3-1987, SEC.119; P.L.10-1988, SEC.49; P.L.3-1989, SEC.6; P.L.194-2013, SEC.28.

IC 3-8-6-12 Version a
Filing petition of nomination

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

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 petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement 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.

The candidate must separately sign the statement 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 commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

(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 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.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.120; P.L.10-1988, SEC.50; P.L.4-1991, SEC.41; P.L.3-1995, SEC.60; P.L.3-1997, SEC.149; P.L.253-1997(ss), SEC.1; P.L.176-1999, SEC.33; P.L.202-1999, SEC.8; P.L.14-2000, SEC.4; P.L.26-2000, SEC.7; P.L.66-2003, SEC.14; P.L.225-2011, SEC.37.

IC 3-8-6-12 Version b

Petition of nomination; filing; contents

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

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 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 commission 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 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.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.120; P.L.10-1988, SEC.50; P.L.4-1991, SEC.41; P.L.3-1995, SEC.60; P.L.3-1997, SEC.149; P.L.253-1997(ss), SEC.1; P.L.176-1999, SEC.33; P.L.202-1999, SEC.8; P.L.14-2000, SEC.4; P.L.26-2000, SEC.7; P.L.66-2003, SEC.14; P.L.225-2011, SEC.37; P.L.76-2014, SEC.20.

IC 3-8-6-12.5

Timely filing of all documents required for effective nomination

Sec. 12.5. (a) A candidate's nomination by petition under this chapter is not effective unless the candidate timely files each document required under sections 10 and 12 of this chapter.

(b) The county election board may not include on a ballot the name of a candidate whose nomination is ineffective under subsection (a).

(c) The election division may not certify the name of a candidate for placement on a ballot by a county election board if the candidate's nomination is ineffective under subsection (a).

As added by P.L.124-2012, SEC.3.

IC 3-8-6-13

Special election called by governor; filing of petition

Sec. 13. In a special election called by the governor, a petition of nomination shall be filed with the circuit court clerk or other public official with whom a petition is required to be filed, at any time after the election is called but no later than noon seventy-four (74) days before the date of the election.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.121; P.L.10-1988, SEC.51; P.L.124-2012, SEC.4.

IC 3-8-6-13.5

Withdrawal of petition of nomination

Sec. 13.5. A candidate may withdraw a petition of nomination by noon:

(1) July 15 before a general or municipal election; or

(2) seventy-one (71) days before a special election.

As added by P.L.3-1987, SEC.122. Amended by P.L.10-1988, SEC.52; P.L.3-1993, SEC.73; P.L.260-2001, SEC.2; P.L.219-2013, SEC.22.

IC 3-8-6-14

Eligibility and consent of candidate; resolution of questions concerning validity of petition

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(c) or IC 3-8-1-2(e) 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(c) or IC 3-8-1-2(e) 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 the date on which the general or municipal election will be held for the office.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.53; P.L.3-1993, SEC.74; P.L.2-1996, SEC.88; P.L.3-1997, SEC.150; P.L.58-2001, SEC.3; P.L.66-2003, SEC.15; P.L.194-2013, SEC.29.

IC 3-8-6-15
Repealed

(Repealed by P.L.10-1988, SEC.238.)

IC 3-8-6-16
Candidate departing election district without withdrawal of candidacy; procedure

Sec. 16. (a) This section applies if a person:

(1) files a petition of nomination under this chapter;

(2) moves from the election district that the person sought to represent following the filing of the petition of nomination;

(3) does not file a notice of withdrawal of candidacy under section 13.5 of this chapter; and

(4) is no longer an active candidate.

(b) The county chairman of any political party on the ballot in the election district or a candidate for the office sought by the person described in subsection (a) may, upon determining that this section applies, file an action in the circuit court in the county where the person described in subsection (a) resided. The complaint in this action must:

(1) state that this section applies to the person;

(2) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants; and

(3) be filed no later than a notice of withdrawal could have been filed under section 13.5 of this chapter.

(c) When a complaint is filed under subsection (b), the circuit court shall conduct a hearing and rule on the petition within ten (10) days after it is filed.

(d) If the court finds in favor of the plaintiff, a candidate vacancy occurs on the:

(1) general election ballot; and

(2) primary election ballot if no other person is:

(A) a member of the same political party as the person described in subsection (a); and

(B) a candidate on the ballot for the office sought by the person described in subsection (a).

(e) The candidate vacancy shall be filled under IC 3-13-1 if the candidate represents a political party not qualified to nominate candidates in a primary or by convention.

As added by P.L.3-1987, SEC.123.

IC 3-8-6-17

Replacement of candidate on petition of nomination

Sec. 17. (a) If:

(1) a petition of nomination contains the name of at least one (1) candidate who seeks to be placed on the ballot as the candidate of a political party described by section 1 of this chapter; and

(2) a candidate listed on the petition ceases to be a candidate after the petition is circulated for signature or filed;

the candidate may be replaced on the petition in accordance with this section.

(b) This subsection applies to a candidate described in subsection (a) who sought a federal, state, or legislative office or a local office described by IC 3-8-2-5. The state chairman of the political party may file a written statement with the election division stating the name of the substitute candidate. The statement must:

(1) be on a form prescribed by the commission;

(2) state the following:

(A) the name of the individual who ceased to be a candidate;

(B) the date and reason the individual ceased to be a candidate; and

(C) the name of the individual who will replace the

candidate as:

(i) the individual wants the individual's name to appear on the ballot; and

(ii) the individual's name is permitted to appear on the ballot under IC 3-5-7; and

(3) be accompanied by the following:

(A) The replacement candidate's consent to be nominated by the petition and, if other candidates were listed on the petition, the signed consent of those candidates to be the replacement.

(B) The former candidate's statement of withdrawal in a form substantially similar to the form prescribed under IC 3-8-7-28 if the individual withdrew as a candidate.

A replacement candidate's consent to the nomination 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 the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination 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 the nomination.

(c) This subsection applies to a candidate described in subsection (a) who sought a local office other than a local office described by IC 3-8-2-5. The county, city, or town chairman of the political party may file a written statement that conforms with subsection (b) with the election board conducting the election for the local office.

(d) The statement required under subsection (b) or (c) must be filed not later than the final date and time for the filing of a certificate of candidate selection under IC 3-13-1-15(c).

(e) If a petition of nomination is circulated or filed by an independent candidate and that individual ceases to be a candidate, another candidate may not be substituted on the petition of nomination.

As added by P.L.3-1997, SEC.151. Amended by P.L.202-1999, SEC.9; P.L.14-2004, SEC.65; P.L.124-2012, SEC.5.

IC 3-8-7

Chapter 7. Certification of Nominees and Ballot Placement

IC 3-8-7-1

Candidate receiving highest vote; death of candidate before certification; candidate vacancy

Sec. 1. (a) Subject to subsections (b) and (c), the candidate of a political party receiving the highest vote for an office at a primary election is the nominee of that party for that office.

(b) If the candidate of a political party receiving the highest vote for an office at a primary election for which a declaration of candidacy must be filed with the secretary of state or election division under IC 3-8-2 dies before the certification of primary election results by the election division, the election division shall promptly certify to the state chairman of the political party that a candidate vacancy exists, which may be filled by the political party under IC 3-13-1.

(c) If the candidate of a political party receiving the highest vote for an office at a primary election for which a declaration of candidacy must be filed with the circuit court clerk under IC 3-8-2 dies before the certification of primary election results by the county election board, the county election board shall promptly certify to the county chairman of the political party that a candidate vacancy exists, which may be filled by the political party under IC 3-13-1.

As added by P.L.5-1986, SEC.4. Amended by P.L.194-2013, SEC.30.

IC 3-8-7-2

Certification of primary results by election division

Sec. 2. The election division shall, not later than noon seventy-four (74) days before the date of the general election, certify the primary election results canvassed and tabulated under IC 3-10-1-34 for:

(1) candidates for federal and state offices; and

(2) candidates for legislative and local offices who are required to file a declaration of candidacy with the election division under IC 3-8-2;

to the county election board of each county in which the candidates are to be voted for at the next general election. No other form of certification of nomination for the offices is necessary.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.124; P.L.3-1997, SEC.152; P.L.66-2003, SEC.16.

IC 3-8-7-3

Error in certification

Sec. 3. (a) Except as provided in subsection (b), an error in certification discovered before sixty (60) days before a general election shall be corrected by the public officials charged with the duties of certification.

(b) An error in certification of candidates for a town office under IC 3-8-5 discovered before September 18 before a town election shall

be corrected by the public officials charged with the duties of certification.
As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.75; P.L.144-1999, SEC.5.

IC 3-8-7-4
Person nominated within county or municipality; exemption from certification

Sec. 4. A person nominated at a primary election held under this title within a county or a municipality does not have to be certified as a candidate to any election board.
As added by P.L.5-1986, SEC.4.

IC 3-8-7-5
Furnishing list of candidates and delegates to election division

Sec. 5. (a) Each circuit court clerk, not later than noon on the second Monday after a primary election conducted in a year in which a general election will be held, shall furnish the election division with a complete list of all:

(1) candidates nominated; and
(2) state convention delegates elected;

at the primary election.

(b) The list must include the address of each candidate and delegate and the United States congressional district in which each candidate and delegate resides.
As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.54; P.L.3-1997, SEC.153; P.L.221-2005, SEC.18.

IC 3-8-7-6
Candidate lists furnished to state chairmen of major political parties

Sec. 6. (a) Not later than noon ten (10) days after the certification of the canvass performed by the election division under IC 3-10-1-34, the secretary of state shall furnish to the state chairman of each major political party of the state a list, certified under the secretary's hand and seal.

(b) The list described in subsection (a) must:

(1) contain the names of all candidates shown to be nominated by the canvass of the election division conducted under IC 3-10-1-34; and
(2) include the address of each candidate.

(c) No other form of certification of nomination for office is necessary for an individual included on the list described by this section.
As added by P.L.5-1986, SEC.4. Amended by P.L.176-1999, SEC.34; P.L.64-2014, SEC.36.

IC 3-8-7-6.5
Delegate lists furnished to state chairmen of major political parties

Sec. 6.5. (a) Not later than noon ten (10) days after receipt of the

delegate lists from each circuit court clerk under section 5 of this chapter, the secretary of state shall furnish to the state chairman of each major political party of the state a list of individuals elected as delegates to the convention of the chairman's political party.

(b) The list described under subsection (a) must:

(1) contain the names of all delegates elected, as certified by the circuit court clerks under section 5 of this chapter; and

(2) include the address of each delegate.

(c) The delegate lists must be certified separately from the candidate lists certified under section 6 of this chapter and may not contain the name of an individual appointed to serve as a state convention delegate.

As added by P.L.176-1999, SEC.35.

IC 3-8-7-7
Repealed

(Repealed by P.L.10-1988, SEC.238.)

IC 3-8-7-8 Version a
Certification of candidates nominated at state convention

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

Sec. 8. (a) This section applies to a state convention conducted by a political party described by IC 3-8-4-1.

(b) The state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state not later than noon July 15 before the general election.

(c) The certificate must be in writing and state the following:

(1) The name of each candidate nominated 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) Each candidate's residence address.

(3) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

(4) 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.

The candidate must separately sign the statement required by this subdivision.

(d) The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information near the separate signature required by subsection (c)(4):

(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.

(e) A certificate of nomination 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 certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination 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 certificate of nomination.

(f) The certificate of nomination must be signed by the state chairman and state secretary of the political party holding the convention, and set forth the name and residence of the chairman and secretary. The chairman and secretary shall acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the certificate of nomination executed under this section.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.125; P.L.3-1995, SEC.61; P.L.3-1997, SEC.154; P.L.202-1999, SEC.10; P.L.260-2001, SEC.3; P.L.76-2014, SEC.21.

IC 3-8-7-8 Version b

Certification of candidates nominated at state convention

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

Sec. 8. (a) This section applies to a state convention conducted by a political party described by IC 3-8-4-1.

(b) The state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state not later than noon July 15 before the general election.

(c) The certificate must be in writing and state the following:

(1) The name of each candidate nominated 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) Each candidate's residence address.

(3) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

(4) The following statements:

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

(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.

(d) The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include 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.

(e) A certificate of nomination 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 certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination 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 certificate of nomination.

(f) The certificate of nomination must be signed by the state chairman and state secretary of the political party holding the convention, and set forth the name and residence of the chairman and secretary. The chairman and secretary shall acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the certificate of nomination executed under this section.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.125;

P.L.3-1995, SEC.61; P.L.3-1997, SEC.154; P.L.202-1999, SEC.10; P.L.260-2001, SEC.3; P.L.76-2014, SEC.21; P.L.76-2014, SEC.22.

IC 3-8-7-9
Repealed

(Repealed by P.L.38-1999, SEC.73.)

IC 3-8-7-10
County, city, or town conventions; certificates of nomination; requirements

Sec. 10. (a) This section applies to a county, city, or town convention conducted by a political party described by IC 3-8-4-1.

(b) A certificate of nomination by convention or primary election must satisfy all of the following:

(1) Be in writing.

(2) Contain all of the following information for each person nominated:

(A) The name of each person nominated as:

(i) the person wants the person's name to appear on the ballot; and

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

(B) Each person's residence address.

(C) The office for which each person is nominated.

(3) Be signed by the chairman and secretary of the county, city, or town committee, who shall also give their respective places of residence and acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the certificate of nomination executed under this section.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.55; P.L.202-1999, SEC.11; P.L.76-2014, SEC.23.

IC 3-8-7-11
Device used to designate candidates

Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

(1) the device is changed in accordance with party rules; and

(2) a statement concerning the use of the new device is filed with the election division.

(b) Except as provided in subsection (c), the device may be any appropriate symbol.

(c) A political party or an independent candidate may not use any of the following as a device:

(1) A symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors).

(2) The coat of arms or seal of the state or of the United States.
(3) The national or state flag.
(4) Any other emblem common to the people.

(d) Not later than noon on the date specified under section 16 of this chapter for the certification of candidates and public questions by the election division, the election division shall provide each county election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that ballots may be prepared using the best possible reproduction of the device.

(e) This subsection applies to a candidate or political party whose device is not filed with the election division under subsection (a) and is to be printed only on ballots to identify candidates for election to a local office. Not later than noon on the date specified under section 16 of this chapter for the certification of candidates and public questions by the election division, the chairman of the political party or the petitioner of nomination shall file a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed with the county election board of each county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

(g) If a device is filed with the election division or an election board after the commencement of printing of ballots for use at an election conducted under this title, the election board responsible for printing the ballots is not required to alter the ballots to include the device filed under this subsection.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.127; P.L.3-1997, SEC.156; P.L.14-2004, SEC.66; P.L.230-2005, SEC.31; P.L.225-2011, SEC.38.

IC 3-8-7-12
Place to file certificates

Sec. 12. A certificate of nomination for an office to be elected by the electorate of the whole state shall be filed with the election division. A certificate of nomination for any other elected office shall be filed with the person with whom a declaration of candidacy shall be filed.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.128; P.L.3-1997, SEC.157; P.L.66-2003, SEC.17.

IC 3-8-7-13
Candidates to satisfy statutory eligibility requirements

Sec. 13. Each candidate nominated by certificate of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including filing statements of economic interest.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.56.

IC 3-8-7-14

Deadline for filing certificate of nomination; exception for President and Vice President

Sec. 14. (a) This section does not apply to the certification of nominees under IC 3-10-4-5.

(b) A certificate of nomination required to be filed with the election division or circuit court clerk shall be filed not later than noon July 15 before the date fixed for the election of the person nominated.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.129; P.L.10-1988, SEC.57; P.L.3-1997, SEC.158; P.L.260-2001, SEC.4; P.L.66-2003, SEC.18.

IC 3-8-7-15

Special election called by governor; filing of certificate of nomination

Sec. 15. In a special election called by the governor, a certificate of nomination may be filed with the public official with whom a certificate is required to be filed at any time after the election is called but no later than noon seventy-four (74) days before the date of the election.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.58; P.L.225-2011, SEC.39.

IC 3-8-7-16

Certification by election division; designation of device; order of names; exception for President and Vice President

Sec. 16. (a) This section does not apply to the certification of nominees under IC 3-10-4-5.

(b) The election division shall certify the following to each county election board not later than noon seventy-four (74) days before a general election:

(1) The name and place of residence of each person nominated for election to:

(A) an office for which the electorate of the whole state may vote;

(B) the United States House of Representatives;

(C) a legislative office; or

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

(2) The name of each:

(A) justice of the supreme court;

(B) judge of the court of appeals; and

(C) judge of the tax court;

who is subject to a retention vote by the electorate and who has filed a statement under IC 33-24-2 or IC 33-25-2 indicating that the justice or judge wishes to have the question of the justice's or judge's retention placed on the ballot.

(c) Subject to compliance with section 11 of this chapter, the election division shall designate the device under which the list of candidates of each political party will be printed and the order in which the political party ticket will be arranged under IC 3-10-4-2 and IC 3-11-2-6.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.130; P.L.10-1988, SEC.59; P.L.3-1995, SEC.62; P.L.2-1996, SEC.89; P.L.3-1997, SEC.159; P.L.66-2003, SEC.19; P.L.98-2004, SEC.32; P.L.14-2004, SEC.67.

IC 3-8-7-17

Notice that person will not accept nomination

Sec. 17. (a) The election division may not certify the name of a person whose certificate or petition of nomination has been filed with the election division if the person has filed a notice with the election division that the person will not accept the nomination contained in the certificate or petition of nomination.

(b) The notice must be signed and acknowledged before an officer authorized to take acknowledgments of deeds in a form prescribed by the commission.

(c) A county election board may not include on the ballot the name of a person whose certificate or petition of nomination has been filed in the circuit court clerk's office if the person has notified the clerk in the same manner that the person will not accept the nomination.

(d) The name of a candidate who has given notice under this section may not be included on the ballot.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.131; P.L.10-1988, SEC.60; P.L.3-1997, SEC.160.

IC 3-8-7-18

Certificate or petition containing names of more than one candidate

Sec. 18. (a) This subsection applies to an office to which only one (1) candidate may be elected. If a certificate or petition of nomination contains the name of more than one (1) candidate for the office, none of the names of the candidates on the certificate or petition may be printed on the ballot as a candidate for the office.

(b) This subsection applies to an office for which more than one (1) candidate may be elected. If the certificate or petition contains the names of more than the total number of candidates that may be elected to that office, none of the names of the candidates on the certificate or petition may be printed on the ballot as a candidate for the office.

As added by P.L.5-1986, SEC.4. Amended by P.L.9-2004, SEC.11.

IC 3-8-7-19
Names to appear only once on ballot; candidate for federal office and Vice President

Sec. 19. (a) Except as provided in subsection (b), the name of a person who has been nominated as a candidate for an elected office may not appear in more than one (1) place on a ballot.

(b) The name of a person who is nominated as a candidate of a political party:

(1) for a federal office in a primary election; and

(2) for Vice President of the United States during the same year;

may appear on the general election ballot as a candidate for the federal office and for Vice President of the United States.

As added by P.L.5-1986, SEC.4. Amended by P.L.12-1988, SEC.2.

IC 3-8-7-20
Person nominated by convention and petition, primary election and petition, or primary election and convention

Sec. 20. (a) If a person has been nominated as a candidate for the same office by:

(1) both convention and petition;

(2) both primary election and petition;

(3) both primary election and convention;

(4) more than one (1) petition; or

(5) more than one (1) convention;

the person's name may be placed on the ballot only once.

(b) This subsection applies only to a person nominated by both convention and petition. The person's name shall be placed on the list of candidates nominated by convention, and the place occupied by the person's name in the petition must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person authorized to take acknowledgments;

(2) in the office where a petition of nomination for the office must be filed;

(3) no later than noon of the last day for filing a petition of nomination under IC 3-8-6-10(c); and

(4) requesting that the person's name be printed as nominated by petition;

the person's name must be so printed and omitted from the list nominated by convention.

(c) This subsection applies only to a person nominated by both primary election and petition. The person's name must be placed on the list of candidates nominated by primary election, and the place occupied by the person's name in the petition must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a petition of nomination for the office must be filed;

(3) not later than noon the last day for filing a petition of

nomination under IC 3-8-6-10(c); and

(4) requesting that the person's name be printed as nominated by petition;

the person's name must be so printed and omitted from the list nominated by primary election.

(d) This subsection applies only to a person nominated by both primary election and convention. The person's name must be placed on the list of candidates nominated by primary election, and the place occupied by the person's name in the certificate of nomination of the convention must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a certificate of nomination for the office must be filed;

(3) not later than noon the last day for filing a certificate of nomination; and

(4) requesting that the person's name be printed as nominated by convention;

the person's name must be so printed and omitted from the list nominated by primary election.

(e) This subsection applies only to a person nominated by more than one (1) petition. The person's name must be placed on the list of candidates nominated by petition for the first petition of nomination certified under IC 3-8-6 and filed with the election division or county election board under IC 3-8-6-10(c), and the place occupied by the person's name in a subsequent petition must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a petition of nomination for the office must be filed;

(3) not later than noon the last day for filing a petition of nomination under IC 3-8-6-10(c); and

(4) requesting that the person's name be printed as nominated by a subsequent petition;

the person's name must be placed on the list of candidates nominated by the subsequent petition.

(f) This subsection applies to a person nominated by more than one (1) convention. The person's name must be placed on the list of candidates nominated by convention for the first certificate of nomination filed with the public official with whom the certificate is required to be filed, and the place occupied by the person's name in a subsequent certificate of nomination of the convention must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a certificate of nomination for the office must be filed;

(3) not later than noon the last day for filing a certificate of

nomination; and

(4) requesting that the person's name be printed as nominated by a subsequent convention;

the person's name must be printed as nominated by the subsequent convention.

(g) If an individual is nominated as a candidate under IC 3-13-1 to fill a candidate vacancy, the individual is considered for purposes of this section to have been nominated in the same manner as the candidate whom the individual succeeded or in the same manner as a candidate would have been nominated if no nomination is made. If an individual is nominated as a candidate under IC 3-13-2 to fill a candidate vacancy, the individual may not be placed on the ballot as the candidate of any other political party.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.61; P.L.38-1999, SEC.27.

IC 3-8-7-21

Nomination by more than one political party or by political party and as independent; election of nomination

Sec. 21. (a) If a person has been nominated by two (2) or more political parties, or as an independent candidate and as the nominee of at least one (1) political party, the person must elect which of the nominations the person will accept.

(b) The election must be in writing, signed, acknowledged before an officer authorized to take acknowledgments, and filed in the office where a declaration of candidacy must be filed for the office under IC 3-8-2 or where a certificate of nomination by a convention must be filed under this chapter by noon July 15 before the election.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.132; P.L.3-1993, SEC.76; P.L.3-1997, SEC.161; P.L.38-1999, SEC.28; P.L.260-2001, SEC.5.

IC 3-8-7-22

Failure to make election

Sec. 22. (a) This section applies if a person nominated by two (2) or more political parties or as an independent candidate and as the nominee of at least one (1) political party does not make and file an election as required by section 21 of this chapter.

(b) The election division or circuit court clerk shall make the election for the person.

(c) The election division or clerk shall give preference to the nomination made by primary election and secondly to the nomination given by convention. If the candidate is nominated by more than one (1) convention or more than one (1) petition and the candidate does not make the election, the election division or clerk shall give preference to the first certificate of nomination for a convention given to the candidate under IC 3-8-5-13 or IC 3-8-7-8, or the first petition of nomination given to the candidate under IC 3-8-6-10.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.133; P.L.3-1993, SEC.77; P.L.3-1997, SEC.162; P.L.38-1999, SEC.29.

IC 3-8-7-23
Place of name on ballot following election

Sec. 23. After the election required by section 21 or 22 of this chapter is made, the election division or the appropriate election board shall place the name of the person on the list of nominees under only the designation as an independent candidate or the political party name and device indicated by the person or by the election division or circuit court clerk.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.134; P.L.3-1993, SEC.78; P.L.3-1997, SEC.163.

IC 3-8-7-24
Preservation of certificates and petitions of nomination

Sec. 24. The election division and each circuit court clerk shall preserve all certificates and petitions of nomination filed under this article for the period required under IC 3-10-1-31 or IC 3-10-1-31.1.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.135; P.L.3-1993, SEC.79; P.L.3-1997, SEC.164; P.L.38-1999, SEC.30; P.L.14-2004, SEC.68.

IC 3-8-7-25
Nominees entitled to have names on ballot

Sec. 25. The election division and each county election board shall have printed on the respective general, special, or municipal election ballots the names of the following candidates:

(1) Nominees chosen at a primary election under IC 3-10 and certified as required by this chapter.

(2) Nominees chosen by a convention of a political party in the state whose candidate received at least two percent (2%) of the total vote cast for secretary of state at the last election and certified under section 8 of this chapter.

(3) Nominees nominated by petition under IC 3-8-6.

(4) Nominees selected to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2.

As added by P.L.5-1986, SEC.4. Amended by P.L.2-1996, SEC.90; P.L.4-1996, SEC.32; P.L.3-1997, SEC.165.

IC 3-8-7-25.5
Statement designating former and current legal name of candidate

Sec. 25.5. (a) This section does not apply to the change of a candidate's name that occurs after absentee ballots have been printed bearing the candidate's name.

(b) A candidate who:

(1) is:

(A) nominated for election; or

(B) a candidate for nomination; and

(2) changed the candidate's legal name after:

(A) the candidate has been nominated; or

(B) the candidate has become a candidate for nomination;

shall file a statement setting forth the former and current legal name

of the candidate with the office where a declaration of candidacy or certificate of nomination for the office is required to be filed. If the final date and hour has not passed for filing a declaration of candidacy, consent for nomination, or declaration of intent to be a write-in candidate, the candidate must file the request for a change of name on the form prescribed by the commission for the declaration or consent.

(c) The statement filed under subsection (b) must also indicate the following:

(1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set forth in the statement is identical to the candidate's name on the county voter registration record.

(2) How the candidate's legal name was changed.

(d) Upon the filing of the statement, each county election board shall print the candidate's legal name on the ballot as set forth in the statement.

As added by P.L.3-1997, SEC.166. Amended by P.L.176-1999, SEC.36; P.L.202-1999, SEC.12; P.L.14-2000, SEC.5; P.L.225-2011, SEC.40.

IC 3-8-7-26

Factions within a political party; selection of names and devices

Sec. 26. (a) If there is a division in a political party and two (2) or more factions claim the same party name, title, or device, the commission, or the county election board, if appropriate, shall give preference of name to the convention held at the time and place designated in the call of the regularly constituted party authorities.

(b) If another faction presents no other party name, title, or device, the commission or county election board shall:

(1) select a name or title;

(2) place the selected name or title before the list of candidates of the faction that are on the ballot; and

(3) select some suitable device that complies with section 11 of this chapter to designate the faction's candidates.

As added by P.L.5-1986, SEC.4. Amended by P.L.2-1996, SEC.91; P.L.3-1997, SEC.167.

IC 3-8-7-27

Two or more conventions called by factions within a political party; selection of devices

Sec. 27. If two (2) or more conventions are called by authorities claimed to be the rightful authorities of a political party, the commission or county election board shall select suitable devices to distinguish one (1) faction from the other and have the ballots prepared accordingly. However, if a political party entitled to nominate by convention fails to do so, the names of all nominees by petition for any office who are designated in their petitions as members of and candidates of the party shall be placed on the ballot under the name and device of the party on the ballots, as if

nominated by convention.
As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.136; P.L.2-1996, SEC.92.

IC 3-8-7-28
Notice of withdrawal; withdrawal; disqualification; moving out of district

Sec. 28. (a) Except as provided in subsections (b) and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or IC 3-10-1 desires to withdraw as the nominee, the nominee must file a notice of withdrawal in writing with the public official with whom the certificate of nomination was filed by noon:

(1) July 15 before a general or municipal election;
(2) August 1 before a municipal election in a town subject to IC 3-8-5-10;
(3) on the date specified for town convention nominees under IC 3-8-5-14.5;
(4) on the date specified for declared write-in candidates under IC 3-8-2-2.7;
(5) on the date specified for a school board candidate under IC 3-8-2.5-4; or
(6) forty-five (45) days before a special election.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.
As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.137; P.L.4-1991, SEC.42; P.L.14-2004, SEC.69; P.L.194-2013, SEC.31.

IC 3-8-7-29
Candidates moving out of district or disqualified without withdrawal of candidacy; procedure

Sec. 29. (a) This section applies:

(1) if a person:
(A) has been certified as a candidate in a certificate of nomination filed under this chapter;
(B) moves from the election district that the person sought to represent following the filing of the certificate of nomination;
(C) does not file a notice of withdrawal of candidacy under section 28 of this chapter; and
(D) is no longer an active candidate; or
(2) if a person is disqualified from being a candidate under IC 3-8-1-5.

(b) The county chairman of any political party on the ballot in the

election district or a candidate for the office sought by the person described in subsection (a) may, upon determining that this section applies, file an action in the circuit court in the county where the person described in subsection (a) resided. The complaint in this action must:

(1) state that this section applies to the person; and

(2) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants.

(c) When a complaint is filed under subsection (b), the circuit court shall conduct a hearing and rule on the petition within ten (10) days after it is filed.

(d) If the court finds in favor of the plaintiff, a candidate vacancy occurs on the:

(1) general election ballot; and

(2) primary election ballot if no other person is:

(A) a member of the same political party as the person described in subsection (a); and

(B) a candidate on the ballot for the office sought by the person described in subsection (a).

(e) The candidate vacancy shall be filled under IC 3-13-1 or IC 3-13-2.

As added by P.L.3-1987, SEC.138. Amended by P.L.4-1991, SEC.43.

IC 3-8-7-30
Write-in candidates

Sec. 30. (a) Not later than noon August 1, the election division shall certify to each county election board:

(1) the name of each individual who filed a declaration of intent to be a write-in candidate with the election division; and

(2) any political party that the individual is affiliated with, or whether the individual is an independent candidate.

(b) This subsection applies to a county that does not use a central location to tally ballot card votes. The circuit court clerk shall provide a copy of the certification under this section to the inspector of each precinct, with instructions concerning the counting of write-in votes for declared write-in candidates.

As added by P.L.10-1992, SEC.14. Amended by P.L.3-1993, SEC.80; P.L.3-1997, SEC.168; P.L.14-2004, SEC.70.

IC 3-8-8

Chapter 8. Removal of Name From Ballot of a Candidate for Legislative or State Office at General Election for Disqualification or Withdrawal

IC 3-8-8-1

Applicability

Sec. 1. (a) This chapter applies only to a candidate for election to any of the following:

(1) A legislative office.

(2) A state office other than a judicial office.

(b) This chapter applies notwithstanding any other law relating to challenges to the qualifications of a candidate to be elected at a general election.

As added by P.L.230-2005, SEC.32.

IC 3-8-8-2

When challenge not permitted

Sec. 2. A candidate may not be challenged under this chapter if all of the following apply:

(1) The candidate's qualification was previously challenged under this chapter or other applicable law.

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

(3) The commission conducted a hearing on the challenge and made a final determination in favor of the candidate.

As added by P.L.230-2005, SEC.32.

IC 3-8-8-3

Who may challenge; filing requirements

Sec. 3. (a) An individual who challenges the qualification of a candidate for election to an office must be a registered voter of the election district the candidate seeks to represent.

(b) A challenge under this chapter must be filed with the election division not later than noon seventy-four (74) days before the date of the general election at which a candidate to the office is to be elected.

(c) The challenger must file a sworn statement with the election division:

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

(2) setting forth the facts known to the voter concerning this question.

As added by P.L.230-2005, SEC.32. Amended by P.L.66-2010, SEC.7.

IC 3-8-8-4

Commission hearing

Sec. 4. The commission shall do the following not later than three (3) business days after the challenger's sworn statement is filed under

section 3 of this chapter:

(1) Meet to hear the challenge.

(2) Conclude the hearing.

As added by P.L.230-2005, SEC.32.

IC 3-8-8-5

Commission determination; effect of commission failure to make determination

Sec. 5. (a) Not later than one (1) business day after concluding the hearing, the commission shall announce its determination on the matter.

(b) If the commission does not announce a determination on the matter as provided in subsection (a), the commission is considered to have:

(1) dismissed the challenge; and

(2) taken final action on the challenge.

As added by P.L.230-2005, SEC.32.

IC 3-8-8-6

Appeal of commission determination

Sec. 6. The candidate or the challenger may appeal any final action:

(1) that the commission has taken; or

(2) that the commission is considered to have taken under section 5 of this chapter;

to the court of appeals for errors of law under the same terms, conditions, and standards that govern appeals in ordinary civil actions. An assignment of errors that the commission's final action is contrary to law is sufficient to present both the sufficiency of the facts found to sustain the commission's action and the sufficiency of the evidence to sustain the finding of facts upon which the commission's action was rendered.

As added by P.L.230-2005, SEC.32.

IC 3-8-8-7

Termination of challenge regardless of status of challenge or appeal; status of candidate who withdraws after 60 days before election

Sec. 7. (a) Regardless of the status of a challenge before the commission or the court of appeals, at noon sixty (60) days before the general election the following apply:

(1) The challenge is terminated.

(2) The name of the challenged candidate may not be removed from the ballot.

(3) The name of another individual may not replace the name of the challenged candidate on the ballot.

(4) Any votes cast for the challenged candidate shall be canvassed, counted, and reported under the name of the challenged candidate.

(b) All of the following apply if a candidate attempts to withdraw

as a candidate after noon sixty (60) days before the general election:

(1) The name of the candidate may not be removed from the ballot.

(2) The name of another individual may not replace the name of the candidate on the ballot.

(3) Any votes cast for the candidate shall be canvassed, counted, and reported under the name of the candidate.

As added by P.L.230-2005, SEC.32. Amended by P.L.66-2010, SEC.8.

IC 3-8-8-8

Effect of candidate who withdraws receiving most votes in election; filling vacancy

Sec. 8. (a) This section applies if a candidate whose name remains on the ballot under section 7 of this chapter receives the most votes in the general election among all candidates for the office.

(b) If, after the election, it is determined as provided by law that the individual was not qualified to be elected to the office, it shall be considered that:

(1) an eligible candidate of the same political party, if any, as the ineligible candidate had been elected; and

(2) a vacancy in the office occurred after the election.

(c) The vacancy in the office shall be filled as otherwise provided by law.

As added by P.L.230-2005, SEC.32.

IC 3-8-9

Chapter 9. Statements of Economic Interests for Local and School Board Offices

IC 3-8-9-1

Application

Sec. 1. This chapter applies only to candidates for local or school board offices elected after December 31, 2012.

As added by P.L.90-2012, SEC.3.

IC 3-8-9-2

"Filer"

Sec. 2. As used in this chapter, "filer" refers to an individual who files a statement of economic interests under this chapter.

As added by P.L.90-2012, SEC.3.

IC 3-8-9-3

"Statement"

Sec. 3. As used in this chapter, "statement" refers to the statement of economic interests required to be filed under this chapter.

As added by P.L.90-2012, SEC.3.

IC 3-8-9-4

Applicability; statement of economic interests; requirement to file

Sec. 4. (a) This section does not apply to a candidate for either of the following:

(1) Judge of a circuit, superior, probate, or small claims court.

(2) Prosecuting attorney of a judicial circuit.

(b) A candidate for a local office or school board office shall file a written statement of economic interests as provided in this chapter.

As added by P.L.90-2012, SEC.3. Amended by P.L.76-2014, SEC.24.

IC 3-8-9-5

Statement of economic interests; when to file

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;

(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.

As added by P.L.90-2012, SEC.3. Amended by P.L.194-2013, SEC.32; P.L.76-2014, SEC.25.

IC 3-8-9-6

Failure to include statement; rejection of declaration of candidacy; petition of nomination; declaration of intent to be a write-in candidate, or certificate of candidate selection

Sec. 6. The circuit court clerk shall reject a declaration of candidacy, petition of nomination, declaration of intent to be a write-in candidate, or certificate of candidate selection that does not include the statement.

As added by P.L.90-2012, SEC.3.

IC 3-8-9-7

Statement to be made under affirmation

Sec. 7. A statement must be made under affirmation.

As added by P.L.90-2012, SEC.3.

IC 3-8-9-8

Contents of statement

Sec. 8. A statement must set forth the following information for the preceding calendar year:

(1) The following information for each employer of the filer and each employer of the filer's spouse:

(A) The name of the employer.

(B) The nature of the employer's business.

For purposes of this subdivision, "employer" means any person from whom the filer or the filer's spouse received more than thirty-three percent (33%) of the filer's or the filer's spouse's income.

(2) The following information about any sole proprietorship owned or professional practice operated by the filer:

(A) The name of the sole proprietorship or professional practice.

(B) The nature of the business of the sole proprietorship or professional practice.

(3) The name of any partnership or limited liability company in which the filer or the filer's spouse is a member and the nature of the business of the partnership or limited liability company.

(4) The name of a corporation (other than a church) of which the filer or the filer's spouse is an officer or a director and the nature of the corporation's business.

As added by P.L.90-2012, SEC.3.

IC 3-8-9-9

Commission to prescribe the form of statement

Sec. 9. The commission shall prescribe the form of the statement.

As added by P.L.90-2012, SEC.3.

IC 3-9

ARTICLE 9. CAMPAIGNS

IC 3-9-1

Chapter 1. Campaign Committees

IC 3-9-1-1

Application of chapter

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to candidates in all elections and caucuses and to the following types of committees:

(1) Candidate's committees.

(2) Regular party committees.

(3) Political action committees.

(4) Legislative caucus committees.

(b) This chapter does not apply to the following:

(1) A candidate for a local office for which the compensation is less than five thousand dollars ($5,000) per year unless the candidate is required to file a written instrument designating a principal committee under section 5.5 of this chapter.

(2) A candidate for school board office unless the candidate is required to file a written instrument designating a principal committee under section 5.5 of this chapter.

(3) Elections for precinct committeeman or delegate to a state convention.

(4) An auxiliary party organization.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.139; P.L.4-1991, SEC.44; P.L.3-1993, SEC.81; P.L.3-1995, SEC.63; P.L.3-1997, SEC.169; P.L.26-2000, SEC.8.

IC 3-9-1-1.5

Deadline for filing statement of organization; determination of existence of regular party committee

Sec. 1.5. (a) This section does not apply to a national committee of a political party.

(b) For purposes of determining the deadline for filing a statement of organization under section 3 of this chapter, a committee becomes a regular party committee when the committee accepts contributions or makes expenditures during a calendar year:

(1) to influence the election of a candidate for state, legislative, or local office; and

(2) that total more than one hundred dollars ($100).

As added by P.L.9-2004, SEC.12. Amended by P.L.164-2006, SEC.60.

IC 3-9-1-2

Chairman and treasurer

Sec. 2. Each committee must have a chairman and a treasurer who are ex officio members of the committee. A person may not make an expenditure or accept a contribution for or on behalf of a committee

without the authorization of its chairman or treasurer.
As added by P.L.5-1986, SEC.5.

IC 3-9-1-3
Statement of organization; filing

Sec. 3. Each committee must file a statement of organization not later than noon ten (10) days after it becomes a committee.
As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.62; P.L.2-1996, SEC.93; P.L.3-1997, SEC.170; P.L.126-2002, SEC.32.

IC 3-9-1-4
Statement of organization; content

Sec. 4. A committee must include in its statement of organization the following:

(1) The name and address of the committee.
(2) The purpose for which the committee is formed, unless the committee is a candidate's committee that identifies a specific office sought by the candidate.
(3) The name and address of the chairman and treasurer.
(4) If applicable, the name, address, office sought, and political party affiliation or independent status of each candidate whom the committee is supporting.
(5) If the committee is a legislative caucus committee, political action committee, or regular party committee and is supporting the entire ticket of a political party, the name of the party.
(6) If the committee is a political action committee supporting or opposing a public question, a brief statement of the question supported or opposed.
(7) A listing of all banks, safety deposit boxes, and other depositories used.
(8) Other information prescribed by the commission under IC 3-6-4.1-14(a)(3).

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1993, SEC.82; P.L.3-1997, SEC.171; P.L.176-1999, SEC.37.

IC 3-9-1-5
Principal committee; designation by written instrument

Sec. 5. (a) This section does not apply to the following candidates:

(1) A candidate for a local office for which the compensation is less than five thousand dollars ($5,000) per year.
(2) A candidate for a school board office.

(b) Each candidate shall have a principal committee.

(c) A candidate shall file a written instrument designating the name of the principal committee and the names of the chairman and treasurer of the committee. The written instrument must be filed not later than the earliest of the following:

(1) Noon ten (10) days after becoming a candidate.
(2) Noon seven (7) days after the final date and hour for filing any of the following, whichever applies to the candidate:

(A) A declaration of candidacy under IC 3-8-2.
(B) A petition of nomination under IC 3-8-6.
(C) A certificate of nomination under IC 3-8-7-8.
(D) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
(E) A declaration of intent to be a write-in candidate under IC 3-8-2.

(3) The date a candidate is required to file the candidate's first campaign finance report under IC 3-9-5.

(d) This designation may be made on the same instrument as the statement of organization required from the principal committee.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.140; P.L.10-1988, SEC.63; P.L.8-1992, SEC.6; P.L.3-1995, SEC.64; P.L.26-2000, SEC.9; P.L.199-2001, SEC.16.

IC 3-9-1-5.5
Principal committee; candidates for school board or certain local offices; designation by written instrument

Sec. 5.5. (a) This section applies to the following candidates:

(1) A candidate for a local office for which the compensation is less than five thousand dollars ($5,000) per year.
(2) A candidate for a school board office.

(b) A candidate shall have a principal committee.

(c) Not later than noon ten (10) days after either:

(1) the candidate receives more than five hundred dollars ($500) in contributions; or
(2) the candidate makes more than five hundred dollars ($500) in expenditures;

whichever occurs first, the candidate shall file a written instrument designating the name of the principal committee and the names of the chairman and treasurer of the committee.

(d) This designation may be made on the same instrument as the statement of organization required from the principal committee.

As added by P.L.26-2000, SEC.10.

IC 3-9-1-6
Failure to file written instrument; designation of committee

Sec. 6. If a candidate fails to file the instrument required by section 5 or 5.5 of this chapter, the candidate's principal committee is designated as "the _____(insert the name of the candidate) for _____ (insert the title of the office sought by the candidate) committee". The candidate is then both chairman and treasurer of the committee.

As added by P.L.5-1986, SEC.5. Amended by P.L.26-2000, SEC.11.

IC 3-9-1-7
Candidate as chairman or treasurer

Sec. 7. A candidate may be chairman, treasurer, or both chairman and treasurer of the candidate's committee.

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

IC 3-9-1-8
Candidate as ex officio member

Sec. 8. A candidate is an ex officio member of the candidate's committee.

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

IC 3-9-1-9
Repealed

(Repealed by P.L.3-1993, SEC.281.)

IC 3-9-1-10
Report of change in information

Sec. 10. A committee shall report any change in information previously submitted in a statement of organization within ten (10) days following the change.

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

IC 3-9-1-11
Repealed

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

IC 3-9-1-12
Dissolution of committee

Sec. 12. (a) A committee may disband at any time in the manner prescribed by this section.

(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.

(c) The commission has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for state office.

(2) A candidate's committee for legislative office.

(3) A legislative caucus committee.

(4) A political action committee that has filed a statement or report with the election division.

(5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for a local office.

(2) A candidate's committee for a school board office.

(3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.

(4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the

election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:

(A) The committee has not filed any report of expenditures during the previous three (3) calendar years.

(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars ($1,000), if the committee filed a report under this article.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

(B) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) If the commission or board:

(A) administratively dissolves a committee under subdivision (4); and

(B) finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust;

the commission or board may also waive the outstanding civil penalty previously imposed by the commission or board against the committee.

(6) The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

(7) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.
(C) The election division.
(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.
(E) Contributors to the committee, on a pro rata basis.
(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from any:
(1) civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by or on behalf of the committee; or
(2) criminal liability.

As added by P.L.5-1986, SEC.5. Amended by P.L.13-1987, SEC.1; P.L.8-1992, SEC.7; P.L.3-1993, SEC.83; P.L.2-1996, SEC.94; P.L.3-1997, SEC.172; P.L.176-1999, SEC.38; P.L.126-2002, SEC.33; P.L.225-2011, SEC.41.

IC 3-9-1-13
Treasurer of committee; qualifications

Sec. 13. A treasurer of a committee:
(1) must be a United States citizen;
(2) may not be the chairman of a committee except in the case of a candidate under section 7 of this chapter;
(3) must be appointed treasurer in writing as required by section 14 of this chapter; and
(4) must file the written instrument of appointment as required by section 15 of this chapter.

As added by P.L.5-1986, SEC.5. Amended by P.L.8-1992, SEC.8.

IC 3-9-1-14
Appointment or designation of treasurer

Sec. 14. The chairman of a committee shall appoint or designate the treasurer of the committee in a written instrument.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1995, SEC.65.

IC 3-9-1-15
Filing notice of appointment or designation

Sec. 15. The treasurer of a committee shall file a notice of the treasurer's written appointment or designation with the election division or the county election board, as required by IC 3-9-5-2, IC 3-9-5-3, or IC 3-9-5-4.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.141; P.L.10-1988, SEC.64; P.L.2-1996, SEC.95; P.L.3-1997, SEC.173.

IC 3-9-1-16
Repealed

(Repealed by P.L.8-1992, SEC.43.)

IC 3-9-1-17
Repealed
(Repealed by P.L.8-1992, SEC.43.)

IC 3-9-1-18
Treasurer serving on more than one committee
Sec. 18. A treasurer of one committee may be the treasurer of another committee unless the treasurer is a candidate.
As added by P.L.5-1986, SEC.5.

IC 3-9-1-19
Removal of chairman or treasurer
Sec. 19. (a) A committee may remove a person appointed or designated chairman or treasurer by the committee without assigning a cause. The committee may also appoint or designate the successor of the removed chairman or treasurer.
(b) Upon removal, the treasurer shall immediately account for and turn over to the treasurer's successor in office the value then in the treasurer's possession.
As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.65; P.L.4-1991, SEC.46; P.L.3-1993, SEC.84.

IC 3-9-1-20
All money or property to be handled by treasurer
Sec. 20. All money or other property collected or received by a committee or by a member of it for a political purpose shall be paid over to and made to pass through the hands of the treasurer of the committee. Similarly, all money or other property must be disbursed by the treasurer.
As added by P.L.5-1986, SEC.5.

IC 3-9-1-21
Expenditure or disbursement of money; approval of committee
Sec. 21. The treasurer of a committee may not expend or disburse money or other property or incur any liability except by the authority and subject to the direction of the committee for which the treasurer is acting.
As added by P.L.5-1986, SEC.5.

IC 3-9-1-22
Vouchers for disbursements
Sec. 22. Disbursements may be made by a voucher drawn by the chairman of a committee on the treasurer and presented to the treasurer for payment. The voucher must show the specific purpose for which the money is being expended.
As added by P.L.5-1986, SEC.5.

IC 3-9-1-23
Accounts and records
Sec. 23. The treasurer of a committee shall keep a detailed and

exact account of the information required to be reported under this article.
As added by P.L.5-1986, SEC.5. Amended by P.L.3-1997, SEC.174.

IC 3-9-1-24
Preservation of receipted bills and checks

Sec. 24. (a) The treasurer of a committee shall obtain and keep receipted bills, cancelled checks, or other proof of payment, stating the particulars for each expenditure made by or on behalf of a committee:

(1) of more than twenty-five dollars ($25); and

(2) for a smaller amount, if the aggregate amount of the expenditures to the same person during a year exceeds twenty-five dollars ($25).

(b) The treasurer shall preserve all receipted bills and accounts required to be kept by this section for:

(1) three (3) years; or

(2) one (1) year after the date of dissolution of the committee; whichever occurs first.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.142.

IC 3-9-1-25
Solicitation and receipt of contributions by member

Sec. 25. (a) A member of a committee that has appointed a treasurer in accordance with this chapter may solicit or receive contributions as long as the member immediately turns over the contributions without diminution to the treasurer of the committee, to be disbursed and accounted for by the treasurer as provided by this article. The treasurer shall show, in the treasurer's account and statement and in addition to the requirements of IC 3-9-5, through what member of the committee any contributions were received.

(b) A contribution is considered to be received and accepted by a committee when any member of the committee:

(1) has physical possession of the contribution; and

(2) manifests an intent to keep the contribution by depositing the contribution, subject to IC 3-9-5-14(c).

As added by P.L.5-1986, SEC.5. Amended by P.L.176-1999, SEC.39.

IC 3-9-1-25.5
Calendar year in which contribution made

Sec. 25.5. For purposes of this article, a person makes a contribution during the calendar year in which the person relinquishes control over the contribution by:

(1) depositing the contribution in the United States mail; or

(2) transferring the contribution to any other person who has been directed to convey the contribution to the person intended to be the recipient of the contribution.

As added by P.L.176-1999, SEC.40.

IC 3-9-1-26

Other persons receiving or disbursing funds; requirements and obligations

Sec. 26. A person, except a person authorized by the treasurer of a committee and a member of a committee, who receives or disburses money for a political purpose is subject to all the requirements, obligations, and penalties to which the treasurer of a committee is subject.

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

IC 3-9-2

Chapter 2. Campaign Contributions

IC 3-9-2-1

Application of chapter

Sec. 1. (a) Except as provided in subsections (b) and (c), this chapter applies to candidates in all elections and caucuses and to the following types of committees:

(1) Candidate's committees.
(2) Regular party committees.
(3) Political action committees.
(4) A legislative caucus committee.

(b) Sections 2 through 10 of this chapter do not apply to elections for precinct committeeman or delegate to a state convention.

(c) Section 9 of this chapter applies to a candidate only if the candidate is required to file a written instrument designating a principal committee under IC 3-9-1-5 or IC 3-9-1-5.5.

(d) Sections 9 and 10 of this chapter apply to an auxiliary party organization.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.143; P.L.3-1993, SEC.85; P.L.3-1995, SEC.66; P.L.3-1997, SEC.175; P.L.26-2000, SEC.12.

IC 3-9-2-2

Candidates

Sec. 2. Except as otherwise provided in this article, a candidate may make a voluntary payment of money to a treasurer of a committee for a purpose permitted by this article.

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

IC 3-9-2-3

Corporations, labor organizations, and national banks

Sec. 3. (a) Notwithstanding IC 23-15-5 or any other statute, a corporation or labor organization may make a contribution to aid in the:

(1) election or defeat of a candidate; or
(2) the success or defeat of:
    (A) a political party; or
    (B) a public question submitted to a vote in an election.

(b) Contributions by a corporation or labor organization are limited to those authorized by sections 4, 5, and 6 of this chapter.

(c) A national bank or a corporation organized by authority of any law of Congress must comply with contribution restrictions applicable to Indiana elections under 2 U.S.C. 441b.

As added by P.L.5-1986, SEC.5. Amended by P.L.11-1987, SEC.3; P.L.7-1990, SEC.29; P.L.14-1992, SEC.1; P.L.3-1997, SEC.176.

IC 3-9-2-4

Corporations or labor organizations; limitation on contributions

Sec. 4. During a year a corporation or labor organization may not

make total contributions in excess of:

(1) an aggregate of five thousand dollars ($5,000) apportioned in any manner among all candidates for state offices (including a judge of the court of appeals whose retention in office is voted on by a district that does not include all of Indiana);

(2) an aggregate of five thousand dollars ($5,000) apportioned in any manner among all state committees of political parties;

(3) an aggregate of two thousand dollars ($2,000) apportioned in any manner among all candidates for the senate of the general assembly;

(4) an aggregate of two thousand dollars ($2,000) apportioned in any manner among all candidates for the house of representatives of the general assembly;

(5) an aggregate of two thousand dollars ($2,000) apportioned in any manner among regular party committees organized by a legislative caucus of the senate of the general assembly;

(6) an aggregate of two thousand dollars ($2,000) apportioned in any manner among regular party committees organized by a legislative caucus of the house of representatives of the general assembly;

(7) an aggregate of two thousand dollars ($2,000) apportioned in any manner among all candidates for school board offices and local offices; and

(8) an aggregate of two thousand dollars ($2,000) apportioned in any manner among all central committees other than state committees.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.144; P.L.10-1988, SEC.66.

IC 3-9-2-5

Contributions or donations to specific candidate or committee

Sec. 5. (a) A contribution:

(1) authorized under subsection (c) or section 4 of this chapter;

(2) to a committee by a corporation or labor organization; and

(3) designated by that corporation or labor organization for disbursement to a specific candidate, central committee, or other regular party committee;

is subject to the limitations in section 4 of this chapter.

(b) A corporation or labor organization may make a donation to cover any amount of administrative costs (as described in IC 3-5-2-15(e)) to a political action committee established and controlled by the corporation or labor organization. A donation made under this subsection is not considered a contribution or an expenditure by the corporation or labor organization.

(c) A corporation or labor organization may make a contribution to a political action committee if the contribution:

(1) does not exceed any of the limits prescribed under section 4 of this chapter; and

(2) is designated for disbursement to a specific candidate or committee listed under section 4 of this chapter.

As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.67; P.L.3-1995, SEC.67; P.L.8-1995, SEC.36; P.L.2-1996, SEC.96; P.L.3-1997, SEC.177.

IC 3-9-2-6
Exceptions

Sec. 6. Sections 4 and 5 of this chapter do not apply to the following:

(1) Nonpartisan registration and get-out-the-vote campaigns:

(A) by a corporation aimed at its stockholders and employees; or

(B) by a trade association or labor organization aimed at its members.

(2) A contribution or transfer by an incorporated nonpartisan political action committee to any other committee.

(3) A contribution supporting or opposing the approval of a public question submitted to the electorate of the entire state or a local public question.

As added by P.L.5-1986, SEC.5. Amended by P.L.7-1990, SEC.30.

IC 3-9-2-7
Election contest expenses

Sec. 7. This article does not limit or affect the right of a person to expend money for proper legal expenses in maintaining or contesting the result of an election.

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

IC 3-9-2-8
Contributions from national committee

Sec. 8. A central committee may accept contributions from the national committee or the national congressional committee of a political party to be expended for purposes authorized by this article.

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

IC 3-9-2-9
Transfer of contributions to treasurer; segregation of funds

Sec. 9. (a) Each person who accepts a contribution for a committee shall, on demand of the treasurer of the committee, and in any case within thirty (30) days after receipt of the contribution, transfer to the treasurer the actual contribution if it is money or a detailed account if it is other than money.

(b) The transfer must include the actual monetary value and the information about the contribution required to be reported by the treasurer under IC 3-9-5-14.

(c) This subsection applies to a committee that accepts contributions or makes expenditures in an aggregate amount of more than two hundred dollars ($200) in a year. All funds of a committee must be segregated from, and may not be commingled with, the personal funds of officers, members, or associates of the committee.

As added by P.L.5-1986, SEC.5. Amended by P.L.7-1990, SEC.31;

P.L.3-1997, SEC.178.

IC 3-9-2-10
Solicitation of funds; notice

Sec. 10. An individual, an organization, or a committee shall include in all literature and advertisements soliciting contributions:

(1) the notice required under IC 3-9-3-2.5; and

(2) any notice required under Section 6113 of the Internal Revenue Code (26 U.S.C. 6113).

As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.68; P.L.5-1989, SEC.29; P.L.3-1997, SEC.179.

IC 3-9-2-11
Foreign nationals

Sec. 11. A foreign national (as defined in 2 U.S.C. 441e(b)) may not make a contribution in connection with:

(1) an election;

(2) a convention; or

(3) a caucus in which a candidate is selected;

under this title.

As added by P.L.3-1995, SEC.68.

IC 3-9-2-12
Prohibition on contributions to legislative and state candidates during long session of general assembly; prohibited period; exceptions

Sec. 12. (a) This section does not apply to:

(1) a member of the general assembly; or

(2) a candidate's committee of a member of the general assembly;

with respect to an office other than a legislative office or a state office to which the member seeks election.

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

(1) An individual who holds a legislative office.

(2) A candidate for a legislative office.

(3) An individual who holds a state office.

(4) A candidate for a state office.

(c) As used in this section, "prohibited period" means the period:

(1) beginning on the day in January in each odd-numbered year the general assembly reconvenes under IC 2-2.1-1-2; and

(2) through the day the general assembly adjourns sine die in an odd-numbered year under IC 2-2.1-1-2.

(d) During the prohibited period, an affected person, an affected person's candidate's committee, and a legislative caucus committee may not do any of the following:

(1) Solicit campaign contributions.

(2) Accept campaign contributions.

(3) Conduct other fundraising activities. This subdivision does not prohibit an affected person from participating in party

activities conducted by a regular party committee.

As added by P.L.3-1997, SEC.180. Amended by P.L.58-2010, SEC.31.

IC 3-9-2-13
Repealed

(Repealed by P.L.100-2012, SEC.1.)

IC 3-9-3

Chapter 3. Campaign Expenses

IC 3-9-3-1

Application of chapter; certain exception for political party offices

Sec. 1. (a) Except as provided in subsections (b) and (c), this chapter applies to candidates in all elections and caucuses and to the following types of committees:

(1) Candidate's committees.

(2) Regular party committees.

(3) Political action committees.

(4) An auxiliary party organization.

(5) A legislative caucus committee.

(b) Section 4 of this chapter does not apply to candidates for federal office.

(c) Section 2.5 of this chapter does not apply to candidates for the following:

(1) Precinct committeeman.

(2) State convention delegate.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.145; P.L.4-1991, SEC.47; P.L.3-1993, SEC.86; P.L.3-1995, SEC.69; P.L.3-1997, SEC.182; P.L.66-2003, SEC.20.

IC 3-9-3-2

Repealed

(Repealed by P.L.3-1997, SEC.475.)

IC 3-9-3-2.5

Communications regarding clearly identified candidates; soliciting contributions; disclaimers

Sec. 2.5. (a) This section does not apply to any of the following:

(1) A communication relating to an election to a federal office.

(2) A communication relating to the outcome of a public question.

(3) A communication described by this section in a medium regulated by federal law to the extent that federal law regulates the appearance, content, or placement of the communication in the medium.

(4) Bumper stickers, pins, buttons, pens, and similar small items upon which the disclaimer required by this section cannot be conveniently printed.

(5) Skywriting, water towers, wearing apparel, or other means of displaying an advertisement on which the inclusion of a disclaimer would be impracticable.

(6) Checks, receipts, and similar items of minimal value that do not contain a political message and are used for purely administrative purposes.

(7) A communication by a political action committee organized and controlled by a corporation soliciting contributions to the political action committee by the stockholders, executives, or

employees of the corporation and the families of those individuals.

(8) A communication by a political action committee organized and controlled by a labor organization soliciting contributions to the political action committee by the members or executive personnel of the labor organization and the families of those individuals.

(9) A direct mailing of one hundred (100) or less substantially similar pieces of mail.

(b) This section applies whenever a person:

(1) makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate; or

(2) solicits a contribution;

through a newspaper, a magazine, an outdoor advertising facility, a poster, a yard sign, a direct mailing, or any other type of general public political advertising.

(c) For purposes of this section, a candidate is clearly identified if any of the following apply:

(1) The name of the candidate involved appears.

(2) A photograph or drawing of the candidate appears.

(3) The identity of the candidate is apparent by unambiguous reference.

(d) A communication described in subsection (b) must contain a disclaimer that appears and is presented in a clear and conspicuous manner to give the reader or observer adequate notice of the identity of persons who paid for and, when required, who authorized the communication. A disclaimer does not comply with this section if the disclaimer is difficult to read or if the placement of the disclaimer is easily overlooked.

(e) In addition to meeting the requirements of subsection (d), a disclaimer that appears on a printed communication described in subsection (b) must comply with the following:

(1) The disclaimer must be of sufficient type size to be clearly readable by the recipient of the communication. A disclaimer in 12 point type size satisfies the size requirement of this subdivision when the disclaimer is used for a yard sign, a poster, a flyer, a newspaper, a magazine, or a direct mailing.

(2) The disclaimer must be printed with a reasonable degree of color contrast between the background and the printed statement. A disclaimer satisfies the color contrast requirement of this subdivision if:

(A) the disclaimer is printed in black text on a white background; or

(B) the degree of color contrast between the background and the text of the disclaimer is not less than the color contrast between the background and the largest text used in the communication.

Notwithstanding subdivisions (1) and (2), a disclaimer satisfies the requirements of this subsection if the minimum type size of the

disclaimer is 7 point and the type color of the disclaimer contrasts with the background color.

(f) A communication that would require a disclaimer if distributed separately must contain the required disclaimer if included in a package of materials.

(g) This subsection does not apply to a communication, such as a billboard, that contains only a front face. The disclaimer need not appear on the front or cover page of the communication if the disclaimer appears within the communication.

(h) Except as provided in subsection (i), a communication described in subsection (b) must satisfy one (1) of the following:

(1) If the communication is paid for and authorized by:

(A) a candidate;

(B) an authorized political committee of a candidate; or

(C) the committee's agents;

the communication must clearly state that the communication has been paid for by the authorized political committee.

(2) If the communication is paid for by other persons but authorized by:

(A) a candidate;

(B) an authorized political committee of a candidate; or

(C) the committee's agents;

the communication must clearly state that the communication is paid for by the other persons and authorized by the authorized political committee.

(3) If the communication is not authorized by:

(A) a candidate;

(B) an authorized political committee of a candidate; or

(C) the committee's agents;

the communication must clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

(4) If the communication is a solicitation directed to the general public on behalf of a political committee that is not a candidate's committee, the solicitation must clearly state the full name of the person who paid for the communication.

(i) A communication by a regular party committee consisting of:

(1) a printed slate card, a sample ballot, or other printed listing of three (3) or more candidates for public office at an election;

(2) campaign materials such as handbills, brochures, posters, party tabloids or newsletters, and yard signs distributed by volunteers and used by the regular party committee in connection with volunteer activities on behalf of any nominee of the party; or

(3) materials distributed by volunteers as part of the regular party's voter registration or get-out-the-vote efforts;

must clearly state the name of the person who paid for the communication but is not required to state that the communication is authorized by any candidate or committee.

As added by P.L.3-1997, SEC.183. Amended by P.L.38-1999, SEC.31; P.L.176-1999, SEC.42; P.L.225-2011, SEC.42.

IC 3-9-3-3
Repealed

(Repealed by P.L.3-1997, SEC.475.)

IC 3-9-3-4
Contributions of money

Sec. 4. (a) Money received by a candidate or committee as a contribution may be used only:

(1) to defray any expense reasonably related to the person's or committee's:

(A) campaign for federal, state, legislative, or local office;

(B) continuing political activity; or

(C) activity related to service in an elected office;

(2) to make an expenditure to any national, state, or local committee of any political party or another candidate's committee; or

(3) upon dissolution of a committee, in a manner permitted under IC 3-9-1-12.

(b) Money received by a candidate or committee as a contribution may not be used for primarily personal purposes by the candidate or by any other person except as described in subsection (a).

(c) Money received as a contribution may be invested by a committee in an account with a financial institution, savings association, or credit union, or in any equity account. Any loss resulting from an investment under this subsection must be reported as a committee expenditure. Any gain resulting from an investment under this subsection must be reported as income.

As added by P.L.13-1987, SEC.2. Amended by P.L.3-1993, SEC.87; P.L.3-1995, SEC.70; P.L.79-1998, SEC.1.

IC 3-9-3-5
False representation as office holder in campaign materials

Sec. 5. (a) This section does not apply to the following:

(1) A communication relating to an election to a federal office.

(2) A person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the advertising or material containing the false representation.

(b) As used in this section, "officeholder" refers to a person who holds an elected office.

(c) A person may not knowingly or intentionally authorize, finance, sponsor, or participate in the preparation, distribution, or broadcast of paid political advertising or campaign material that falsely represents that a candidate in any election is or has been an officeholder.

As added by P.L.66-2003, SEC.21.

IC 3-9-4

Chapter 4. Administration by Election Division and County Election Boards

IC 3-9-4-1

Application of chapter

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to candidates in all elections and caucuses and to the following types of committees:

(1) Candidate's committees.

(2) Regular party committees.

(3) Political action committees.

(4) A legislative caucus committee.

(b) This chapter does not apply to the following:

(1) A candidate for a local office for which the compensation is less than five thousand dollars ($5,000) per year unless the candidate is required to file a written instrument designating a principal committee under IC 3-9-1-5.5.

(2) Elections for precinct committeeman or delegate to a state convention.

(3) A candidate for a school board office unless the candidate is required to file a written instrument designating a principal committee under IC 3-9-1-5.5.

(4) An auxiliary party organization.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.146; P.L.3-1993, SEC.88; P.L.3-1995, SEC.71; P.L.3-1997, SEC.184; P.L.26-2000, SEC.13.

IC 3-9-4-2

Forms

Sec. 2. The election division shall furnish forms prescribed by the commission for making the reports and statements required to be filed under this article.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.97; P.L.3-1997, SEC.185.

IC 3-9-4-3

Information manual

Sec. 3. The commission shall prepare, publish, and furnish to candidates and all interested persons on request a manual setting forth recommended uniform methods of bookkeeping and reporting and shall summarize all the requirements of this article.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.98.

IC 3-9-4-4

Filing, coding, and cross-indexing system; computer system; standardized software program; electronic submission

Sec. 4. (a) The election division shall develop a filing and coding system consistent with the purposes of this article. The election division and each county election board shall use the filing and

coding system. The coding system must provide:

(1) not more than ten (10) codes to account for various campaign expenditure items; and

(2) a clear explanation of the kinds of expenditure items that must be accounted for under each code.

(b) The election division shall develop and use a computer system to store campaign finance reports required to be filed under IC 3-9-5-6, IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the election division to do the following:

(1) Identify all candidates or committees that received contributions from a contributor over the past three (3) years.

(2) Identify all contributors to a candidate or committee over the past three (3) years.

(3) Provide for electronic submission, retrieval, storage, and disclosure of campaign finance reports of candidates for the following:

(A) Legislative office.

(B) State office.

The election division shall provide training at no cost to candidates to enable candidates described in this subdivision to file campaign finance reports electronically.

(c) The election division shall notify each candidate's committee that the election division will provide at the committee's request at no cost a standardized software program to permit the committee to install the software on a computer and generate an electronic version of the reports and statements required to be filed with the election division under this article. However, the election division is not required to provide or alter the software program to make the program compatible for installation or operation on a specific computer.

(d) This subsection applies to the following committees:

(1) A committee for a candidate seeking election to a state office.

(2) A political action committee that has received more than fifty thousand dollars ($50,000) in contributions since the close of the previous reporting period.

The committee must file electronically the report or statement required under this article with the election division using a standardized software program supplied to the committee without charge under subsection (c) or another format approved by the election division. An electronic filing approved by the election division under this subsection may not require manual reentry into a computer system of the data contained in the report or statement in order to make the data available to the general public under subsection (g).

(e) This subsection applies to an electronic submission under subsection (b)(3). An electronic submission must be in a format previously approved by the commission that permits the election division to print out a hard copy of the report after the receipt of the electronic submission from the candidate. Filing of a report occurs

under IC 3-5-2-24.5 on the date and at the time electronically recorded by the election division's computer system. If a discrepancy exists between the text of the electronic submission and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(f) The election division is not required to accept an electronic submission unless the submission complies with subsection (b)(3). Upon receiving approval from the commission, the election division may accept an electronic submission from candidates, committees, or persons described in subsection (b)(3).

(g) The election division shall make campaign finance reports stored on the computer system under subsection (b) available to the general public through an on-line service.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.99; P.L.4-1996, SEC.33; P.L.3-1997, SEC.186; P.L.176-1999, SEC.43; P.L.126-2002, SEC.34; P.L.45-2003, SEC.1; P.L.221-2005, SEC.19; P.L.164-2006, SEC.61.

IC 3-9-4-5

Reports and statements; public inspection and copying; sale of information copied

Sec. 5. (a) The election division and each county election board shall make the reports and statements filed with them available for public inspection and copying, commencing as soon as practicable but not later than the end of the second business day following the day during which they were received.

(b) The election division and the county election boards shall also permit copying of a report or statement by hand or by duplicating machine, as requested, at the expense of the person and subject to IC 5-14-3-8. Inspection and copying of records contained on the computer system described in section 4(b) of this chapter are subject to IC 5-14-3.

(c) A person may not sell information copied from reports and statements under this section or use it for a commercial purpose. However, this restriction does not apply to a newspaper, magazine, book, or other communication with a principal purpose other than communicating contributor information:

(1) to solicit contributions; or

(2) for other commercial purposes.

As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.70; P.L.8-1992, SEC.9; P.L.2-1996, SEC.100; P.L.4-1996, SEC.34; P.L.3-1997, SEC.187.

IC 3-9-4-6

Preservation of reports and statements

Sec. 6. (a) Except as provided in subsections (b) and (c), the election division and each county election board shall preserve reports and statements for four (4) years from December 1 following the election to which they pertain, unless the records are in litigation.

(b) This subsection applies to reports and statements filed by a

person that seeks to influence the election or retention of an individual to an office with a term of more than four (4) years. The election division and each county election board shall preserve the reports and statements subject to this subsection until the final December 1 before the expiration of the term for the office, unless the records are in litigation.

(c) If a report is a duplicate of a report required to be filed under the federal Election Campaign Act (2 U.S.C. 431 et seq.), the report may be discarded on January 1 of the second year after the report was filed.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1995, SEC.72; P.L.2-1996, SEC.101; P.L.3-1997, SEC.188; P.L.66-2003, SEC.22.

IC 3-9-4-7
List of statements

Sec. 7. The election division and each county election board shall compile and maintain a current list of all statements or parts of statements pertaining to each candidate, committee, and public question.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.102; P.L.3-1997, SEC.189.

IC 3-9-4-8
Annual report

Sec. 8. (a) The election division shall prepare and make available to the public an annual report including compilations of total reported contributions and expenditures for all candidates, committees, and other persons during the year.

(b) Each county election board may prepare an annual report that includes compilations of total reported contributions and expenditures for all candidates, committees, and other persons within the county during the year.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.147; P.L.2-1996, SEC.103; P.L.3-1997, SEC.190.

IC 3-9-4-9
Annual compilations

Sec. 9. The election division and each county election board may prepare and publish annual compilations of:

(1) total amounts expended according to categories it determines and broken down into:
  (A) candidate;
  (B) party;
  (C) legislative caucus committee; and
  (D) political action committee;
expenditures on the state, legislative, and local levels;

(2) total amounts expended for influencing nominations and elections stated separately; and

(3) total amounts contributed according to categories of amounts it determines and broken down into contributions on

the state, legislative, and local levels for candidates and committees.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.104; P.L.3-1997, SEC.191.

IC 3-9-4-10
Special reports

Sec. 10. The election division and each county election board may prepare and publish special reports from time to time comparing the various totals and categories of contributions and expenditures made with respect to previous elections.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.105; P.L.3-1997, SEC.192.

IC 3-9-4-11
Miscellaneous reports

Sec. 11. The election division and each county election board may prepare and publish other reports they consider appropriate.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.106; P.L.3-1997, SEC.193.

IC 3-9-4-12
Repealed

(Repealed by P.L.3-1995, SEC.157.)

IC 3-9-4-13
Audits; investigations

Sec. 13. The election division and each county election board shall make audits and field investigations from time to time with respect to reports and statements filed under this article and with respect to an alleged failure to file a report or statement required under this article. The election division may request the state board of accounts to assist in the performance of audits the election division considers necessary, and the state board of accounts may perform the audits that are requested.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.107; P.L.3-1997, SEC.194.

IC 3-9-4-14
Examination of statements of organization or reports; campaign finance reports

Sec. 14. (a) The election division and each county election board shall do all of the following:

(1) Ascertain whether candidates, committees, or other persons have:

(A) failed to file statements of organization or reports; or

(B) filed defective statements of organization or reports.

(2) Give the following notices:

(A) To delinquents to file a statement of organization or a report immediately upon receipt of the notice. A delinquency

notice for a report must be given not later than thirty (30) days after the date the report was required to be filed. The election division or a county election board may, but is not required to, give delinquency notices at other times.

(B) To persons filing defective reports to make a supplemental statement or report correcting all defects not later than noon five (5) calendar days after receipt of the notice.

(3) Make available for public inspection a list of delinquents and persons who have failed to file the required supplemental statement or report. The election division and each county election board shall post a list of delinquents in a public place at or near the entrance of the commission's or board's respective offices.

(b) The election division shall mail:

(1) to each candidate required to file a campaign finance report with the election division; and

(2) twenty-one (21) days before the campaign finance reports are due;

the proper campaign finance report forms and a notice that states the date the campaign finance reports are due. The election division is required to mail notices and forms only to candidates for state offices and legislative offices. A county election board may, but is not required to, implement this subsection for candidates for local offices.

(c) Notwithstanding any notice given to a delinquent under subsection (a) or (b), the delinquent remains liable for a civil penalty in the full amount permitted under this chapter for failing to file a campaign finance report or statement of organization not later than the date and time prescribed under this article.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1995, SEC.73; P.L.2-1996, SEC.108; P.L.3-1997, SEC.195; P.L.176-1999, SEC.44; P.L.14-2004, SEC.71.

IC 3-9-4-15

Hearings

Sec. 15. A member of the commission, the co-directors, with the authorization of the commission, or a member of a county election board may conduct a hearing or an investigation, take evidence, and report back to the commission or board for its consideration and action.

As added by P.L.5-1986, SEC.5. Amended by P.L.8-1995, SEC.37.

IC 3-9-4-16

Civil penalties; election commission

Sec. 16. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

(1) Fails to file with the election division a report in the manner required under IC 3-9-5.

(2) Fails to file a statement of organization required under IC 3-9-1.
(3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
(4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions on the committee's behalf.
(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.
(6) Makes a contribution in the name of another person.
(7) Accepts a contribution made by one (1) person in the name of another person.
(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.
(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.
(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.
(11) Violates IC 3-9-2-12.
(12) Fails to designate a contribution as required by IC 3-9-2-5(c).
(13) Violates IC 3-9-3-5.
(14) Serves as a treasurer of a committee in violation of any of the following:
(A) IC 3-9-1-13(1).
(B) IC 3-9-1-13(2).
(C) IC 3-9-1-18.
(15) Fails to comply with section 4(d) of this chapter.
(16) Violates IC 3-9-3-2.5 by making a communication that contains a disclaimer that is not presented in a clear and conspicuous manner required by IC 3-9-3-2.5(d) and IC 3-9-3-2.5(e). This subdivision does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the commission may assess a civil penalty. The penalty is ten dollars ($10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars ($100) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil

penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars ($50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars ($1,000) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty under subsection (a), the commission may assess a civil penalty of not more than one thousand dollars ($1,000), plus any investigative costs incurred and documented by the election division.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of any contributions received.

(2) One thousand dollars ($1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the commission determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars ($1,000).

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has violated IC 3-9-3-5, the commission may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the election division.

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the commission determines, by unanimous vote of the entire membership of the commission, that a

person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(14), the commission may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the election division.

(j) This subsection applies to a person who is subject to a civil penalty under subsection (a)(15). The commission may assess a civil penalty equal to the costs incurred by the election division for the manual entry of the data contained in the report or statement, plus any investigative costs incurred and documented by the election division.

(k) This subsection applies to a person who is subject to a civil penalty under subsection (a)(16). If the commission determines that a person is subject to a civil penalty under subsection (a)(16), the commission may assess a civil penalty of not more than one thousand dollars ($1,000) for each communication circulated or published (but not for each of the copies of the communication actually circulated or published), plus any investigative costs incurred and documented by the election division.

(l) All civil penalties collected under this section shall be deposited with the treasurer of state in the campaign finance enforcement account.

(m) Proceedings of the commission under this section are subject to IC 4-21.5.

As added by P.L.3-1993, SEC.89. Amended by P.L.3-1995, SEC.74; P.L.2-1996, SEC.109; P.L.4-1996, SEC.35; P.L.3-1997, SEC.196; P.L.66-2003, SEC.23; P.L.14-2004, SEC.72; P.L.221-2005, SEC.20; P.L.225-2011, SEC.43.

IC 3-9-4-17

Civil penalties; county election board

Sec. 17. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

(1) Fails to file with a county election board a report in the manner required under IC 3-9-5.

(2) Fails to file a statement of organization required under IC 3-9-1.

(3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.

(4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions in the committee's behalf.

(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.

(6) Makes a contribution in the name of another person.

(7) Accepts a contribution made by one (1) person in the name of another person.

(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.

(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.

(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.

(11) Fails to designate a contribution as required by IC 3-9-2-5(c).

(12) Violates IC 3-9-3-5.

(13) Serves as a treasurer of a committee in violation of any of the following:

(A) IC 3-9-1-13(1).

(B) IC 3-9-1-13(2).

(C) IC 3-9-1-18.

(14) Violates IC 3-9-3-2.5 by making a communication that contains a disclaimer that is not presented in a clear and conspicuous manner, as required by IC 3-9-3-2.5(d) and IC 3-9-3-2.5(e). This subdivision does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the county election board determines that a person failed to file the report or a statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the county election board may assess a civil penalty. The penalty is ten dollars ($10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars ($100) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the county election board determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the board shall assess a civil penalty. The penalty is fifty dollars ($50) for each day the report is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars ($1,000) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the county election board determines that a person is subject to a civil penalty under subsection (a), the board may assess a civil penalty of not more than one thousand dollars ($1,000), plus any investigative costs incurred and documented by the board.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the county election board determines that a person is subject to a civil penalty under subsection (a)(5), the board may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the board.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the county election board determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the board shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the board:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars ($1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the county election board determines, by unanimous vote of the entire membership of the board, that a person has violated IC 3-9-3-5, the board may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the board.

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the county election board determines, by unanimous vote of the entire membership of the board, that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(13), the board may assess a civil penalty of not more than five hundred dollars ($500), plus any investigative costs incurred and documented by the board.

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the board determines that a person is subject to a civil penalty under subsection (a)(14), the board may assess a civil penalty of not more than one thousand dollars ($1,000) for each communication circulated or published (but not for each of the copies of the communication actually circulated or published), plus any investigative costs incurred and documented by the election division.

(j) All civil penalties collected under this section shall be deposited with the county treasurer to be deposited by the county treasurer in a separate account to be known as the campaign finance enforcement account. The funds in the account are available, with the approval of the county fiscal body, to augment and supplement the funds appropriated for the administration of this article.

(k) Money in the campaign finance enforcement account does not revert to the county general fund at the end of a county fiscal year.

(l) Proceedings of the county election board under this section are subject to IC 4-21.5.

As added by P.L.3-1993, SEC.90. Amended by P.L.3-1995, SEC.75; P.L.3-1997, SEC.197; P.L.66-2003, SEC.24; P.L.14-2004, SEC.73; P.L.225-2011, SEC.44.

IC 3-9-4-18

Delinquent or defective report

Sec. 18. (a) As used in this section, "delinquent or defective report" refers to a campaign finance report or statement of organization:

(1) that was required to be filed under IC 3-9-5 but was not filed in the manner required under IC 3-9-5; and

(2) for which a person was assessed a civil penalty under section 16 or 17 of this chapter.

(b) As used in this section, "election board" refers to the following:

(1) The commission if a civil penalty was assessed under section 16 of this chapter.

(2) The county election board if a civil penalty was assessed under section 17 of this chapter.

(c) As used in this section, "person" refers to a person who:

(1) has been assessed a civil penalty under section 16 or 17 of this chapter; and

(2) has filed a declaration of candidacy, a petition of nomination, or a declaration of intent to be a write-in candidate in a subsequent election or for whom a certificate of nomination has been filed.

(d) A person who does both of the following is relieved from further civil liability under this chapter for the delinquent or defective report:

(1) Files the delinquent report or amends the defective report from the previous candidacy:

(A) before filing a report required under IC 3-9-5-6; or

(B) at the same time the person files the report required under IC 3-9-5-6;

for a subsequent candidacy.

(2) Pays all civil penalties assessed under section 16 or 17 of this chapter for the delinquent report.

(e) This subsection applies to a person who:

(1) is assessed a civil penalty under this chapter; and

(2) is elected to office in the subsequent election.

The election board may order the auditor of state or the fiscal officer of the political subdivision responsible for issuing the person's payment for serving in office to withhold from the person's paycheck the amount of the civil penalty assessed under this chapter. If the amount of the paycheck is less than the amount of the civil penalty, the auditor or fiscal officer shall continue withholding money from the person's paycheck until an amount equal to the amount of the civil penalty has been withheld.

(f) The auditor of state or fiscal officer shall deposit an amount paid, recovered, or withheld under this section in the election board's campaign finance enforcement account.

(g) Proceedings of the election board under this section are subject to IC 4-21.5.

As added by P.L.3-1993, SEC.91. Amended by P.L.3-1995, SEC.76;

P.L.2-1996, SEC.110; P.L.3-1997, SEC.198; P.L.176-1999, SEC.45.

IC 3-9-4-19
Waiver or reduction of civil penalty

Sec. 19. Notwithstanding section 16 or 17 of this chapter, if upon the unanimous vote of its entire membership, the commission or a county election board finds that imposition of a civil penalty required to be imposed would be unjust under the circumstances, the commission or board may do either of the following:

(1) Waive the penalty.

(2) Reduce the penalty to an amount specified by the commission or the board.

As added by P.L.3-1997, SEC.199.

IC 3-9-4-20
Settlement agreement to pay proposed civil penalty

Sec. 20. (a) Notwithstanding section 16 of this chapter, if a person is notified by the election division that the commission may assess a proposed civil penalty under this article against the person, the person may enter into an agreement with the election division to pay the proposed penalty and waive a hearing before the commission otherwise required under section 16 of this chapter.

(b) An agreement entered into under this section must:

(1) provide for the payment of the entire proposed civil penalty not later than the date of the execution of the agreement; and

(2) be presented to the commission by the election division for ratification at the commission's next regularly scheduled meeting.

As added by P.L.221-2005, SEC.21.

IC 3-9-5

Chapter 5. Reports Required of Candidates and Committees

IC 3-9-5-1

Application of chapter

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to candidates in all elections and caucuses and to the following types of committees:

(1) Candidate's committees.

(2) Regular party committees.

(3) Political action committees.

(4) A legislative caucus committee.

(b) This chapter does not apply to the following:

(1) A candidate for a local office for which the compensation is less than five thousand dollars ($5,000) per year unless the candidate is required to file a written instrument designating a principal committee under IC 3-9-1-5.5.

(2) A candidate for school board office unless the candidate is required to file a written instrument designating a principal committee under IC 3-9-1-5.5.

(3) Elections for precinct committeeman or delegate to a state convention.

(4) An auxiliary party organization.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.148; P.L.4-1991, SEC.49; P.L.3-1995, SEC.77; P.L.3-1997, SEC.200; P.L.26-2000, SEC.14.

IC 3-9-5-2

Persons required to file with election division

Sec. 2. The following persons, whenever required to file a report, notice, or other instrument by this article, shall file it with the election division:

(1) Candidates for state office and their candidate's committees.

(2) The following central committees:

(A) State committees.

(B) Congressional district committees.

(3) Other regular party committees that propose to influence the election of a candidate for state or legislative office or the outcome of a public question for or against which the electorate of the whole state may vote.

(4) Political action committees that propose to influence the election of a candidate for state or legislative office or the outcome of a public question for or against which the electorate of the whole state may vote.

(5) Legislative caucus committees.

As added by P.L.5-1986, SEC.5. Amended by P.L.8-1992, SEC.10; P.L.2-1996, SEC.111; P.L.3-1997, SEC.201.

IC 3-9-5-3

Candidates for legislative office; circuit court clerk shall provide

copies of report, notice, or other instrument from state web site upon request; charges for copies

Sec. 3. (a) A candidate for legislative office and the candidate's committee shall file each report, notice, or other instrument required by this article with the election division.

(b) The circuit court clerk shall, at the request of any person, furnish the person a copy of a report, notice, or other instrument required by this article for a candidate for a legislative office from electronic records maintained on the secretary of state's or election division's web site. The circuit court clerk shall charge for a copy of records furnished under this subsection as provided in IC 5-14-3.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.112; P.L.3-1997, SEC.202; P.L.58-2010, SEC.32.

IC 3-9-5-4

Persons required to file with county election board

Sec. 4. The following persons, whenever required to file a report, notice, or other instrument by this article, shall file it with the county election board of each county comprising part of the affected election district:

(1) Candidates for local office and their candidate's committees.

(2) Regular party committees that are not required to file with the election division.

(3) Political action committees that are not required to file with the election division.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.113; P.L.3-1997, SEC.203.

IC 3-9-5-5

Receipts and expenditures; forms

Sec. 5. The treasurer of each committee shall file reports of receipts and expenditures on forms prescribed or approved by the commission.

As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.114.

IC 3-9-5-6

Time for completion of reports

Sec. 6. (a) This subsection applies to a candidate's committee other than a candidate's committee of a candidate for a state office. Except as otherwise provided in this chapter, each committee, the committee's treasurer, and each candidate shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before the nomination date.

(2) Twenty-five (25) days before the general, municipal, or special election.

(3) The annual report filed and dated as required by section 10 of this chapter.

(b) This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter

current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election.

(2) Twenty-five (25) days before a general, municipal, or special election.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

(c) This subsection applies to a legislative caucus committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required under this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election conducted in an even-numbered year.

(2) Twenty-five (25) days before a general election conducted in an even-numbered year.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

A legislative caucus committee is not required to file any report concerning the committee's activity during an odd-numbered year other than the annual report filed and dated under section 10 of this chapter.

(d) This subsection applies to a political action committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election.

(2) Twenty-five (25) days before a general, municipal, or special election.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

(e) This subsection applies to a candidate's committee of a candidate for a state office. A candidate's committee is not required to file a report under section 8.2, 8.4, or 8.5 of this chapter. For a year in which an election to the state office is held, the treasurer of a candidate's committee shall file the following reports:

(1) A report covering the period from January 1 through March 31 of the year of the report. A report required by this subdivision must be filed not later than noon April 15 of the year covered by the report.

(2) A report covering the period from April 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.

(3) A report covering the period from July 1 through September 30 of the year of the report. A report required by this subdivision must be filed not later than noon October 15 of the year covered by the report.

(4) A report covering the period from October 1 of the year of the report through the date that is fifteen (15) days before the date of the election. A report required by this subdivision must be filed not later than noon seven (7) days before the date of the

election.

(5) A report covering the period from the date that is fourteen (14) days before the date of the election through December 31 of the year of the report. A report required by this subdivision must:

(A) provide cumulative totals from January 1 through December 31 of the year of the report; and

(B) be filed not later than the deadline specified in section 10 of this chapter.

As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.71; P.L.3-1997, SEC.204; P.L.176-1999, SEC.46; P.L.221-2005, SEC.22; P.L.164-2006, SEC.62.

IC 3-9-5-7

Delivering reports; filing deadline

Sec. 7. (a) A person may deliver reports to the appropriate office as follows:

(1) By hand.

(2) By mail.

(3) By electronic mail, if the appropriate office has the capacity to do all of the following:

(A) Receive electronic mail.

(B) Electronically record the date and time that electronic mail is received by the office.

(C) Print out a hard copy of the report after the receipt of the electronic mail by the office.

(b) Reports must be filed as follows:

(1) Hand delivered reports or reports transmitted by mail must be filed with the appropriate office during regular office hours not later than noon seven (7) days after the date of the report.

(2) Reports delivered by electronic mail must be filed with the appropriate office not later than noon seven (7) days after the date of the report.

(c) This subsection applies to a report delivered by electronic mail. Filing of a report occurs under IC 3-5-2-24.5 on the date and at the time electronically recorded by the office's computer system. If a discrepancy exists between the text of the electronic mail and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(d) An office is not required to accept a report or statement required under this article by facsimile transmission. Upon approval of a policy by the commission or a county election board to receive reports or statements by facsimile transmission, the election division or the county election board may accept the facsimile transmission of a report or statement.

As added by P.L.5-1986, SEC.5. Amended by P.L.3-1987, SEC.149; P.L.3-1997, SEC.205; P.L.2-1998, SEC.6; P.L.176-1999, SEC.47; P.L.126-2002, SEC.35.

IC 3-9-5-8

Report of candidate other than candidate for state office who becomes candidate less than 25 days before convention

Sec. 8. (a) This section:

(1) applies to a candidate for nomination to an office in a convention who becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention; and

(2) does not apply to a candidate for nomination to a state office by a political party at a convention conducted under IC 3-8-4.

(b) A candidate is not required to file a report in accordance with section 6(a)(1) of this chapter. The candidate shall file the candidate's first report not later than noon twenty (20) days after the nomination date for a candidate chosen at a convention.

(c) The reporting period for the first report required for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the convention.

As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.72; P.L.3-1997, SEC.206; P.L.176-1999, SEC.48; P.L.66-2003, SEC.25; P.L.221-2005, SEC.23; P.L.164-2006, SEC.63.

IC 3-9-5-8.2

Candidates nominated by petition

Sec. 8.2. (a) This section applies to a candidate who is nominated by petition under IC 3-8-6.

(b) A candidate is not required to prepare or file a report before the nomination date.

(c) The period for the first report required for a candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date.

As added by P.L.176-1999, SEC.49.

IC 3-9-5-8.4

Candidate who files declaration of intent to be write-in candidate

Sec. 8.4. (a) This section applies to a candidate who files a declaration of intent to be a write-in candidate under IC 3-8-2.

(b) A candidate is not required to prepare or file a report before the nomination date.

(c) The period for the first report required for a candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date.

As added by P.L.176-1999, SEC.50.

IC 3-9-5-8.5

Candidate selected to fill vacancy

Sec. 8.5. (a) This section applies to a candidate who is selected to fill a vacancy on the ballot under IC 3-13-1 or IC 3-13-2.

(b) A candidate is not required to prepare or file a report before the nomination date.

(c) Except as provided in subsection (d), the period for the first report required for a candidate begins on the date that the individual

became a candidate and ends fourteen (14) days after the nomination date.

(d) This subsection applies to a candidate selected under IC 3-13-2 to fill a vacancy on the ballot. A candidate is not required to prepare or file a report before or after the nomination date. The period for the first report required for a candidate begins on the date that the individual became a candidate and ends December 31 following the election.

As added by P.L.3-1997, SEC.207. Amended by P.L.176-1999, SEC.51.

IC 3-9-5-9

Off-year reports; pre-election reports; filing reports when municipal primary or election not conducted

Sec. 9. (a) Except as provided in subsections (b) and (c), in a year in which a candidate is not a candidate for election to an office to which this article applies or does not seek nomination at a caucus or state convention for election to an office to which this article applies, the treasurer of the candidate's committee shall file only the report required by section 10 of this chapter.

(b) This subsection applies to a candidate who holds one (1) office and is a candidate for a different office (or has filed a statement of organization for an exploratory committee without indicating that the individual is a candidate for a specific office). The treasurer of the candidate's committee for the office the candidate holds shall file the following reports:

(1) If the committee spends, transfers in, or transfers out at least ten thousand dollars ($10,000) from January 1 until twenty-five (25) days before the primary election, the treasurer shall file a preprimary report under section 6 of this chapter.

(2) If the committee spends, transfers in, or transfers out at least ten thousand dollars ($10,000) from twenty-five (25) days before the primary election until twenty-five (25) days before the general election, the treasurer shall file a pregeneral election report under section 6 of this chapter.

(3) The report required under section 10 of this chapter.

(c) This subsection applies to a candidate who is required to file a preprimary report or preconvention report under section 6 of this chapter and who:

(1) is defeated at the primary election or convention; or

(2) withdraws or is disqualified as a candidate before the general election.

The treasurer of a candidate's committee described by this subsection is not required to file a pregeneral election report under section 6 of this chapter but shall file the report required by section 10 of this chapter.

(d) This subsection applies to a candidate for election to a city office or a town office. If a municipal primary is not conducted in the municipality by one (1) or more parties authorized to conduct a primary, the candidate must file a report in accordance with the

schedule set forth in section 6 of this chapter as if the primary were conducted. If a municipal election is not conducted in the municipality, the candidate must file a report in accordance with section 6 of this chapter as if the municipal election were conducted.

(e) This subsection applies to a candidate's committee of a candidate for a state office. For a year in which an election to the state office is not held, the treasurer of a candidate's committee shall file the following reports in addition to any other report required by this article:

(1) A report covering the period from January 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.

(2) A report covering the period from July 1 through December 31 of the year of the report. A report required by this subdivision must:

(A) provide cumulative totals from January 1 through December 31 of the year of the report; and

(B) be filed by the deadline specified in section 10 of this chapter.

As added by P.L.5-1986, SEC.5. Amended by P.L.10-1992, SEC.15; P.L.3-1997, SEC.208; P.L.199-2001, SEC.17; P.L.14-2004, SEC.74; P.L.221-2005, SEC.24.

IC 3-9-5-10
Annual report of treasurer

Sec. 10. (a) The treasurer of each committee shall file a report each year that is complete as of December 31 of the previous year and covers the period since the last report. This annual report is due by noon:

(1) the third Wednesday in January, in the case of:

(A) a candidate's committee;

(B) a legislative caucus committee; or

(C) a political action committee; or

(2) March 1, in the case of a regular party committee.

(b) A candidate's committee of a candidate for a state office that files a report:

(1) under section 6(e)(5) or 9(e)(2) of this chapter; and

(2) by the deadline specified under subsection (a) for filing a candidate's committee report;

is not required to file an additional report under this section.

As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.73; P.L.3-1995, SEC.78; P.L.3-1997, SEC.209; P.L.221-2005, SEC.25.

IC 3-9-5-11
Disbandment of committee; final report

Sec. 11. No later than noon thirty (30) days after the date a committee disbands, the last person to be treasurer of the committee shall file a final report that is complete as of the last day the committee existed and covers the period since the last report.

As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.74.

IC 3-9-5-12
Outgoing treasurer; final report

Sec. 12. No later than noon thirty (30) days after the date a treasurer of a continuing committee leaves office, the outgoing treasurer shall file a final report that is complete as of the last day the person was treasurer and covers the period since the last report.
As added by P.L.5-1986, SEC.5. Amended by P.L.10-1988, SEC.75.

IC 3-9-5-13
Filing duplicate federal reports

Sec. 13. (a) A person may file duplicates of the reports required to be filed under the Federal Election Campaign Act (2 U.S.C. 431 et seq.) to comply with this chapter.

(b) The duplicate must cover all activity of the committee, and the committee shall file a supplementary report as directed by the election division to provide information required by this article but not included in the federal report.

(c) Each candidate for United States Senator or United States Representative and the treasurer of the candidate's committee may file with the election division duplicates of the reports required by federal law.

(d) If a report is available on the Federal Election Commission's web site, a statement to that effect is all the person is required to file.
As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.115; P.L.3-1997, SEC.210; P.L.66-2003, SEC.26.

IC 3-9-5-14
Committee treasurer's report

Sec. 14. (a) As used in this section, "threshold contribution amount" refers to the following:

(1) For contributions made to a candidate's committee, a legislative caucus committee, or a political action committee, one hundred dollars ($100).

(2) For contributions made to a regular party committee, two hundred dollars ($200).

(b) The report of each committee's treasurer must disclose the following:

(1) The amount of cash on hand and the value of any investments made by the committee at the beginning of the reporting period.

(2) The total sum of individual contributions including transfers-in, accepted by the committee during its reporting period.

(3) The following information regarding each person who has made one (1) or more contributions within the year, in an aggregate amount that exceeds the threshold contribution amount in actual value to or for the committee, including the purchase of tickets for events such as dinners, luncheons,

rallies, and similar fundraising events:

(A) The full name of the person.

(B) The full mailing address of the person making the contribution.

(C) The person's occupation, if the person is an individual who has made contributions to the committee of at least one thousand dollars ($1,000) during the calendar year.

(D) The date and amount of each contribution.

(4) The name and address of each committee from which the reporting committee received, or to which that committee made, a transfer of funds, together with the amounts and dates of all transfers.

(5) If the reporting committee is a candidate's committee, the following information about each other committee that has reported expenditures to the reporting candidate's committee under section 15 of this chapter:

(A) The name and address of the other committee.

(B) The amount of expenditures reported by the other committee.

(C) The date of the expenditures reported by the other committee.

(D) The purpose of the expenditures reported by the other committee.

(6) Each loan to or from a person within the reporting period together with the following information:

(A) The full names and mailing addresses of the lender and endorsers, if any.

(B) The person's occupation, if the person is an individual who has made loans of at least one thousand dollars ($1,000) to the committee during the calendar year.

(C) The date and amount of the loans.

(7) The total sum of all receipts of the committee during the reporting period.

(8) The full name, mailing address, occupation, and principal place of business, if any, of each person other than a committee to whom an expenditure was made by the committee or on behalf of the committee within the year in an aggregate amount that:

(A) exceeds one hundred dollars ($100), in the case of a candidate's committee, legislative caucus committee, or political action committee; or

(B) exceeds two hundred dollars ($200), in the case of a regular party committee.

(9) The name, address, and office sought by each candidate for whom any expenditure was made or a statement identifying the public question for which any expenditure was made, including the amount, date, and purpose of each expenditure.

(10) The full name, mailing address, occupation, and principal place of business, if any, of each person to whom an expenditure for personal services, salaries, or reimbursed

expenses was made within the year in an aggregate amount that:

(A) exceeds one hundred dollars ($100), in the case of a candidate's committee, legislative caucus committee, or political action committee; or

(B) exceeds two hundred dollars ($200), in the case of a regular party committee;

and that is not otherwise reported, including the amount, date, and purpose of the expenditure.

(11) The total sum of expenditures made by the committee during the reporting period.

(12) The amount and nature of debts owed by or to the committee, and a continuous reporting of the debts after the election at the times required under this article until the debts are extinguished.

(c) If a committee:

(1) obtains a contribution;

(2) determines that the contribution should not be accepted by the committee; and

(3) does not receive and accept the contribution under IC 3-9-1-25(b);

the committee must return the contribution to the person who made the contribution. A returned contribution is not required to be listed on the report of the committee's treasurer. However, if the committee receives and deposits the contribution under IC 3-9-1-25(b) and subsequently determines that the contribution should be refunded, the receipt and refund of the contribution must be listed on the report of the committee's treasurer.

As added by P.L.5-1986, SEC.5. Amended by P.L.5-1989, SEC.32; P.L.7-1990, SEC.32; P.L.8-1992, SEC.11; P.L.3-1995, SEC.79; P.L.3-1997, SEC.211; P.L.253-1997(ss), SEC.2; P.L.176-1999, SEC.52.

IC 3-9-5-15

Contributions and expenditures made on behalf of candidates; reports

Sec. 15. (a) This section applies to an organization or a committee, other than the candidate's committee, that receives a contribution or makes an expenditure on behalf of a candidate.

(b) For purposes of this section, an expenditure is considered to be on behalf of a candidate if either of the following applies:

(1) The expenditure is made in support of the candidate who is specifically identifiable.

(2) The expenditure is made in opposition to an opponent:

(A) of the candidate; and

(B) who is specifically identifiable.

An expenditure is not considered to be made on behalf of a candidate if the expenditure is made to inform the members of the organization or for the development of the committee's political party.

(c) The treasurer of the committee shall report to the candidate's committee all information about a contribution received or an

expenditure made on behalf of the candidate that the treasurer of the candidate's committee is required to report about the contribution or the expenditure if it had been received or made by the candidate's committee.
As added by P.L.5-1986, SEC.5. Amended by P.L.2-1996, SEC.116; P.L.3-1997, SEC.212.

IC 3-9-5-16
Cumulative reports

Sec. 16. (a) This subsection applies to a candidate's committee of a candidate whose name does not appear on the ballot at any time during a year and who is not a write-in candidate during that year. The reports required to be filed by this chapter are cumulative during the year. If no contributions or expenditures have been accepted or made during a year, the treasurer of the candidate's committee shall file a statement to that effect.

(b) This subsection applies to a political action committee or a regular party committee. If a committee has not received or made contributions or expenditures, the committee shall file a report under section 6 of this chapter stating that no contributions or expenditures have been received or made.
As added by P.L.5-1986, SEC.5. Amended by P.L.3-1997, SEC.213; P.L.176-1999, SEC.53.

IC 3-9-5-17
Repealed

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

IC 3-9-5-18
Candidate's statement

Sec. 18. Each candidate shall file a statement that the candidate has turned over all contributions received by the candidate to the treasurer of the candidate's principal committee and that to the best of the candidate's knowledge and belief the reports of the candidate's committee are complete and accurate.
As added by P.L.5-1986, SEC.5.

IC 3-9-5-19
Repealed

(Repealed by P.L.3-1995, SEC.157.)

IC 3-9-5-20
Repealed

(Repealed by P.L.176-1999, SEC.134.)

IC 3-9-5-20.1
Supplemental large contribution report of candidates other than candidates for state office

Sec. 20.1. (a) This section:

(1) applies only to a large contribution that is received by a

candidate, the candidate's committee, or the treasurer of the candidate's committee; and

(2) does not apply to a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.

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

(1) A primary election.

(2) A general election.

(3) A municipal election.

(4) A special election.

(5) For candidates nominated at a state convention, the state convention.

(c) As used in this section, "large contribution" means contributions:

(1) that total at least one thousand dollars ($1,000); and

(2) that are received:

(A) not more than twenty-five (25) days before an election; and

(B) not less than forty-eight (48) hours before an election.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division or a county election board not later than forty-eight (48) hours after the contribution is received. A candidate for a legislative office shall file a report required by this section with the election division and the county election board as required by section 3 of this chapter. A report filed under this section may be filed by facsimile (fax) transmission.

(e) A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The total amount of the contribution.

(5) The dates and times the contributions making up the large contribution were received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section.

As added by P.L.176-1999, SEC.54. Amended by P.L.66-2003, SEC.27; P.L.221-2005, SEC.26.

IC 3-9-5-21
Repealed

(Repealed by P.L.176-1999, SEC.134.)

IC 3-9-5-22
Supplemental large contribution report of candidates for state office

Sec. 22. (a) This section applies only to a large contribution that is received by a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.

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

(1) For a candidate nominated at a primary election, the primary election.

(2) For a candidate nominated at a state convention, the state convention.

(3) A general election.

(c) As used in this section, "large contribution" means either of the following:

(1) Contributions:

(A) that total at least one thousand dollars ($1,000); and

(B) that are received:

(i) after the end of a reporting period and before the deadline for the candidate's committee to file a report under section 6 of this chapter; and

(ii) not less than forty-eight (48) hours before an election.

(2) A single contribution that is at least ten thousand dollars ($10,000) that is received at any time.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division not later than:

(1) forty-eight (48) hours after a contribution described by subsection (c)(1) is received; or

(2) noon seven (7) days after a contribution described by subsection (c)(2) is received.

(e) A report filed under this section may be filed by facsimile transmission or as an electronic report when the requirements of IC 3-9-4 or this chapter have been met. A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The total amount of the contribution.

(5) The dates and times the contributions making up the large contribution described in subsection (c)(1) or a large contribution described in subsection (c)(2) were received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section.

As added by P.L.221-2005, SEC.27.

IC 3-9-6
Repealed

(Repealed by P.L.3-1995, SEC.157.)

IC 3-9-7

Chapter 7. Miscellaneous Provisions

IC 3-9-7-1
Repealed

(Repealed by P.L.3-1995, SEC.157.)

IC 3-9-7-2
Repealed

(Repealed by P.L.3-1997, SEC.476.)

IC 3-9-7-3
Repealed

(Repealed by P.L.3-1997, SEC.476.)

IC 3-10

ARTICLE 10. PROVISIONS GOVERNING CERTAIN TYPES OF ELECTIONS

IC 3-10-1

Chapter 1. Primary Elections in General Election Years

IC 3-10-1-1

Application of chapter

Sec. 1. This chapter applies only to primary elections that are held in general election years. It does not apply to municipal primary elections, which are covered by IC 3-10-6.

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

IC 3-10-1-2

Political parties required to hold primary election

Sec. 2. 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 hold a primary election under this chapter to select nominees to be voted for at the general election.

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

IC 3-10-1-3

Date of primary

Sec. 3. A primary election shall be held on the first Tuesday after the first Monday in May of each year in which a general election is held.

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

IC 3-10-1-4

Nomination of candidates for certain offices; voting on candidates, election of delegates, and election of precinct committeeman

Sec. 4. (a) At a primary election each political party subject to section 2 of this chapter shall nominate its candidates for the following offices to be voted for at the general election:

(1) United States Senator.
(2) Governor.
(3) United States Representative.
(4) Legislative offices.
(5) Local offices.

(b) In addition, each political party subject to section 2 of this chapter shall:

(1) vote on candidates for nomination as President of the United States;
(2) elect delegates from each county to the party's state convention; and
(3) elect a precinct committeeman for each precinct in the county if precinct committeemen are to be elected under section 4.5 of this chapter.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.150;

P.L.5-1989, SEC.33; P.L.9-1989, SEC.3.

IC 3-10-1-4.5
Election of precinct committeemen; exception

Sec. 4.5. (a) Except as provided in section 4.6 of this chapter, precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2006 and every four (4) years thereafter.

(b) The rules of a political party may specify whether a precinct committeeman elected under subsection (a) 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.
As added by P.L.5-1989, SEC.34 and P.L.9-1989, SEC.4. Amended by P.L.4-1996, SEC.36; P.L.122-2000, SEC.6; P.L.230-2005, SEC.33; P.L.164-2006, SEC.64.

IC 3-10-1-4.6
Election of precinct committeemen of Indiana Republican Party

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 2008 and every four (4) years thereafter.

(c) The rules of the Indiana Republican Party may specify whether a precinct committeeman elected under subsection (a) 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.
As added by P.L.164-2006, SEC.65.

IC 3-10-1-5
Noncontested races and unopposed candidates

Sec. 5. (a) Whenever there is no contest in a political party for the nomination of a candidate or candidates for an office, the party may hold a primary election for that nomination. The appropriate election board shall certify the names of the candidates for each nomination for which there is no contest as though a primary election had been held. However, except as provided in subsections (b) through (c), if there is a contest in any party for any nomination, the name of each candidate of each party shall be placed on the primary election ballot, whether or not the candidate is opposed.

(b) If the only contest in a political party is for the election of a precinct committeeman or a delegate to the party's state convention, the names of unopposed candidates for nomination are not required to be placed on the primary election ballot unless the appointed member of the county election board affiliated with the political party files a written request that these names be printed on the primary election ballot.

(c) The names of unopposed candidates for election as a precinct committeeman or a delegate to a political party's state convention are not required to be placed on the primary election ballot unless an

appointed member of the county election board affiliated with the political party files a written request that these names be printed on the primary election ballot.

(d) If a party wants to conduct a primary under subsection (c), an appointed member of the county election board affiliated with the party must file a notice with the county election board not later than noon seven (7) days after the final date for filing a declaration of candidacy, stating that the party will hold a primary.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.77; P.L.176-1999, SEC.55; P.L.9-2004, SEC.13.

IC 3-10-1-6
Eligible voters

Sec. 6. A voter may vote at a primary election:

(1) if the voter, at the last general election, voted for a majority of the regular nominees of the political party holding the primary election; or

(2) if the voter did not vote at the last general election, but intends to vote at the next general election for a majority of the regular nominees of the political party holding the primary election;

as long as the voter was registered as a voter at the last general election or has registered since then.

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

IC 3-10-1-7
Repealed

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

IC 3-10-1-7.1
Copy of registration record and voter signatures; evidence of right to vote

Sec. 7.1. (a) This subsection does not apply to a county in which electronic poll books are used under IC 3-7-29-6 or IC 3-11-18.1. Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll books are used under IC 3-7-29-6 or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged.

As added by P.L.209-2003, SEC.95. Amended by P.L.164-2006, SEC.66; P.L.271-2013, SEC.10; P.L.258-2013, SEC.69; P.L.76-2014, SEC.26.

IC 3-10-1-7.2
Proof of identification; exception; failure to produce; challenge; provisional ballot

Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a precinct election officer shall ask the voter to provide proof of identification. The voter must produce 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 presented 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 IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, 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 a primary election.

As added by P.L.109-2005, SEC.2. Amended by P.L.164-2006, SEC.67; P.L.53-2009, SEC.1.

IC 3-10-1-8
Voter name not on registration record, certified copy of registration record, or electronic poll list; certificate of error; casting provisional ballot

Sec. 8. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record of the precinct, the certified copy of the registration record prepared under IC 3-7-29, or the electronic poll list may:

(1) vote if the county voter registration office provides a signed certificate of error; or

(2) cast a provisional ballot under IC 3-11.7, as provided by 42 U.S.C. 15482.

As added by P.L.5-1986, SEC.6. Amended by P.L.5-1989, SEC.36; P.L.7-1990, SEC.34; P.L.12-1995, SEC.61; P.L.3-1995, SEC.82; P.L.209-2003, SEC.96; P.L.164-2006, SEC.68; P.L.271-2013, SEC.11.

IC 3-10-1-9
Challenging voter

Sec. 9. A voter in a precinct may challenge a voter or person who

offers to vote at a primary election. The challenged person may not vote unless the challenged person:

(1) is registered;

(2) makes:

(A) an oral or a written affirmation under IC 3-10-12; or

(B) an affidavit:

(i) that the challenged person is a voter of the precinct; or

(ii) required under IC 3-10-11 if the voter declares that the voter is entitled to vote under IC 3-10-11; and

(3) either:

(A) at the last general election voted for a majority of the regular nominees of the political party for whose candidates the challenged person proposes to vote in the primary election and intends to vote for the regular nominees of the political party at the next general election; or

(B) if the challenged person did not vote at the last general election, intends to vote at the next general election for a majority of the regular nominees of the political party holding the primary election.

As added by P.L.5-1986, SEC.6. Amended by P.L.17-1993, SEC.9; P.L.12-1995, SEC.62.

IC 3-10-1-10

Persons entitled to challenge voter

Sec. 10. Only a voter who is a member of the political party for whose candidates a person is offering to vote at a primary election may challenge the person on the ground of party affiliation.

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

IC 3-10-1-10.5

Challenged voter entitled to cast provisional ballot; exception

Sec. 10.5. (a) This section does not apply to a voter who is challenged under section 10 of this chapter on the basis of party affiliation.

(b) In accordance with 42 U.S.C. 15482, a voter challenged under this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 9 of this chapter.

As added by P.L.209-2003, SEC.97. Amended by P.L.164-2006, SEC.69.

IC 3-10-1-11

Voting methods, supplies, and equipment

Sec. 11. The voting methods, supplies, and equipment to be used at a primary election are the same as those prescribed by IC 3-11 as far as applicable and when consistent with this chapter.

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

IC 3-10-1-12

Preparation and distribution of ballots

Sec. 12. (a) In those precincts where ballot card voting systems

are to be used, each county election board shall prepare and distribute separate primary ballots for each political party participating in a primary election at least equal in number to one hundred percent (100%) of the number of votes cast for the candidate of the party who received the greatest number of votes cast in the precinct at the last general election.

(b) In those precincts where electronic voting systems are to be used, the board shall determine the number of ballots required to be printed and furnished to the precincts for emergency purposes only.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.151; P.L.230-2005, SEC.34.

IC 3-10-1-13
Specifications for ballots

Sec. 13. (a) The primary election paper ballots, ballot cards, and ballot labels of each political party must be of uniform size and of the same quality paper as the paper ballots, ballot cards, and ballot labels used at the general election.

(b) The paper ballots and ballot cards must be distinctively marked or be of a different color so that the ballots of each party are easily distinguishable.

(c) This subsection applies to all voting systems. All the candidates representing one (1) party shall be placed on one (1) ticket with the name of the party placed at the top or beginning of the ballot in the form prescribed by section 19 of this chapter.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.152; P.L.66-2003, SEC.28; P.L.58-2005, SEC.3.

IC 3-10-1-14
Repealed

(Repealed by P.L.14-2004, SEC.194.)

IC 3-10-1-14.1
Printing names on ballot

Sec. 14.1. (a) All the candidates for each office who have qualified in the manner prescribed by IC 3-8 for placement on the primary election ballot shall be grouped together under the name of the office and printed in type with uniform capital letters, with uniform space between each name. At the head of each group, a statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be nominated) candidates for this office.".

(b) In addition to the candidate's given name and surname, the candidate may use:

(1) initials; or

(2) a nickname by which the candidate is commonly known;

if the candidate's choice of initials or nickname does not exceed twenty (20) characters. Any nickname used must appear in parentheses between the candidate's given name and the candidate's

surname.

(c) A candidate may not use a designation such as a title or degree or a nickname that implies a title or degree.

(d) A candidate's name must be printed on the ballot exactly as the name appears on the candidate's certificate of nomination, petition of nomination, or declaration of candidacy.

As added by P.L.14-2004, SEC.75. Amended by P.L.194-2013, SEC.33; P.L.76-2014, SEC.27.

IC 3-10-1-15

Separate ticket for each political party; placement of names under office designation

Sec. 15. (a) Each political party holding a primary election shall have a separate ticket, either in printed ballot form as prescribed by sections 13 and 14.1 of this chapter, or on separate ballot cards or ballot labels.

(b) Except as provided in subsection (c), the name of each candidate who has qualified under IC 3-8 shall be placed on the ballot under a designation of the office for which the person is a candidate.

(c) This subsection applies to an optical scan ballot card voting system that does not list the name of a candidate on the ballot card. The name of each candidate who has qualified under IC 3-8 shall be placed on the ballot and indicated by reference to a number printed on the optical scan ballot card.

(d) The name of a candidate may not appear on the ballot of more than one (1) party for the same office.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.153; P.L.14-2004, SEC.76; P.L.58-2005, SEC.4; P.L.164-2006, SEC.70.

IC 3-10-1-16

Number of candidates for whom each person may vote

Sec. 16. At a primary election a voter may vote for as many candidates for each office as there are persons to be elected to that office at the general election, except as provided in IC 33-33-49-13 for candidates for judge of the Marion superior court.

As added by P.L.5-1986, SEC.6. Amended by P.L.16-1995, SEC.1; P.L.98-2004, SEC.33.

IC 3-10-1-17

Colored ballot labels; party designation

Sec. 17. Political parties may be distinguished in a primary election by the use of different color paper ballots, ballot cards, or ballot labels. The party name shall be placed before the list of candidates of the party.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.154; P.L.176-1999, SEC.57; P.L.58-2005, SEC.5.

IC 3-10-1-18

Order of names on ballot; different order for counties with

population over 400,000 but less than 700,000

Sec. 18. (a) Except as provided by subsection (b), the names of all candidates for each office who have qualified under IC 3-8 shall be arranged in alphabetical order by surnames under the designation of the office.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The names of all candidates for each office who have qualified under IC 3-8, except for a school board office, precinct committeeman, or state convention delegate, shall be arranged in random order by surnames under the designation of the office. The random order shall be determined using a lottery. The lottery held in accordance with this subsection shall be conducted in public by the county election board. The lottery shall be held not later than fifteen (15) days following the last day for a declaration of candidacy under IC 3-8-2-4. All candidates whose names are to be arranged by way of the lottery shall be notified at least five (5) days prior to the lottery of the time and place at which the lottery is to be held. Each candidate may have one (1) designated watcher, and each county political party may have one (1) designated watcher who shall be allowed to observe the lottery procedure.

(c) For paper ballots, the left margin of the ballot for each political party must show the name of the uppermost candidate printed to the right of the number 1, the next candidate number 2, the next candidate number 3, and so on, consecutively to the end of the ballot as prescribed in section 19 of this chapter. If ordered by a county election board or a board of elections and registration under IC 3-11-15-13.1(b), a ballot number or other candidate designation uniquely associated with the candidate must be displayed on the electronic voting system and printed on the ballot cards.

(d) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). If there is insufficient room on a row to list each candidate of a political party, a second or subsequent row may be utilized. However, a second or subsequent row may not be utilized unless the first row, and all preceding rows, have been filled.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.155; P.L.7-1991, SEC.2; P.L.12-1992, SEC.6; P.L.1-1993, SEC.6; P.L.5-1994, SEC.1; P.L.221-2005, SEC.28; P.L.76-2014, SEC.28.

IC 3-10-1-19

Form of ballot and public questions; order of offices and public questions on ballot

Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper

column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

[] (1) AB_____

[] (2) CD_____

[] (3) EF_____

[] (4) GH_____

(b) Local public questions shall be placed on the primary election ballot after the voting instructions described in subsection (a) and before the offices described in subsection (e).

(c) The local public questions described in subsection (b) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) as provided by either of the following if voting is by an electronic voting system:

(A) On a separate screen for a public question.

(B) After the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-14-3.5.

(d) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

[] YES

[] NO

(e) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than

one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Prosecuting attorney.

(E) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.

(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.

(J) County council member.

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(f) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (e):

(1) Precinct committeeman.

(2) State convention delegate.

(g) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (f).

(h) The offices described in subsection (g) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (f) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (f) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.156; P.L.8-1989, SEC.5; P.L.4-1991, SEC.51; P.L.3-1997, SEC.216; P.L.98-2004, SEC.34; P.L.58-2005, SEC.6; P.L.221-2005, SEC.29; P.L.164-2006, SEC.71; P.L.146-2008, SEC.4; P.L.179-2011, SEC.6; P.L.190-2011, SEC.1; P.L.201-2011, SEC.3; P.L.6-2012, SEC.8; P.L.77-2014, SEC.3.

IC 3-10-1-19.2

Order of districts and candidates on ballot

Sec. 19.2. (a) Whenever candidates are to be nominated for 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 nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

(c) Candidates for a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b).

As added by P.L.4-1996, SEC.37. Amended by P.L.179-2011, SEC.7.

IC 3-10-1-19.5

Alternative order of county offices

Sec. 19.5. Notwithstanding section 19 of this chapter, the county election board may alter the prescribed ballot order to place the names of the candidates for the following offices before the names of the candidates for county judicial offices:

(1) Prosecuting attorney.

(2) Clerk of the circuit court.

(3) The county offices listed in section 19(e)(4) of this chapter.

As added by P.L.4-1991, SEC.52. Amended by P.L.1-2009, SEC.2; P.L.190-2011, SEC.2.

IC 3-10-1-19.7

Certain information not required on ballot

Sec. 19.7. The ballot for a primary election is not required to contain the information set forth under IC 3-11-2-10, IC 3-11-13-11, or IC 3-11-14-3.5 concerning:

(1) write-in voting; or

(2) independent candidates or independent tickets (described in IC 3-11-2-6);

except when an office for which write-in candidates or independent

candidates or independent tickets (described in IC 3-11-2-6) are permitted is elected at the same time as the primary election.
As added by P.L.3-1995, SEC.84. Amended by P.L.58-2005, SEC.7.

IC 3-10-1-20
Repealed
(Repealed by P.L.3-1995, SEC.156.)

IC 3-10-1-21
Sample ballots
Sec. 21. The official sample ballots for a primary election shall be printed from the first or official form of ballot only.
As added by P.L.5-1986, SEC.6.

IC 3-10-1-22
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-10-1-23
Voting systems in county having a city
Sec. 23. In a primary election in a county having a city, ballot card voting systems and electronic voting systems shall be employed as available and adaptable and shall be supplemented by paper ballots as necessary. However, this section does not require the purchase of ballot card voting systems or electronic voting systems for a primary election.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.157; P.L.221-2005, SEC.30.

IC 3-10-1-24 Version a
Voter information verification; change of address within precinct; transfer of registration
Note: This version of section effective until 4-1-2014. See also following version of this section, effective 4-1-2014.
Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. 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 voter signs in on the electronic poll list. The poll clerks 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 (d), the voter's current residence address.
(3) The name of the voter's party.
(b) The poll clerks 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 a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

(d) The electronic poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll list 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 current residence address on the poll list or reentering the address in the electronic poll list.

(e) If the voter makes:

(1) a written affirmation on the poll list that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7;

the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.158; P.L.5-1989, SEC.37; P.L.199-2001, SEC.18; P.L.209-2003, SEC.98; P.L.2-2004, SEC.1; P.L.164-2006, SEC.72; P.L.271-2013, SEC.12; P.L.55-2014, SEC.1.

IC 3-10-1-24 Version b

Voter information verification; change of address within precinct; transfer of registration

Note: This version of section effective 4-1-2014. See also preceding version of this section, effective until 4-1-2014.

Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. In a vote center county using an electronic poll book, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll book. The poll clerks shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll book:

(1) The voter's name.

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

(3) The name of the voter's party.

(b) The poll clerks 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 a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

(d) The poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that the voter may 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 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 current residence address on the poll list or reentering the address in the electronic poll book.

(e) If the voter makes:

(1) a written affirmation on the poll list (or if an electronic poll book is used, a written affirmation in the manner described in IC 3-7-39-7) that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7;

the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.158; P.L.5-1989, SEC.37; P.L.199-2001, SEC.18; P.L.209-2003, SEC.98; P.L.2-2004, SEC.1; P.L.164-2006, SEC.72; P.L.271-2013, SEC.12; P.L.55-2014, SEC.1; P.L.76-2014, SEC.29.

IC 3-10-1-24.5
Repealed

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

IC 3-10-1-24.6
Voter identity check; comparison of signatures

Sec. 24.6. (a) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the registration record or any certified copy of the signature provided under section 7.1 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote.

(b) If either poll clerk doubts the voter's identity following the comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. If the poll clerk does not execute a challenger's affidavit under IC 3-11-8-21 or if the voter executes a challenged voter's affidavit under IC 3-11-8-22.1, the voter may then vote.

As added by P.L.209-2003, SEC.100. Amended by P.L.164-2006, SEC.73; P.L.271-2013, SEC.13.

IC 3-10-1-25

Paper ballots or ballot card system; procedures

Sec. 25. (a) If paper ballots are used in a precinct, one (1) of the poll clerks or assistant poll clerks shall deliver to a voter one (1) of the voter's political party ballots and a pencil after the voter signs the poll list. The voter shall take the ballot and pencil into an election booth and mark the ballot within the time provided under IC 3-11-11-10.5.

(b) If a ballot card voting system is used in a precinct, one (1) of the poll clerks or assistant poll clerks shall deliver to a voter one (1) of the voter's political party ballot cards and instructions on how to operate the ballot card system as described in IC 3-11-13-29 and IC 3-11-13-30. The voter shall take the ballot card into the voting booth and mark the ballot within the time provided under IC 3-11-13-32.5.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.160; P.L.5-1989, SEC.39.

IC 3-10-1-26

Paper ballots; folding; delivery to inspector

Sec. 26. (a) This section applies only to paper ballots.

(b) After marking a paper ballot, a voter shall fold each ballot separately in a manner that its face will be concealed and the initials of the poll clerks or assistant poll clerks seen.

(c) After leaving the booth, a voter shall return the pencil to a poll clerk or assistant poll clerk and display the initials on each ballot to the inspector.

(d) If a voter offers to vote a ballot folded so that it does not disclose the initials of the poll clerks or assistant poll clerks while also not disclosing the face of the ballot, the precinct election board shall direct the voter to return to the booth and fold the ballot properly.

(e) After properly displaying the initials on the ballot, the voter then shall:

(1) deposit the ballot in the ballot box; or

(2) at the voter's option return the ballot to the inspector, who shall deposit it in the ballot box.

(f) The poll clerk or assistant poll clerk shall then place a voting mark opposite the voter's name on the poll list. The voter then shall leave the polls.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.161;

P.L.58-2005, SEC.8.

IC 3-10-1-27
Party identification card receipt; voting time limits

Sec. 27. If electronic voting systems are used in a precinct, one (1) of the poll clerks shall give a printed political party identification card to a voter after the voter signs the poll list. Before entering the voting booth, the voter must give the party identification card to a judge, and the judge shall set or have the electronic voting system set to allow the voter to vote only for the candidates of the voter's party. After the system is set, the voter may register a vote upon it within the time provided under IC 3-11-14-26.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.162; P.L.221-2005, SEC.31.

IC 3-10-1-28
Depositing and counting party identification cards

Sec. 28. After setting the electronic voting system, the judge shall immediately deposit the political party identification card in a sealed container provided for that purpose. After the polls have closed, all party identification cards shall be counted and compared with the total number of votes cast in the election. All party identification cards must be of durable quality and the same color irrespective of the party that is designated.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.163; P.L.221-2005, SEC.32.

IC 3-10-1-28.5
Ballot card voting system; procedures

Sec. 28.5. (a) If a ballot card voting system is used in a precinct, after a voter has marked a ballot card the voter shall place it inside the envelope provided for this purpose and return it to the judge.

(b) The judge shall remove the stub from the ballot card. This subsection does not apply to an optical scan voting system.

(c) The judge shall then offer to return the envelope with the ballot card inside to the voter. The voter shall:

(1) accept the envelope and deposit it with the ballot card inside into the ballot box; or

(2) decline the envelope and require the judge to deposit it in the ballot box.

(d) The voter then shall leave the polls.

As added by P.L.3-1987, SEC.164. Amended by P.L.38-1999, SEC.32; P.L.176-1999, SEC.58; P.L.239-2001, SEC.6.

IC 3-10-1-29
Canvass of votes

Sec. 29. The canvass of votes cast in a primary election shall, as far as applicable, be made in the same manner and by the same officers as the canvass at a general election. The tally sheet upon which the count has been entered shall be included in the returns of

the election. Each precinct election board shall, on blanks provided for that purpose, make full and accurate returns of the votes cast for each candidate and on each public question unless votes were cast on a ballot card voting system that is not designed to allow the counting and tabulation of votes by the precinct election board. The board shall set forth in the return, opposite the name of each candidate and public question, the number of votes cast for the candidate and for or against each public question. The tabular statement must contain the following information, with the names of candidates and public questions arranged in the order in which they appear upon the official ballot:

(1) The name of the precinct.

(2) The name of the township (or ward).

(3) The name of the county.

(4) The name of the party of the candidates for Representative in Congress.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.165; P.L.10-1988, SEC.78; P.L.1-1993, SEC.7; P.L.3-1995, SEC.85.

IC 3-10-1-30

Mutilated and unvoted ballots or ballot cards; counting, sealing and labeling

Sec. 30. (a) At the close of the polls and before counting the votes, each precinct election board shall count all mutilated and unvoted paper ballots and ballot cards of each political party, place them in separate bags, and seal them. The number of unvoted ballots shall be marked on the outside of the bags.

(b) If a ballot card voting system was used in a precinct, the precinct election board shall comply with IC 3-12-3-2.

(c) At the close of the count the board shall place all voted paper ballots of each party in separate bags, sealed and properly labeled, showing the number of paper ballots they contain and the number voted but not counted.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.166.

IC 3-10-1-31

Applicability; delivery of ballots; election materials; preservation; unsealing poll lists for addition, cancellation, or transfer of registration; destruction of ballots

Sec. 31. (a) This section applies to election materials for elections held before January 1, 2004.

(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, the circuit court clerk shall carefully preserve the ballots and other material and keep all seals intact for twenty-two (22) months, as required by 42 U.S.C. 1974, after which they may be destroyed unless:

(1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
(2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(d) This subsection applies before January 1, 2006. Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For the purposes of:

(1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;
(2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;
(3) adding the registration of a voter under IC 3-7-48-8; or
(4) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 42 U.S.C. 15483 and IC 3-11-8 or IC 3-11-10;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists 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 shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (c).

(e) This subsection applies after December 31, 2005. Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For purposes of:

(1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46; or
(2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's current voter identification number if the voter's voter identification number is not included in the registration record. Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (c).

(f) After the expiration of the period described in subsection (c), 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.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.167; P.L.10-1988, SEC.79; P.L.3-1993, SEC.93; P.L.12-1995, SEC.64; P.L.4-1996, SEC.38; P.L.199-2001, SEC.19; P.L.66-2003, SEC.29; P.L.209-2003, SEC.101; P.L.97-2004, SEC.4; P.L.14-2004, SEC.77.

IC 3-10-1-31.1

Applicability; delivery, retention, and disposal of election materials; use of poll lists to update voter registration record; confidentiality of materials

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 42 U.S.C. 1974, 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) 42 U.S.C. 1973;

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 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 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) 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 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.

(g) 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.

(h) 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 42 U.S.C. 1974, 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) 42 U.S.C. 1973.

As added by P.L.14-2004, SEC.78. Amended by P.L.230-2005, SEC.35; P.L.141-2011, SEC.1; P.L.64-2014, SEC.37.

IC 3-10-1-31.2
Update of registration record; time

Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.

(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after the completion of the recount or contest and the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17, IC 3-12-11-18, or IC 3-12-12-19.

As added by P.L.225-2011, SEC.45.

IC 3-10-1-31.3
Voter political party not recorded at primary election; how recorded on voter's registration record

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 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.
As added by P.L.219-2013, SEC.23.

IC 3-10-1-32
Returns

Sec. 32. Primary election returns must contain the whole number of votes cast for each of the following:

(1) Each candidate of each political party.
(2) Each public question voted on at the primary election.
(3) Each candidate for election to a political party office.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.80; P.L.179-2011, SEC.8.

IC 3-10-1-33
Duplicate copy of returns; transmission to election division

Sec. 33. (a) The county election board shall also make an additional duplicate showing the votes cast for each candidate required to file a declaration of candidacy with the election division under IC 3-8-2.

(b) The circuit court clerk shall, not later than noon on the second Monday following the primary election, send to the election division by certified mail or hand deliver to the election division one (1) complete copy of all returns for these candidates.

(c) The circuit court clerk may send the document described in subsection (b) using the computerized list established under IC 3-7-26.3. A document sent under this subsection complies with any requirement for the document to be certified or sealed.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.168; P.L.3-1993, SEC.94; P.L.3-1997, SEC.217; P.L.176-1999, SEC.59; P.L.221-2005, SEC.33; P.L.164-2006, SEC.74.

IC 3-10-1-34
Canvass of votes by election division

Sec. 34. The election division, not later than noon:

(1) on the date for correcting an error under IC 3-12-5-14; or
(2) seven (7) days after receipt of the final recount certificate transmitted under IC 3-12-6-31 or IC 3-12-11-18;

whichever occurs later, shall canvass the votes cast for candidates required to file a declaration of candidacy with the election division under IC 3-8-2 and tabulate the result as provided in IC 3-12.
As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.81; P.L.3-1997, SEC.218; P.L.176-1999, SEC.60; P.L.66-2003, SEC.30.

IC 3-10-1-35
Publication of notices

Sec. 35. Each notice required for a primary election shall be published in accordance with IC 5-3-1.

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

IC 3-10-2

Chapter 2. General Elections

IC 3-10-2-1

Date of general election; offices to be filled

Sec. 1. A general election shall be held on the first Tuesday after the first Monday in November in each even-numbered year. All offices whose terms will expire before the next general election shall be filled at the election, unless otherwise provided by law.

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

IC 3-10-2-2

Notice of election; publication of office to be filled or questions submitted; filing

Sec. 2. (a) Each county election board shall give notice of a general election and publish a statement in accordance with IC 5-3-1 showing what offices are to be filled and setting forth the text of the judicial retention and other public questions to be submitted to the voters and by filing a copy of this information:

(1) with the election division; and

(2) in the minutes of the county election board.

(b) The county election board shall file the copies required under subsection (a) not later than noon, ten (10) days before election day. However, an election is not invalidated by the failure of the board to perform this duty.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.82; P.L.3-1993, SEC.95; P.L.3-1997, SEC.219.

IC 3-10-2-3

Presidential and Vice Presidential Electors; time for electing

Sec. 3. Electors for President and Vice-President of the United States shall be elected in 2008 and every four (4) years thereafter at a general election held in accordance with 3 U.S.C. 1.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.39; P.L.3-1997, SEC.220; P.L.230-2005, SEC.36.

IC 3-10-2-4

United States Senators; time for electing

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 2006 and every six (6) years thereafter.

(2) One (1) in 2010 and every six (6) years thereafter.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.40; P.L.122-2000, SEC.7; P.L.230-2005, SEC.37.

IC 3-10-2-5

United States Representatives; time for electing

Sec. 5. United States Representatives shall be elected at each general election in accordance with 2 U.S.C. 7.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.41.

IC 3-10-2-6

Year for election of governor, lieutenant governor, attorney general, and superintendent of public instruction

Sec. 6. The following public officials shall be elected in 2008 and every four (4) years thereafter:

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

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.42; P.L.3-1997, SEC.221; P.L.230-2005, SEC.38.

IC 3-10-2-7

Year for election of secretary of state, auditor of state, and treasurer of state

Sec. 7. The following public officials shall be elected in 2006 and every four (4) years thereafter:

(1) Secretary of state.
(2) Auditor of state.
(3) Treasurer of state.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.43; P.L.122-2000, SEC.8; P.L.14-2004, SEC.79; P.L.230-2005, SEC.39.

IC 3-10-2-8

Supreme court justices and appellate court judges; time for electing

Sec. 8. Justices of the supreme court and judges of the court of appeals shall stand for approval or rejection by their respective electorates:

(1) at the first general election that occurs at least two (2) years after their appointments; and
(2) at the general election every ten (10) years thereafter;

in accordance with Article 7, Section 11 of the Constitution of the State of Indiana.

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

IC 3-10-2-9

State senators; time for electing

Sec. 9. One-half (1/2) of the senators in the general assembly, as nearly as possible, shall be elected at each general election and every four (4) years thereafter in accordance with Article 4, Section 3 of the Constitution of the State of Indiana.

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

IC 3-10-2-10

State representatives; time for electing

Sec. 10. Representatives in the general assembly shall be elected in each district at each general election in accordance with Article 4, Section 3 of the Constitution of the State of Indiana.

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

IC 3-10-2-11
Judges; time for electing

Sec. 11. (a) A judge of the circuit court shall be elected at:

(1) the first general election following an appointment by the governor to fill a vacancy in the office of judge of the circuit court; or

(2) the general election before the term of the judge expires under Article 7, Section 7 of the Constitution of the State of Indiana;

whichever occurs first, and every six (6) years thereafter.

(b) Except as otherwise provided by law, judges of the superior and probate courts shall be elected at the general election before their terms of office expire and every six (6) years thereafter.

As added by P.L.5-1986, SEC.6. Amended by P.L.334-1989(ss), SEC.1; P.L.5-1989, SEC.40; P.L.201-2011, SEC.4.

IC 3-10-2-12
Year for election of prosecuting attorneys

Sec. 12. A prosecuting attorney shall be elected in each judicial circuit in 2006 and every four (4) years thereafter in accordance with Article 7, Section 16 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.44; P.L.122-2000, SEC.9; P.L.230-2005, SEC.40.

IC 3-10-2-13
Local officials; time for electing

Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

(2) County auditor.

(3) County recorder.

(4) County treasurer.

(5) County sheriff.

(6) County coroner.

(7) County surveyor.

(8) County assessor.

(9) County commissioner. This subdivision applies only to a county that is not subject to IC 36-2-2.5.

(10) Single county executive. This subdivision applies only to a county that is subject to IC 36-2-2.5.

(11) County council member.

(12) Township trustee.

(13) Township board member.

(14) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(15) Judge of a small claims court.

(16) Constable of a small claims court.

As added by P.L.5-1986, SEC.6. Amended by P.L.8-1987, SEC.2; P.L.146-2008, SEC.5; P.L.77-2014, SEC.4.

IC 3-10-2-14
Repealed

(Repealed by P.L.146-2008, SEC.818.)

IC 3-10-2-15
Nomination by convention; deadline for holding; certification of nominees; consent of nominees

Sec. 15. (a) This section applies to a political party whose nominee received at least two percent (2%) but less than ten percent (10%) of the votes cast for secretary of state at the last election for that office.

(b) This section applies only to a local office that is:

(1) not listed in IC 3-8-2-5; and

(2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

(c) A political party subject to this section shall nominate the party's candidate for a local office at a county convention of the party conducted not later than noon on the date specified by IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate vacancy.

(d) The chairman and secretary of the convention shall execute a certificate of nomination in writing, setting out the following:

(1) The name of each nominee as:

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

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

(2) The residence address of each nominee.

(3) The office for which each nominee was nominated.

(4) That each nominee is legally qualified to hold office.

(5) The political party device or emblem by which the ticket will be designated on the ballot.

Both the chairman and secretary shall acknowledge the certificate before an officer authorized to take acknowledgment of deeds.

(e) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6.

(f) The certificate required by subsection (d) and the consent required by subsection (e) must be filed with the circuit court clerk of the county containing the greatest percentage of population of the election district for which the candidate has been nominated by the convention not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

(g) A candidate's consent to the nomination 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 the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the

consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county. 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 the nomination.

(h) A question concerning the validity of a candidate's nomination under this section shall be determined by a county election board in accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).

(i) A nominee who wants to withdraw must file a notice of withdrawal in accordance with IC 3-8-7-28.

As added by P.L.4-1996, SEC.45. Amended by P.L.202-1999, SEC.14; P.L.66-2003, SEC.31; P.L.9-2004, SEC.14.

IC 3-10-2-16

Elected school board member elected at general elections

Sec. 16. Notwithstanding any other statute or a school corporation's organization plan, an elected member of the governing body shall be elected at the general election held immediately before the term of office for that position on the governing body expires.

As added by P.L.219-2013, SEC.24.

IC 3-10-3

Chapter 3. State Constitutional Amendments and State Public Questions

IC 3-10-3-1

Certification

Sec. 1. (a) Whenever a proposed state constitutional amendment or other public question is submitted by the general assembly under Article 16 of the Constitution of the State of Indiana to the electorate of the state for a popular vote, the election division shall certify the public question to the county election board of each county.

(b) If the vote is to occur at a general election, the election division shall certify by noon on the date specified under IC 3-8-7-16 for the election division to certify candidates and other public questions for the general election ballot. If a special election is to be held, the election division shall certify at least thirty (30) days before the election. Each county election board shall publish notice of the public question in accordance with IC 5-3-1.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.169; P.L.10-1988, SEC.83; P.L.4-1991, SEC.53; P.L.3-1997, SEC.222; P.L.225-2011, SEC.46.

IC 3-10-3-2

Form of public question on ballot; effect of failure to vote

Sec. 2. (a) This subsection applies if the general assembly does not prescribe the form in which a state constitutional amendment must appear on the general election ballot. If the electorate of the state may vote on a state constitutional amendment or other public question, the commission shall prepare a brief statement of the public question in words sufficient to clearly designate it and have the statement printed on the state ballot in the form prescribed by IC 3-11-2-15.

(b) If a voter does not vote on the public question, the ballot is void with regard to the public question and may not be counted.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.170; P.L.4-1991, SEC.54; P.L.1-1992, SEC.4; P.L.2-1996, SEC.118.

IC 3-10-3-3

Repealed

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

IC 3-10-3-4

Repealed

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

IC 3-10-3-5

Repealed

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

IC 3-10-3-6

Repealed

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

IC 3-10-3-7

Repealed

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

IC 3-10-3-8

Repealed

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

IC 3-10-3-9

Marking of ballots; application of general election laws

Sec. 9. Except as provided in this chapter, all of the provisions of this title concerning the marking and counting of ballots for candidates that are consistent with this chapter apply to the marking and counting of votes for a state constitutional amendment.

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

IC 3-10-3-10

Repealed

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

IC 3-10-4

Chapter 4. Presidential Elections

IC 3-10-4-1

Names on ballot

Sec. 1. (a) The names of the candidates of:

(1) a political party;

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

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

for electors of President and Vice President of the United States may not be placed on the ballot.

(b) The names of the nominees for President and Vice President of the United States of each political party or group of petitioners shall be placed:

(1) in one (1) column on the ballot if paper ballots are used;

(2) either:

(A) grouped together on a separate screen; or

(B) grouped together below the names of the offices as specified in IC 3-11-14-3.5;

if an electronic voting system is used; or

(3) grouped together below the names of the offices as specified in IC 3-11-13-11 if a ballot card is used.

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

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.171; P.L.10-1992, SEC.16; P.L.58-2005, SEC.9; P.L.230-2005, SEC.41; P.L.1-2006, SEC.4.

IC 3-10-4-2

Paper ballots; listing of political party and other information

Sec. 2. (a) This section applies when paper ballots are used.

(b) A single square shall be printed in front of a bracket enclosing the names of the nominees for President and Vice President of the United States on the left margin of each separate column of the ballot, immediately opposite the names of the nominees.

(c) The device named and list of nominees of the political party whose nominee received the highest number of votes in that county for secretary of state at the last election shall be placed in the first column on the left side of the ballot. The political party whose nominee received the second highest number of votes in that county for secretary of state at the last election shall be placed in the second column. Other political parties shall be placed on the ballot in the same order.

(d) If a political party or an independent ticket did not have a candidate for secretary of state in the last election, the party or ticket shall be placed on the ballot after the parties described in subsection (c). If more than one (1) political party or independent ticket that has qualified to be on the ballot did not have a candidate for secretary of

state in the last election, each party or independent ticket shall be listed on the ballot in the order in which the party or independent ticket filed a petition of nomination under IC 3-8-6-12.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.172; P.L.3-1993, SEC.96; P.L.58-2005, SEC.10.

IC 3-10-4-2.1
Optical scan ballot card; listing of nominees for President and Vice President of the United States

Sec. 2.1. (a) This section applies when an optical scan ballot card is used.

(b) The names of the nominees for President and Vice President of the United States for each political party or group of petitioners grouped as described in section 1(b)(4) of this chapter must be:

(1) listed together so that a voter is aware that the voter votes for both offices with a single vote; and

(2) printed behind or beside a single connectable arrow, oval, circle, or square.

(c) The nominees for President and Vice President of the United States must be grouped under the names of the offices in the order established by IC 3-11-13-11.
As added by P.L.58-2005, SEC.11.

IC 3-10-4-2.2
Electronic voting system; listing of nominees for President and Vice President of the United States

Sec. 2.2. (a) This section applies when an electronic voting system is used.

(b) The names of the nominees for President and Vice President of the United States for each political party or group of petitioners grouped as described in section 1(b)(3) of this chapter must be:

(1) listed together so that a voter is aware that the voter votes for both offices with a single vote; and

(2) behind or beside a single touch sensitive point or button place.

(c) The nominees for President and Vice President of the United States must be grouped under the names of the offices in the order established by IC 3-11-14-3.5.
As added by P.L.58-2005, SEC.12.

IC 3-10-4-3
Ballots or voting machine labels

Sec. 3. The device, title, and names of nominees appearing on a ballot or ballot label shall be accompanied by a statement that a ballot cast for the named candidates for President and Vice President of the United States is considered a ballot cast for the slate of presidential electors nominated by that political party or independent candidate.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1995, SEC.86.

IC 3-10-4-4
Votes for nominees and write-in candidates; treatment

Sec. 4. Each vote cast or registered:

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

(A) a political party; or

(B) a group of petitioners; or

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

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

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1992, SEC.17; P.L.1-2010, SEC.3.

IC 3-10-4-5
Certification of nominees and electors

Sec. 5. (a) This subsection applies to a major political party and to a political party subject to IC 3-8-4-10. The state chairman of each political party shall certify to the election division the names of the nominees of the party for President and Vice President of the United States and the state of which each nominee is a resident.

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

(1) the names of their nominees for President and Vice President of the United States;

(2) the state of which each nominee is a resident; and

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

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

(1) all candidates for presidential electors; and

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

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

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

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.173;

P.L.5-1989, SEC.41; P.L.10-1992, SEC.18; P.L.3-1993, SEC.97; P.L.3-1997, SEC.223; P.L.66-2003, SEC.32; P.L.14-2004, SEC.80.

IC 3-10-4-6
Cessation of candidacy

Sec. 6. (a) If a nominee for President or Vice President of the United States ceases to be a candidate before the nominee's ticket is officially certified, then that fact and the name and the state of residence of the nominee's successor, if any, shall be certified in the same manner as the original nominee and the successor's name shall be printed upon all ballots.

(b) If a nominee for President or Vice President of the United States ceases to be a candidate after the nominee's ticket has been officially certified, then that fact and the name and state of residence of the nominee's successor, if any, shall be certified in the same manner as the original nominee. However, the ballots must reflect the original nominee's name, and any vote cast in the election for the original nominee shall be considered a vote for the successor.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.174.

IC 3-10-4-7
Assembly of presidential electors

Sec. 7. (a) The presidential electors who are elected at a general election shall assemble in the chamber of the Indiana house of representatives on the first Monday after the second Wednesday in December as provided by 3 U.S.C. 7, or on another day fixed by the Congress of the United States, at 10 a.m. to elect the President and Vice-President of the United States.

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

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

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.175; P.L.10-1992, SEC.19; P.L.3-1997, SEC.224.

IC 3-10-4-8
Filling of vacancy

Sec. 8. (a) If a presidential elector:

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

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

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

the electors present shall, by paper ballot and a majority vote of all

those present, immediately fill the vacancy upon proof of the resignation or certification being provided to the electors, or at 11 a.m., whichever occurs first.

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

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.176; P.L.3-1993, SEC.98; P.L.3-1997, SEC.225.

IC 3-10-4-9
Voting procedure

Sec. 9. The presidential electors, when assembled and after vacancies are filled, shall then vote by paper ballot for President and Vice President of the United States and perform the duties imposed upon them by the Constitution and statutes of the United States and of this state.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.177.

IC 3-10-4-10
Repealed

(Repealed by P.L.7-1986, SEC.20.)

IC 3-10-5

Chapter 5. State Conventions Concerning United States Constitutional Amendments

IC 3-10-5-1

Ratifying convention; election of delegates

Sec. 1. Whenever the Congress of the United States proposes an amendment to the Constitution of the United States and proposes that it be ratified by conventions in the several states, the governor shall fix, by proclamation, the date of an election to elect the delegates to the convention in this state. The election shall be held within sixty (60) days after the date of the proclamation and within four (4) months after the date of the receipt of the proposed amendment by the appropriate official from the Secretary of State of the United States. If a general election occurs within this period, the special election shall be held at the same time and by the same election officers who conduct the general election.

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

IC 3-10-5-2

Eligible voters

Sec. 2. The electorate of the whole state may vote at the election required by section 1 of this chapter.

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

IC 3-10-5-3

Conduct of election

Sec. 3. Except as otherwise provided in this chapter, the election required by section 1 of this chapter shall be conducted and the results ascertained, canvassed, and certified in the same manner as an election of governor. All of the other provisions of this title apply to the election when consistent with this chapter.

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

IC 3-10-5-4

Conduct of election; precinct election officers

Sec. 4. Each county election board shall conduct the election required by section 1 of this chapter. The precinct election officers consist of one (1) inspector and two (2) poll clerks to be appointed by the county election board at least ten (10) days before the election. These officers have the same powers and duties as other precinct election officers and receive the same pay that precinct election officers receive in general elections.

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

IC 3-10-5-5

Number of delegates

Sec. 5. Each county shall elect at least one (1) delegate to the convention prescribed by section 1 of this chapter. In addition, each county having a population greater than twenty thousand (20,000)

shall elect one (1) additional delegate for each additional twenty thousand (20,000) persons in the county, or major fraction thereof. The governor shall determine the number of delegates to which each county is entitled under this section and shall include the number in the governor's proclamation.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-6
Qualifications of delegate
Sec. 6. A candidate for delegate to a convention held under this chapter must be:
(1) a resident of the county; and
(2) a registered voter.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.178.

IC 3-10-5-7
Procedure for nomination
Sec. 7. Nomination of a candidate for delegate to a convention held under this chapter must be by petition. Before the candidate's name is placed on a petition, the candidate must file in the office of the circuit court clerk of the county in which the candidate resides a declaration stating the candidate's name, the candidate's residence address with the street and number (if any), and whether if elected as a delegate the candidate will vote for or against the ratification of the amendment to be considered by the convention. The circuit court clerk may not accept a petition containing the name of a candidate who has failed to file such a declaration.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-8
Nomination petitions; required number of signatures
Sec. 8. A single petition required by section 7 of this chapter may nominate any number of candidates, but not more than the total number of delegates to be elected from the county. A petition must be signed by at least five hundred (500) voters for each delegate nominated.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-9
Nomination petitions; contents
Sec. 9. A petition required by section 7 of this chapter must contain the candidates' names, the candidates' residence address with the street and number (if any), and a declaration and pledge that each candidate will, if elected, vote for or against ratification at the convention.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-10
Nomination petitions; political party designations
Sec. 10. A petition required by section 7 of this chapter may not

include a candidate's political party or political designation.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-11
Nomination petitions; inconsistent names

Sec. 11. A petition required by section 7 of this chapter may not contain the name of a candidate whose position as stated is inconsistent with that of another candidate on the same petition.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-12
Signing more than one petition

Sec. 12. A person may not sign both a petition for a candidate in favor of ratification and a petition for a candidate opposed to ratification.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-13
Filing of petitions and acceptances; preservation

Sec. 13. All petitions and acceptances must be filed with the circuit court clerk no later than noon thirty (30) days before the date of the election. The clerk shall preserve the petitions and make them available for public inspection.
As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.84.

IC 3-10-5-14
Successful candidates; ties; time for objections

Sec. 14. The candidates whose nominating petitions have been signed by the highest number of voters are nominated. Ties shall be resolved by lot drawn by the commission. If a written objection is not filed with the circuit court clerk no later than noon ten (10) days after the filing, the decision of the clerk is final.
As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.85; P.L.2-1996, SEC.119.

IC 3-10-5-15
Objections

Sec. 15. If an objection to a decision of the circuit court clerk is made, the clerk shall immediately certify the objection and the petition to the election division. The commission shall consider the objection, and the decision of the commission is final.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.179; P.L.3-1997, SEC.226.

IC 3-10-5-16
Certification of successful nominees

Sec. 16. Not later than noon fifteen (15) days after the petitions have been filed with the circuit court clerk, the clerk shall certify the names of the successful nominees to the election division.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.180;

P.L.3-1997, SEC.227.

IC 3-10-5-17
Conduct of election; ballot

Sec. 17. The election required by section 1 of this chapter shall be conducted by ballot. The ballot must state first the substance of the proposed constitutional amendment, followed by appropriate instructions to the voters. The ballot then must be in the form prescribed by the commission. The names of the nominees in favor of ratification shall be placed in the column headed "For Ratification". The names of the nominees against ratification shall be placed in the column headed "Against Ratification".
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.181; P.L.3-1993, SEC.99; P.L.2-1996, SEC.120.

IC 3-10-5-18
Arrangement of names on ballot

Sec. 18. The ballot prescribed by section 17 of this chapter shall be arranged so that a voter may, by making a single voting mark, vote for an entire group of nominees whose names are in one column.
As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.10; P.L.3-1987, SEC.182.

IC 3-10-5-19
Repealed

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

IC 3-10-5-20
Order of names on ballot

Sec. 20. Each county election board shall prepare the ballots in series equal to the total number of delegates to be elected. The names of the candidates shall be arranged in alphabetical order in the first series of ballots printed. On the next series printed the first name shall be placed last, and the process shall be repeated in the same manner until each name has been first. The ballots shall then be combined in tablets with no two (2) of the same order of names together, except where there is but one (1) candidate in each column and when impracticable to do so.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-21
Marking of ballot

Sec. 21. A voter shall indicate a choice by making one (1) or more voting marks in the appropriate spaces provided on the ballot.
As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.11.

IC 3-10-5-22
Successful nominees

Sec. 22. The nominees who receive the highest number of votes, up to the total number to be chosen, are the delegates to the

convention prescribed by section 1 of this chapter.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-23
Certification of delegates

Sec. 23. Not later than noon ten (10) days after the election, each circuit court clerk shall:

(1) certify the election of each delegate to the election division; and

(2) deliver a certificate of election to each successful delegate.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1997, SEC.228.

IC 3-10-5-24
Vacancies

Sec. 24. If there is a vacancy in the convention prescribed by section 1 of this chapter, the vacancy shall be filled by majority vote of the delegates from the county in which the vacancy exists. If the convention does not have another delegate from that county, the governor shall fill the vacancy.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-25
Commencement of convention; quorum

Sec. 25. The delegates certified under section 23 of this chapter shall meet in convention in the chamber of the Indiana house of representatives on the third Monday following the election at 2 p.m. to pass upon the question of whether or not to ratify the proposed constitutional amendment. A majority of the delegates elected to the convention constitutes a quorum.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-26
Call to order; oath of office

Sec. 26. The lieutenant governor shall call the convention to order. A justice of the supreme court shall administer the oath of office.
As added by P.L.5-1986, SEC.6.

IC 3-10-5-27
Powers of convention

Sec. 27. The convention:

(1) is the judge of the election and qualifications of its members;

(2) may elect its president, secretary, and other officers; and

(3) may adopt its own rules.

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

IC 3-10-5-28
Journal of convention

Sec. 28. (a) The convention shall keep a journal of its proceedings

and debates in which the vote of each delegate on the question of ratification of the proposed constitutional amendment shall be recorded.

(b) Upon final adjournment the journal shall be filed with the election division.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1997, SEC.229.

IC 3-10-5-29

Certificate of ratification

Sec. 29. (a) If the convention agrees to the ratification of the proposed constitutional amendment by majority vote of the delegates elected to the convention, the president and secretary of the convention shall execute a certificate to that effect and transmit the certificate to the election division.

(b) The secretary of state shall transmit the certificate under the official seal of the state to the Secretary of State of the United States.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1997, SEC.230.

IC 3-10-5-30

Congressional preemption of procedure

Sec. 30. If at or about the time of submitting a constitutional amendment, Congress, either in the resolution submitting the amendment or by statute, prescribes the manner in which the conventions are to be constituted and does not except from the resolution or statute states that have provided for conventions, this chapter is inoperative and the convention shall be constituted and operate as the resolution or statute directs. Each public official of this state who is authorized or directed by the resolution or statute to take action to constitute a convention for this state shall act in accordance with it as if acting under a statute of this state.

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

IC 3-10-6

Chapter 6. Municipal and School District Elections in Cities, Large Towns, and Small Towns in Marion County

IC 3-10-6-1

Application of chapter

Sec. 1. (a) This chapter applies to municipal and school district elections in the following municipalities:

(1) All cities.

(2) Towns having a population of three thousand five hundred (3,500) or more.

(3) Towns located entirely or partially within a county having a consolidated city, regardless of their population.

(b) Prison inmates may not be counted in determining population size for purposes of this chapter.

As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.12; P.L.11-1988, SEC.3; P.L.3-1993, SEC.100; P.L.15-1995, SEC.2.

IC 3-10-6-2

Date of municipal primary; political parties entitled to nominate candidates

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 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.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.46; P.L.122-2000, SEC.10; P.L.230-2005, SEC.42.

IC 3-10-6-2.5

Town ordinance providing length of term for members of legislative body

Sec. 2.5. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city unless the town has a population of more than one thousand (1,000) but less than one thousand four hundred (1,400).

(b) This section applies to a town that has not adopted an ordinance:

(1) under IC 18-3-1-16(b) (before its repeal on September 1, 1981); or

(2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

(c) Notwithstanding IC 3-10-6-6, 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 town legislative body members elected in the municipal election.

(d) The ordinance must provide that:

(1) no more than fifty percent (50%) of the members will be

elected for terms of three (3) years beginning at noon January 1 following the municipal election under section 2 of this chapter; and

(2) the remainder of the members will be elected for terms of four (4) years beginning at noon January 1 following the election.

As added by P.L.11-1988, SEC.4. Amended by P.L.3-1990, SEC.7; P.L.3-1997, SEC.231; P.L.170-2002, SEC.6; P.L.119-2012, SEC.6.

IC 3-10-6-2.6

Election of town officers in year of no general election for short term; ordinance

Sec. 2.6. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city.

(b) This section applies to a town that has adopted an ordinance:

(1) under IC 18-3-1-16(b) (before its repeal on September 1, 1981); or

(2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

(c) A town may adopt an ordinance during a year in which an election of town legislative body members, a town clerk-treasurer, or a town judge will not occur under section 3 of this chapter.

(d) The ordinance described in subsection (c) must provide that:

(1) the town legislative body members, clerk-treasurer, or judge elected at the next municipal election not conducted in a general election year serve terms of one (1) year; and

(2) the successors of the town legislative body members, clerk-treasurer, or judge described in subdivision (1) shall be chosen at the first general election following the municipal election and serve terms of four (4) years.

As added by P.L.11-1988, SEC.5. Amended by P.L.3-1990, SEC.8.

IC 3-10-6-3

Other times for holding primary elections

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 political party shall, at the primary election in:

(1) May 2006 and every four (4) years thereafter; and

(2) May 2007 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 2006 and every four (4) years thereafter; and

(2) May 2008 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 2008 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.

As added by P.L.5-1986, SEC.6. Amended by P.L.11-1988, SEC.6; P.L.3-1990, SEC.9; P.L.122-2000, SEC.11; P.L.230-2005, SEC.43.

IC 3-10-6-4

Noncontested primary races; unopposed candidates

Sec. 4. (a) Except as otherwise provided in this section, all candidates for nomination to an office of the municipality by a major political party must be placed on a primary election ballot for the candidate's party.

(b) If no candidate has filed for the nomination of a party to any office of the municipality, the party may not hold a primary election in the municipality.

(c) Whenever there is no contest in a political party for the nomination of a candidate or candidates for an office, but at least one (1) candidate has filed for the nomination by that political party, the party may hold a primary election for that nomination.

(d) If a party wants to conduct a primary under subsection (c), the county chairman of the party must file a notice with the county election board not later than noon seven (7) days after the final date for filing a declaration of candidacy, stating that the party will hold a primary.

(e) The county election board of the county in which the greatest percentage of the population of the municipality is located shall certify the names of the candidates for each nomination for which there is no contest as though a primary election had been held.

(f) If:

(1) there is a contest in an election district comprising all or part of a municipality in any party for a nomination for an office; or

(2) a party has decided to hold a primary election for an office under subsection (c);

the name of each candidate of the political party within the election district shall be placed on the primary election ballot for the election district, whether or not the candidate is opposed.

(g) This subsection applies when:

(1) there is a contest for nomination by a major political party for at least one (1) of the municipality's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the primary election for the political party's

nomination of the legislative body member; and

(3) there is no contest for nomination to an office to be voted on by all voters of the political party of the municipality.

The county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that a primary election for the party will be held only in the legislative body election districts in which voters will nominate candidates under subdivision (2). The names of unopposed candidates for the party's nomination for an office to be voted on by all voters of the municipality may not be placed on the ballot used within the election districts for the nomination of candidates under this subsection.

(h) If:

(1) there is no contest in an election district in any party for a nomination for an office; and

(2) no party has decided to hold a primary election for any office under subsection (c);

a primary election may not be held for any municipal office in the election district.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.86; P.L.7-1991, SEC.3; P.L.3-1993, SEC.101; P.L.176-1999, SEC.61 and P.L.202-1999, SEC.15.

IC 3-10-6-4.5

Primary elections

Sec. 4.5. (a) Notwithstanding section 2 of this chapter, this section applies to a town with a legislative body that adopts an ordinance under IC 36-5-2-4.5.

(b) Unless a primary election is not required under section 4 of this chapter, a primary election shall be held in a town under this section at both of the following times:

(1) During a year that municipal elections are held under section 5 of this chapter.

(2) At the time of the primary election held in the year stated in an ordinance adopted under IC 36-5-2-4.5(c)(2).

(c) At a primary election held under subsection (b), a political party with a nominee who receives at least ten percent (10%) of the votes cast in the state for secretary of state at the most recent election for secretary of state shall nominate candidates for the following town offices:

(1) At the time of the primary held in the town under subsection (b)(1), the following candidates:

(A) Four (4) candidates for the town legislative body, three (3) of whom are elected from districts and one (1) who is elected at large. If the town legislative body adopts an ordinance under IC 36-5-2-4.5(e), all candidates are elected from districts.

(B) Candidates for all other town offices other than the town legislative body.

(2) At the time of the primary election held under subsection (b)(2), three (3) candidates for the town legislative body, two

(2) of whom are elected from districts and one (1) who is elected at large. If the town legislative body adopts an ordinance under IC 36-5-2-4.5(e), all candidates are elected from districts.

The primary election is conducted under this chapter.

(d) Notwithstanding section 5 of this chapter, an election to fill town offices under this section is held as follows:

(1) During a year municipal elections are held under section 5 of this chapter, the following town offices are elected:

(A) Four (4) members of the town legislative body, three (3) of whom are elected from districts and one (1) who is elected at large. If the town legislative body adopts an ordinance under IC 36-5-2-4.5(e), all members are elected from districts.

(B) All other town offices other than the town legislative body.

(2) During a year in which candidates for the town legislative body are nominated under subsection (c)(2), three (3) members of the town legislative body, two (2) of whom are elected from districts and one (1) who is elected at large. If the town legislative body adopts an ordinance under IC 36-5-2-4.5(e), all members are elected from districts.

The election shall be conducted under this chapter.

As added by P.L.38-1999, SEC.33.

IC 3-10-6-5

Date of municipal election

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 and every four (4) years thereafter. At the election, public officials shall be elected to each municipal office.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.47; P.L.122-2000, SEC.12; P.L.14-2004, SEC.81.

IC 3-10-6-6

Other times for electing town officers

Sec. 6. (a) Notwithstanding section 5 of this chapter, 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 shall:

(1) at the general election in November 2006 and every four (4) years thereafter; and

(2) at the municipal election in November 2007 and every four (4) years thereafter;

elect town council members for terms of four (4) years to those offices whose terms expire at noon January 1 following the election, as provided in IC 36-5-2-3. The election shall be conducted under this chapter.

(b) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall:

(1) at the general election in November 2006 and every four (4) years thereafter; and

(2) at the general election in November 2008 and every four (4) years thereafter;

elect town council members for terms of four (4) years to those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

(c) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall, at the general election in November 2008 and every four (4) years thereafter, elect a town clerk-treasurer and town court judge (if a town court has been established under IC 33-35-1-1) to those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

As added by P.L.5-1986, SEC.6. Amended by P.L.5-1988, SEC.3; P.L.11-1988, SEC.7; P.L.8-1989, SEC.6; P.L.3-1990, SEC.10; P.L.4-1991, SEC.55; P.L.122-2000, SEC.13; P.L.98-2004, SEC.35; P.L.230-2005, SEC.44.

IC 3-10-6-7
Repealed

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

IC 3-10-6-7.5
Restrictions on municipal office elections; nominees on ballot; exception by resolution

Sec. 7.5. (a) This section applies to a municipal office elected during a municipal or general election.

(b) Except as provided in subsection (c) or (d), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.

(c) If:

(1) there is an election for at least one (1) of a municipality's legislative body members;

(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and

(3) there is no election for an office to be voted on by all voters of the municipality;

the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the municipality in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the municipality shall not be placed on the ballot used for the election of municipal legislative body members under this subsection.

(d) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county. An

election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution is adopted.

As added by P.L.8-1992, SEC.12. Amended by P.L.3-1995, SEC.87; P.L.4-1996, SEC.48; P.L.14-2004, SEC.82; P.L.225-2011, SEC.47; P.L.96-2012, SEC.1; P.L.124-2012, SEC.6.

IC 3-10-6-7.6

Elections for municipal offices; prohibition

Sec. 7.6. An election may not be held for a municipal office if:

(1) an election is not required under section 7.5 of this chapter; and

(2) the approval or rejection of a public question is the only other vote that may be cast on the ballot at the municipal election.

As added by P.L.3-1997, SEC.232.

IC 3-10-6-8

Rights, duties, and required assistance

Sec. 8. Except as otherwise provided in this chapter, the county election board, county executive, circuit court clerk, voters, and members of political parties in each county in which a municipal primary election or municipal election will be held have the rights and shall perform the duties and furnish the assistance that they are required to do for a primary and general election under IC 3-10-1 and IC 3-11-8.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1992, SEC.20; P.L.14-2004, SEC.83.

IC 3-10-6-9

Repealed

(Repealed by P.L.219-2013, SEC.25.)

IC 3-10-6-10

Repealed

(Repealed by P.L.219-2013, SEC.26.)

IC 3-10-6-11

Municipal precincts; use of adjoining precinct polls

Sec. 11. If a precinct is wholly or partly in a municipality, the executive of the county that contains the greatest percentage of the population of the municipality may designate the polls for the precinct to be at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct.

As added by P.L.3-1987, SEC.184. Amended by P.L.10-1988, SEC.88.

IC 3-10-6-12
Nomination for town office

Sec. 12. (a) This section applies to a political party:

(1) not qualified to conduct a primary election under IC 3-10; and

(2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

(b) The political party may conduct a convention to nominate candidates for city or town office not later than noon on the date specified by IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate vacancy.

(c) The chairman and secretary of the convention shall execute and acknowledge a certificate setting forth the nominees of the convention in accordance with IC 3-8-5-13. The certificate must be filed with the circuit court clerk of the county containing the greatest percentage of population of the municipality not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

(d) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6. The consent must be filed with the certificate under subsection (c).

(e) A candidate's consent to the nomination 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 the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination 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 the nomination.

(f) A question concerning the validity of a candidate's nomination under this section shall be determined by a county election board in accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).

(g) A nominee who wants to withdraw must file a notice of withdrawal in accordance with IC 3-8-7-28.

As added by P.L.3-1995, SEC.88. Amended by P.L.144-1999, SEC.6; P.L.202-1999, SEC.16; P.L.9-2004, SEC.15.

IC 3-10-6-12.5
Notice to withdraw

Sec. 12.5. (a) This section applies to a candidate:

(1) of a political party that is not a major political party; and

(2) nominated by a convention under section 12 of this chapter.

(b) A county election board may not include the name of a candidate on the municipal election ballot if the person files a notice to withdraw with the board. The notice must:

(1) be signed and acknowledged before an officer authorized to take acknowledgments of deeds;

(2) have the certificate of acknowledgment appended to the notice; and

(3) be filed with the board not later than noon three (3) days after the adjournment of the convention.

As added by P.L.176-1999, SEC.62 and P.L.202-1999, SEC.17.

IC 3-10-7

Chapter 7. Municipal Elections in Small Towns Located Outside Marion County

IC 3-10-7-1

Application of chapter

Sec. 1. (a) This chapter applies to municipal elections in towns having a population of less than three thousand five hundred (3,500) that are not located entirely or partially within a county having a consolidated city.

(b) Prison inmates may not be counted in determining population size for purposes of this chapter.

As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.13; P.L.11-1988, SEC.8; P.L.15-1995, SEC.3.

IC 3-10-7-1.5

"Appointed member" defined

Sec. 1.5. As used in this chapter, "appointed member" refers to the member of a town election board who is also the town chairman of a major political party appointed under IC 3-8-5-3.

As added by P.L.4-1996, SEC.49.

IC 3-10-7-2

Municipal elections in general election year; conduct by county election board; other municipal elections conducted by town election board

Sec. 2. (a) The county election board shall conduct elections in towns for town offices or on public questions submitted to the voters of the town if the town office or public question will be placed on the ballot during a general election year.

(b) This subsection applies in a year in which a general election is not scheduled to be conducted. Except as provided in sections 4, 5, and 5.5 of this chapter, the town election board established under this chapter shall conduct municipal or special elections in towns subject to this chapter.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1993, SEC.102; P.L.164-2006, SEC.75.

IC 3-10-7-2.5

Town ordinance providing length of term for members of legislative body

Sec. 2.5. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city unless the town has a population of more than one thousand (1,000) but less than one thousand four hundred (1,400).

(b) A town may adopt an ordinance under IC 3-10-6-2.5, if the town has not adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981) or P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

As added by P.L.11-1988, SEC.9. Amended by P.L.3-1990, SEC.11;

P.L.4-1996, SEC.50; P.L.3-1997, SEC.233; P.L.170-2002, SEC.7; P.L.119-2012, SEC.7.

IC 3-10-7-2.7
Town ordinance for municipal officers and municipal elections

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, 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.

As added by P.L.4-1996, SEC.51.

IC 3-10-7-2.9
Changing the year municipal election is held; ordinance; exception

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.

(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.

As added by P.L.9-2004, SEC.16.

IC 3-10-7-3

Municipal elections coinciding with general elections; conduct by county election board

Sec. 3. If a town has established staggered terms for its town council, or has adopted an ordinance under section 2.7 or 2.9 of this chapter, the county election board shall conduct a municipal election in that town that coincides with a general election.

As added by P.L.5-1986, SEC.6. Amended by P.L.8-1989, SEC.7; P.L.4-1996, SEC.52; P.L.9-2004, SEC.17.

IC 3-10-7-4

Agreements between county election board and town

Sec. 4. (a) A county election board and a town may enter into a written agreement providing that the county election board will conduct a municipal primary or a municipal election, or both, in the town.

(b) A town that enters into an agreement described in subsection (a) shall continue to nominate candidates by convention conducted under IC 3-8-5 or by petition filed under IC 3-8-6 unless the town nominates candidates in a primary election as provided in IC 3-8-5-2.

(c) An agreement may not be entered into after September 21 of a year in which a municipal election is to be held in the town.

(d) A county election board that enters into an agreement under this section shall conduct the municipal election in the same manner as it conducts a general election in a town that has a population of three thousand five hundred (3,500) or more.

As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.14; P.L.66-2003, SEC.33; P.L.14-2004, SEC.84.

IC 3-10-7-5

Town in county having a consolidated city; conduct of election by county election board

Sec. 5. The county election board shall conduct a municipal election in a town that is located in a county having a consolidated

city. The county election board shall conduct the municipal election in the same manner as it conducts a consolidated city election. However, a town that is subject to this section is not required to reimburse the county for any of the expenses of conducting a municipal election.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-5.5
County election board conduct of town election unless town legislative body establishes election board

Sec. 5.5. (a) The county election board shall conduct a municipal election in a town unless the town legislative body adopts a resolution during the period:

(1) beginning January 1; and
(2) ending August 8;

before the municipal election to establish a town election board under this chapter to conduct the municipal election.

(b) The town clerk-treasurer must file a copy of the resolution with the circuit court clerk of the county having the greatest percentage of the population of the town not later than noon August 21 after the resolution is adopted.

(c) A resolution adopted under this section expires December 31 after its adoption.
As added by P.L.3-1993, SEC.103. Amended by P.L.14-2004, SEC.85.

IC 3-10-7-6
Restrictions on municipal office elections; nominees on ballot; exception by resolution

Sec. 6. (a) This section applies to a municipal office elected during a municipal or general election.

(b) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

(c) Except as provided in subsection (d) or (e), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.

(d) If:

(1) there is an election for at least one (1) of the town's legislative body members;
(2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and
(3) there is no election for an office to be voted on by all voters of the town;

the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an

office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection.

(e) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county. This subsection applies to a municipal office elected during a municipal or general election. An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution is adopted.

As added by P.L.5-1986, SEC.6. Amended by P.L.11-1987, SEC.4; P.L.4-1991, SEC.56; P.L.8-1992, SEC.13; P.L.3-1995, SEC.89; P.L.4-1996, SEC.53; P.L.14-2004, SEC.86; P.L.225-2011, SEC.48; P.L.96-2012, SEC.2; P.L.124-2012, SEC.7.

IC 3-10-7-6.1

Elections for municipal offices; prohibition

Sec. 6.1. An election may not be held for a municipal office if:

(1) an election is not required under section 6 of this chapter; and

(2) the approval or rejection of a public question is the only other vote that may be cast on the ballot at the municipal election.

As added by P.L.3-1997, SEC.234.

IC 3-10-7-7

Town election boards; establishment; members

Sec. 7. (a) A town election board consisting of three (3) members is established in each town except a town that:

(1) has entered into an agreement with the county election board under section 4 of this chapter;

(2) is located in a county having a consolidated city; or

(3) has a population of less than five hundred (500) and has not adopted and filed a resolution under section 5.5 of this chapter.

(b) The town election board consists of the following three (3) members:

(1) The town chairman of each of the major political parties appointed under IC 3-8-5-3.

(2) The town clerk-treasurer.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1993, SEC.104; P.L.4-1996, SEC.54.

IC 3-10-7-8

Repealed
(Repealed by P.L.4-1996, SEC.107.)

IC 3-10-7-9
Repealed
(Repealed by P.L.4-1996, SEC.107.)

IC 3-10-7-10
Repealed
(Repealed by P.L.4-1996, SEC.107.)

IC 3-10-7-11
Chairman; secretary
Sec. 11. The members of a town election board shall select one (1) of the appointed members to serve as chairman. The town clerk-treasurer shall serve as secretary of the board.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-12
Meetings
Sec. 12. A town election board shall hold meetings on call of the chairman whenever necessary to perform its duties. If the chairman refuses, fails, or is unable to call a meeting, the two (2) remaining members may meet to perform the duties of the board.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-13
Minutes of meetings; record of votes
Sec. 13. Minutes of all town election board meetings and a record of the aye and nay vote of each member on all questions coming before the board shall be kept.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-14
Repealed
(Repealed by P.L.164-2006, SEC.143.)

IC 3-10-7-15
Deputy election commissioners; appointment and removal; residency; duties
Sec. 15. (a) A town election board may appoint and at its pleasure remove deputy election commissioners. A deputy election commissioner appointed under this section must reside in the town of the election board that appointed the deputy commissioner. If a deputy election commissioner ceases to be a resident of the town of the election board that appointed the deputy election commissioner, the person may not continue to serve as a deputy election commissioner of the town.

(b) The county chairman of each major political party who appointed the chairman of that political party's town committee under

IC 3-8-5-3 shall designate one-half (1/2) of the deputy commissioners. Deputy election commissioners may assist the town election board in carrying out its duties in accordance with the rules adopted by the board.
As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.92; P.L.5-1989, SEC.42; P.L.4-1996, SEC.55.

IC 3-10-7-16
Employees
Sec. 16. A town election board may appoint and at its pleasure remove clerks, custodians, and other employees that are necessary to execute its powers. The board may prescribe the duties, fix the rank, and fix the salaries of its appointees.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-17
Purchase of materials, supplies, and equipment
Sec. 17. All materials, supplies, and equipment that are to be paid for out of the town treasury shall be purchased as provided by statute and paid upon claims filed with the town clerk-treasurer. The town election board must verify and approve the claims.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-18
Audit of books
Sec. 18. The books of a town election board shall be audited as are those of other town officials.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-19
Assistance by town marshal
Sec. 19. The town marshal, whenever called upon by a town election board, shall assist the board in the enforcement of the election laws and the discharge of its duties.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-20
Compensation of members
Sec. 20. The town legislative body shall determine the compensation of each appointed member of a town election board. The town legislative body shall fix the compensation in the same manner as it fixes salaries.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-21
Powers and duties
Sec. 21. Except as otherwise provided in this chapter, a town election board conducting a municipal election under this chapter, the town executive, the town clerk-treasurer, voters, and members of political parties in each town in which a municipal election is

conducted under this chapter have the same rights and powers, shall perform the same duties, and are subject to the same qualifications and penalties as a county election board that is conducting a general election, or the county executive, circuit court clerk, or member of a political party in a town in which a general election is conducted by the county election board.
As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.56; P.L.14-2004, SEC.87.

IC 3-10-7-22
Precinct election board; members; designation of polls

Sec. 22. (a) A town election board shall appoint a precinct election board for each precinct in the town.

(b) If a precinct is wholly or partly in the town, the town election board may designate the polls for the precinct to be at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct.

(c) If a precinct election board administers more than one (1) precinct under subsection (b), the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

(d) Each precinct election board consists of:

(1) one (1) inspector; and

(2) two (2) judges of opposite political parties.

(e) The members of a precinct election board must comply with IC 3-6-6.
As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.15; P.L.3-1987, SEC.186; P.L.230-2005, SEC.45; P.L.219-2013, SEC.27.

IC 3-10-7-23
Powers and duties of precinct election board

Sec. 23. Except as otherwise provided in this chapter, a precinct election board for a municipal election has the same powers and duties, and is subject to the same qualifications and penalties, as a precinct election board appointed for a general election under IC 3-6-6-1.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-24
Poll clerks; assistant poll clerks

Sec. 24. A town election board shall appoint two (2) poll clerks, and may appoint two (2) assistant poll clerks, of opposite political parties for each precinct in the town. Except as otherwise provided in this chapter, the poll clerks and assistant poll clerks have the same powers and duties, and are subject to the same qualifications and penalties, as poll clerks and assistant poll clerks appointed for a general election under IC 3-6-6-2 and IC 3-6-6-3.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-25
Election sheriffs; precinct judges functioning as sheriffs

Sec. 25. (a) A town election board shall appoint two (2) election sheriffs of opposite political parties for each precinct in the town. Except as otherwise provided in this chapter, the election sheriffs have the same powers and duties, and are subject to the same qualifications and penalties, as election sheriffs appointed for a general election under IC 3-6-6-5.

(b) A town election board may adopt a resolution providing that the judges of each precinct that:

(1) is located wholly or partially in the town; and

(2) will contain no more than two hundred fifty (250) registered voters on municipal election day;

shall perform the duties and have the rights of the election sheriffs of the precinct. This resolution remains in effect until repealed by the town election board.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1993, SEC.105.

IC 3-10-7-26
Nomination of inspector

Sec. 26. The appointed member of a town election board who represents the major political party whose nominee received the highest number of votes in the county for secretary of state at the last election may nominate one (1) person to serve as inspector for each precinct in the town.

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

IC 3-10-7-27
Nomination of election officials

Sec. 27. Each of the appointed members of a town election board may nominate:

(1) one (1) person to serve as a judge;

(2) one (1) person to serve as an election sheriff, except in a precinct subject to a resolution adopted under section 25 of this chapter;

(3) one (1) person to serve as a poll clerk; and

(4) one (1) person to serve as an assistant poll clerk, if assistant poll clerks are to be appointed;

for each precinct in the town.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1993, SEC.106.

IC 3-10-7-28
Appointment of nominees; vacancies

Sec. 28. A town election board shall appoint the persons who are nominated under sections 26 and 27 of this chapter. A vacancy in an office shall be filled by an appointment made upon the recommendation of the board member who nominated the original officer.

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

IC 3-10-7-29
Challengers; pollbook holders

Sec. 29. Each political party that has a candidate on the ballot in a municipal election under this chapter may appoint one (1) challenger and one (1) pollbook holder for each precinct in the town. These persons have the same powers and duties, and are subject to the same qualifications and penalties, as challengers and pollbook holders appointed under IC 3-6-7-1.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-30
List of registered voters; copies

Sec. 30. (a) The circuit court clerk or board of registration of each county in which a town described in section 1 of this chapter is located shall prepare copies of the list of registered voters for each precinct in the town at least ten (10) days before a municipal election under this chapter. The lists must include the full name, address, and assigned identification number of each voter. Two (2) copies of the list shall be presented to the town election board for use at the polls on election day.

(b) Not later than twenty-four (24) days before election day, the circuit court clerk or board of registration shall provide a list of registered voters in the town to the town election board to permit the board to conduct absentee ballot voting.
As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.57.

IC 3-10-7-31
Election equipment furnished by county election board

Sec. 31. Upon request of a town election board, the county election board of each county in which the town is located shall furnish any available equipment that is necessary for a municipal election, including ballot card voting systems and electronic voting systems. The town shall pay the expense of moving the equipment to and from the polls and for any loss of or damage to the equipment.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.187; P.L.10-1988, SEC.93; P.L.221-2005, SEC.34.

IC 3-10-7-32
Method of voting; determination; duties of election officers

Sec. 32. (a) A town election board shall determine what voting method will be used in a municipal election.

(b) The town election board and its precinct election officers shall perform the duties of the county election board and its precinct election officers under IC 3-11 for each voting method used.

(c) The town election board shall prepare the ballots in the form prescribed by IC 3-11 and distribute them to the precincts in the town.

(d) This subsection applies only to paper ballots. Notwithstanding subsection (c), the town election board, by unanimous consent of the board's entire membership, may authorize the printing or

reproduction of ballots on equipment under the control of the town clerk-treasurer. If the town election board acts under this subsection, the ballots are not required to conform to the precise dimensions concerning the size of political party devices under IC 3-11-2-9 or the placement of a candidate's name under IC 3-11-2-10(f). However, the ballots must otherwise substantially conform with IC 3-11-2.
As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.188; P.L.3-1997, SEC.235; P.L.58-2005, SEC.13; P.L.190-2011, SEC.3.

IC 3-10-7-33
Canvass of votes; filing election materials

Sec. 33. (a) A town election board shall canvass the votes from a municipal election in the manner prescribed by IC 3-12-4.

(b) After completion of the canvass, the town election board shall immediately file the poll lists, ballots, tally sheets, and other election forms with the circuit court clerk of the county containing the greatest percentage of population of the town for preservation and voter list maintenance in accordance with IC 3-10-1-31 or IC 3-10-1-31.1.
As added by P.L.5-1986, SEC.6. Amended by P.L.209-2003, SEC.102; P.L.14-2004, SEC.88.

IC 3-10-7-34
Certification of vote; certificate of election or of approval or rejection of local public question

Sec. 34. (a) After completing the canvass of votes under section 33 of this chapter, a town election board shall make out a certificate:

(1) designating each office and public question;
(2) stating the number of votes:
  (A) each candidate has received; and
  (B) cast for or against each public question; and
(3) declaring:
  (A) the candidate receiving the highest number of votes for each office to be elected; and
  (B) the local public question approved or rejected if the question was placed on the ballot by the town election board.

(b) The town election board shall present the certificate to the town clerk-treasurer, who may, upon the request of the candidate or a person entitled to request a recount of the votes cast on a public question, issue a:

(1) certificate of election to each person elected; or
(2) certificate declaring the local public question approved or rejected.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.94; P.L.4-1991, SEC.57.

IC 3-10-7-35
Appeals

Sec. 35. (a) Any voter of a town who disagrees with a decision of the town clerk-treasurer or the town election board under this chapter

may appeal the decision to the county election board of the county containing the greatest percentage of population of the town before a municipal election under this chapter.

(b) The appeal must be in the form of a brief written statement setting forth the grounds of the appeal, together with any documents relevant to the matter.

(c) The county election board shall render a decision on the appeal within ten (10) days after the board receives the statement.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.189; P.L.4-1996, SEC.58.

IC 3-10-8

Chapter 8. Special Elections

IC 3-10-8-1

When special election must be held

Sec. 1. A special election shall be held in the following cases:

(1) Whenever two (2) or more candidates for a federal, state, legislative, circuit, or school board office receive the highest and an equal number of votes for the office, except as provided in Article 5, Section 5 of the Constitution of the State of Indiana or in IC 20.

(2) Whenever a vacancy occurs in the office of United States Senator, as provided in IC 3-13-3-1.

(3) Whenever a vacancy occurs in the office of United States Representative unless the vacancy occurs less than seventy-four (74) days before a general election.

(4) Whenever a vacancy occurs in any local office the filling of which is not otherwise provided by law.

(5) Whenever required by law for a public question.

(6) Whenever ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18.

(7) Whenever required under IC 3-13-5 to fill a vacancy in a legislative office unless the vacancy occurs less than seventy-four (74) days before a general election.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.190; P.L.10-1989, SEC.1; P.L.164-2006, SEC.76; P.L.219-2013, SEC.28.

IC 3-10-8-2

Filling vacancies

Sec. 2. A vacancy in a local office to be filled under this chapter shall be filled for the unexpired term unless prohibited by the Constitution of the State of Indiana. However, if it will not be necessary to exercise the functions of the office before the expiration of the term in which the vacancy exists or will occur, it is not necessary to fill the vacancy.

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

IC 3-10-8-3

Writs of election

Sec. 3. (a) The governor, court, or state recount commission shall order a special election under this chapter by issuing a writ of election directed to the circuit court clerk of each county located wholly or partially within the election district.

(b) The writ must specify:

(1) the election district in which the election is to be held;

(2) the cause and object of the election;

(3) the name of the person whose office is vacant; and

(4) the day on which the election will be held.

(c) A special election to be held in an election district situated in two (2) or more counties shall be held on the same day in each

county.
As added by P.L.5-1986, SEC.6. Amended by P.L.10-1989, SEC.2.

IC 3-10-8-4
Notice of special election; publication; filing

Sec. 4. (a) Each circuit court clerk or town clerk-treasurer who receives a writ ordering a special election shall publish in accordance with IC 5-3-1:

(1) under the proper political party or independent candidate designation:

(A) the title of office; and

(B) the names and addresses of all persons for whom nomination papers have been filed;

if an elected office will be on the ballot at the special election;

(2) the text of any public question to be submitted to the voters;

(3) the date of the election; and

(4) the hours during which the polls will be open.

(b) The county election board or town election board shall file a notice of a special election conducted under this chapter with the election division not later than noon thirty (30) days before the election is conducted.
As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.95; P.L.3-1993, SEC.107; P.L.12-1995, SEC.65; P.L.2-1996, SEC.122; P.L.3-1997, SEC.236.

IC 3-10-8-4.5
Offices and agencies to be notified of special election

Sec. 4.5. Whenever the election division receives a notice under section 4 of this chapter, the election division shall notify the following offices and agencies that a special election will be conducted within all or part of Indiana:

(1) Each agency serving persons with disabilities and designated as a voter registration site under IC 3-7-16.

(2) Armed forces recruitment offices in accordance with procedures established under IC 3-7-17.

(3) Each agency designated as a voter registration site and subject to IC 3-7-18.

(4) The bureau of motor vehicles for voter registration purposes under IC 9-24-2.5.

(5) The adjutant general for purposes of enforcing IC 10-16-7-17.

(6) The division of family resources for voter registration purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.

(7) The state department of health for voter registration purposes under IC 16-35-1.6.

(8) The Federal Voting Assistance Program of the United States Department of Defense, for notification of absent uniformed services voters and overseas voters.

As added by P.L.12-1995, SEC.66. Amended by P.L.2-1996, SEC.123; P.L.2-1997, SEC.8; P.L.3-1997, SEC.237; P.L.204-2001,

SEC.2; P.L.2-2003, SEC.10; P.L.145-2006, SEC.2; P.L.10-2010, SEC.1.

IC 3-10-8-5
Law governing nomination of candidates

Sec. 5. (a) Special elections are governed by other provisions of this title as far as applicable.

(b) Except as provided in section 7 of this chapter, IC 3-12-8-17, or IC 3-12-11-18, candidates in special elections shall be nominated in the same manner as candidates are nominated:

(1) to fill vacancies on the ballot under IC 3-13-1 or IC 3-13-2; or

(2) under IC 3-8-6, if a candidate does not intend to affiliate with a regular political party or represents a political party not qualified to nominate candidates at a primary election or by convention.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1989, SEC.3; P.L.3-1997, SEC.238.

IC 3-10-8-6
Holding of elections at time other than that of general election

Sec. 6. (a) Except as provided in subsection (b) or (c), if a special election is held at a time other than the time of a general election, the election shall be held in accordance with this title. Each county election board and other local public official who is required to perform any duties in connection with a general election shall perform the same duties for the special election, subject to the same provisions and penalties as for a general election.

(b) If a special election is held:

(1) under a court order under IC 3-12-8; or

(2) for a local public question;

the county election board may provide that several precincts may vote in the special election at the same polling place, if the county election board finds by unanimous vote of the entire membership of the board that the consolidation of polling places will not result in undue inconvenience to voters.

(c) If a special election is held:

(1) under a court order under IC 3-12-8 for a school board office; or

(2) for a local public question;

the county election board may by unanimous vote of the entire membership of the board adopt a resolution to provide that each precinct election board will include only one (1) inspector and one (1) judge, and that only one (1) sheriff and one (1) poll clerk may be nominated as precinct election officers. If the board has adopted a resolution under subsection (b), a resolution adopted under this subsection may also provide for more than one (1) precinct to be served by the same precinct election board. A resolution adopted under this subsection may not be rescinded by the county election board and expires the day after the special election is conducted.

(d) The following procedures apply if a county election board adopts a resolution under subsection (c):

(1) The inspector shall be nominated by the county chairman entitled to nominate an inspector under IC 3-6-6-8.

(2) The judge shall act as a clerk whenever this title requires that two (2) clerks perform a duty.

(3) The poll clerk shall act as a judge whenever this title requires that two (2) judges perform a duty.

(4) If a precinct election board administers more than one (1) precinct, the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1989, SEC.7; P.L.3-1993, SEC.108; P.L.3-1997, SEC.239; P.L.14-2004, SEC.89; P.L.230-2005, SEC.46.

IC 3-10-8-7

Vacancy in United States Senate; nominating candidates

Sec. 7. A candidate for the office of United States Senator in a special election held to fill a vacancy in accordance with IC 3-13-3-1 shall be nominated:

(1) at a primary election held under IC 3-10-1, if the vacancy occurs no later than noon on the first date that a petition of nomination can be filed with a county voter registration office under IC 3-8-2-10 before the primary election;

(2) as provided in IC 3-13-1-3, if the vacancy occurs after noon on the first date that a petition of nomination can be filed with a county voter registration office under IC 3-8-2-10 before a primary election held under IC 3-10-1; or

(3) under IC 3-8-6, if a candidate is an independent candidate or represents a political party not qualified to nominate candidates at a primary election.

As added by P.L.10-1989, SEC.4. Amended by P.L.3-1993, SEC.109; P.L.194-2013, SEC.34.

IC 3-10-8-7.5

Special elections for United States Representative; nomination of candidates; filing of candidate documents; withdrawal of candidate; absentee ballots

Sec. 7.5. (a) This section applies to a special election to fill one (1) or more vacancies in the office of United States Representative under 2 U.S.C. 8(b).

(b) A special election conducted under this section shall be governed by other provisions of this title as far as applicable.

(c) A political party entitled to fill a candidate vacancy under IC 3-13-2 shall nominate a candidate for election to the office under IC 3-13-2-3.

(d) A candidate who does not intend to affiliate with a political party described by subsection (c) shall:

(1) be nominated as an independent or a candidate of a political party by petition in accordance with IC 3-8-6; or

(2) file a declaration of intent to be a write-in candidate under IC 3-8-2-4(b).

(e) A certificate of candidate selection under IC 3-13-2-8, a petition of nomination, or a declaration of intent to be a write-in candidate must be filed with the election division not later than noon thirty-five (35) days before the special election is to be conducted.

(f) A candidate shall file a notice of withdrawal with the election division not later than noon thirty-three (33) days before the special election is to be conducted.

(g) As required under 2 U.S.C. 8(b)(5)(B), and notwithstanding IC 3-11-10-14, a county election board shall accept an absentee ballot cast by an absent uniformed services voter or an overseas voter for up to forty-five (45) days after the absentee ballot is transmitted to the voter.

(h) Notwithstanding IC 3-12-5-8(a), if a ballot accepted under subsection (g) is determined by the county election board to be otherwise valid, the circuit court clerk shall file an amendment to the certified statement previously filed under IC 3-12-5-6 with the election division not later than noon seven (7) days following the determination of the validity of the ballot. Notwithstanding IC 3-12-5-9, the election division, the secretary of state, and the governor shall prepare, execute, and transmit a replacement certificate of election if the amendment filed under this subsection results in a different candidate receiving the highest number of votes for the office.

As added by P.L.219-2013, SEC.29.

IC 3-10-8-8

Special elections ordered by court or recount commission

Sec. 8. (a) A special election ordered by:

(1) a court under IC 3-12-8-17; or

(2) the state recount commission under IC 3-12-11-18;

shall be held on the ninth Tuesday after the court or commission enters an order requiring an election.

(b) The names of all candidates for a contested office must appear on the ballot in the special election held under this section unless a candidate vacancy has occurred.

(c) A special election held under this section may be held in all or part of an election district, as specified in an order by:

(1) a court under IC 3-12-8-17; or

(2) the state recount commission under IC 3-12-11-18.

As added by P.L.10-1989, SEC.5.

IC 3-10-8-9

Registration period; poll lists; candidate limitations

Sec. 9. (a) If the special election occurs during the period when registration is open under IC 3-7-13, the registration period continues through the twenty-ninth day before the special election occurs and

resumes on the date specified by IC 3-7-13-10(d).

(b) The election board conducting the special election shall provide poll lists for use at the precincts that include the names of voters in the precinct who:

(1) have registered through the twenty-ninth day before the special election is to be conducted; or

(2) are absent uniformed services voters or overseas voters registered under IC 3-7-36.

(c) This subsection applies when a special election is ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18. A candidate may not be placed on the special election ballot unless the candidate was on the ballot or was a declared write-in candidate for the office at the general election preceding the special election.

As added by P.L.3-1993, SEC.110. Amended by P.L.12-1995, SEC.67; P.L.3-1995, SEC.90; P.L.14-2004, SEC.90; P.L.10-2010, SEC.2.

IC 3-10-9
Chapter 9. Local Public Questions

IC 3-10-9-1
Application of chapter
Sec. 1. This chapter applies to voting on all local public questions.
As added by P.L.3-1987, SEC.191.

IC 3-10-9-2
Duty to place question on ballot
Sec. 2. The:
(1) county election board of each county included in the election district voting on the public question; or
(2) town election board if a public question is to be voted on at an election conducted by a town election board;
shall place the public question on the ballot in accordance with this chapter.
As added by P.L.3-1987, SEC.191. Amended by P.L.4-1991, SEC.58.

IC 3-10-9-3
Certification of question
Sec. 3. If a local public question must be certified to an election board by law, that certification must occur no later than noon:
(1) seventy-four (74) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or
(2) August 1 if the public question is to be placed on the general or municipal election ballot.
As added by P.L.3-1987, SEC.191. Amended by P.L.10-1988, SEC.96; P.L.4-1991, SEC.59; P.L.225-2011, SEC.49.

IC 3-10-9-4
Form of question
Sec. 4. The public question shall be placed on the ballot in substantially the following form:
(The explanatory text for the public question, if required by law):
"Shall (insert public question)?"
[] YES
[] NO
As added by P.L.3-1987, SEC.191.

IC 3-10-9-5
Statutory authorization for question
Sec. 5. A local public question may not be placed on the ballot at an election unless the placement of the local public question on the ballot at the election is expressly authorized by statute.
As added by P.L.3-1987, SEC.191. Amended by P.L.10-1988, SEC.97.

IC 3-10-9-6

Petition for placement on ballot

Sec. 6. (a) If a statute requires the submission of a petition for the placement of a local public question on the ballot, the petition must:

(1) state the day of the election for which the petitioners seek the placement of the question on the ballot;

(2) contain the signature of each petitioner;

(3) contain the printed name of each petitioner; and

(4) state the residence address of each petitioner as set forth on the county voter registration record (or the mailing address if no residence address is set forth on the record).

(b) A petition is not valid for the placement of the public question on the ballot on any other election day.

As added by P.L.10-1988, SEC.98. Amended by P.L.3-1995, SEC.91; P.L.3-1997, SEC.240.

IC 3-10-10

Chapter 10. Special Procedures for Presidential Elections

IC 3-10-10-1

Purpose of chapter

Sec. 1. This chapter is enacted to implement 42 U.S.C. 1973aa concerning voting for President and Vice President of the United States.

As added by P.L.12-1995, SEC.68.

IC 3-10-10-2

Applicability of chapter

Sec. 2. Notwithstanding other provisions in IC 3-7 concerning residency requirements for voting, special procedures apply for voting in presidential elections. The presidential voting procedures in this chapter apply only to a general election at which electors for President and Vice President of the United States are voted upon.

As added by P.L.12-1995, SEC.68.

IC 3-10-10-3

Conditions for applicability of voting procedures

Sec. 3. The presidential voting procedures in this chapter apply to a person who satisfies all of the following conditions:

(1) The person resided in a precinct in Indiana.

(2) The person lost residency in Indiana less than thirty (30) days before the general election.

(3) The person was a qualified and registered voter while a resident of that precinct.

(4) The person is otherwise legally qualified to vote.

(5) The person does not meet the residency requirements of the state, precinct, or political subdivision in which the person resides.

As added by P.L.12-1995, SEC.68. Amended by P.L.194-2013, SEC.35.

IC 3-10-10-4

Affidavit; execution

Sec. 4. (a) The affidavit required under this chapter for voting in presidential elections may be executed only:

(1) at the office of the circuit court clerk or board of registration before the day of the general election;

(2) before the precinct election board of the precinct where the person formerly resided, if the affidavit is executed on the day of the general election; or

(3) when the application for an absentee ballot is filed.

(b) In years in which a presidential election is conducted, at least one (1) copy of the affidavit must be included in the material provided for the inspector of each precinct.

As added by P.L.12-1995, SEC.68.

IC 3-10-10-5
Affidavit; copy to voter

Sec. 5. The circuit court clerk or board of registration shall mail a copy of the affidavit to any voter who requests a copy not later than five (5) days before election day. If the voter returns the affidavit to the office of the clerk or board before the day of the general election, the affidavit shall be processed as if the affidavit had been executed in the office.

As added by P.L.12-1995, SEC.68.

IC 3-10-10-6
Affidavits, forms, and records to be marked for presidential election only

Sec. 6. All affidavits, forms, and records of voter registration must be clearly marked to indicate that, in this general election, the voter may only vote for electors for President and Vice President of the United States.

As added by P.L.12-1995, SEC.68.

IC 3-10-10-7
Affidavit; required information

Sec. 7. The affidavits for presidential voting under this chapter must contain the following information:

(1) The person's last, first, and middle name, in that order.
(2) The person's assigned identification number.
(3) The person's birthplace and date of birth.
(4) Whether the person is a citizen of the United States.
(5) The person's present residence address.
(6) The address of the person's previous residence in Indiana, including the county.
(7) The person's statement that the person satisfies the conditions set forth in section 3 of this chapter.

As added by P.L.12-1995, SEC.68.

IC 3-10-10-8
Affidavit; form

Sec. 8. The commission shall prescribe the form of the affidavit required by this chapter.

As added by P.L.12-1995, SEC.68. Amended by P.L.2-1996, SEC.124.

IC 3-10-10-9
Voter executing affidavit challenged as ineligible; provisional ballot; sufficiency of affidavit

Sec. 9. If a voter executes an affidavit under this chapter and is then challenged under IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.

As added by P.L.164-2006, SEC.77.

IC 3-10-11

Chapter 11. Special Procedures for Certain Indiana Voters to Vote in Precinct of Former Residence

IC 3-10-11-1

Applicability of chapter

Sec. 1. This chapter:

(1) applies to a general, municipal, primary, school district, and special election; and

(2) is enacted to implement Article 2, Section 2(c) of the Constitution of the State of Indiana.

As added by P.L.12-1995, SEC.69. Amended by P.L.176-1999, SEC.63.

IC 3-10-11-2

Conditions for applicability of voting procedures

Sec. 2. This chapter applies to a person who satisfies all of the following conditions:

(1) The person resided in a precinct in Indiana.

(2) The person currently resides in Indiana.

(3) The person lost residency in the precinct of the person's former residence less than thirty (30) days before the election.

(4) The person was a qualified and registered voter of the precinct of the person's former residence.

(5) The person is otherwise legally qualified to vote.

(6) The person is not registered in the precinct of the person's present residence.

(7) The person requests a transfer of the person's registration.

As added by P.L.12-1995, SEC.69. Amended by P.L.194-2013, SEC.36.

IC 3-10-11-3

Precinct of person's former residence

Sec. 3. As used in this chapter, "precinct of the person's former residence" refers to the precinct in which the person resided on the thirty-first day before the election.

As added by P.L.12-1995, SEC.69.

IC 3-10-11-4

Voting in precinct of former residence; affidavit; municipal elections

Sec. 4. (a) Notwithstanding other provisions of this title concerning residency requirements for voting, but subject to subsection (b), a person described in section 2 of this chapter may vote in the precinct of the person's former residence by executing an affidavit described in this chapter.

(b) A person who changes residence from a location:

(1) outside a municipality to a location within a municipality; or

(2) within a municipality to a location outside a municipality;

less than thirty (30) days before a municipal primary election, municipal election, or special election held only within the municipality 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.
As added by P.L.12-1995, SEC.69. Amended by P.L.194-2013, SEC.37.

IC 3-10-11-4.5
Voter executing affidavit challenged as ineligible; provisional ballot; sufficiency of affidavit

Sec. 4.5. If a voter executes an affidavit under this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.
As added by P.L.164-2006, SEC.78.

IC 3-10-11-5
Affidavit; required information

Sec. 5. An affidavit executed under this chapter must contain the following information:

(1) The person's last, first, and middle name, in that order.
(2) The person's date of birth.
(3) Whether the person is a United States citizen.
(4) The person's current address, including the county. If the person resides in a municipality, the address must include the street address, including apartment number or other designation, or the name and room number of the hotel or lodging house. If the person does not reside in a municipality, the address must include the mailing address and the street or road.
(5) The address of the person's previous residence, including the county.
(6) The person's statement that the person satisfies the conditions set forth in section 2 of this chapter.
(7) The person's voter identification number to permit transfer of the registration under IC 3-7-13-13.

As added by P.L.12-1995, SEC.69. Amended by P.L.209-2003, SEC.103; P.L.164-2006, SEC.79; P.L.64-2014, SEC.38.

IC 3-10-11-6
Affidavit; form

Sec. 6. The commission shall prescribe the form of the affidavit required by this chapter that must permit the person to execute a request for transfer of the person's registration.
As added by P.L.12-1995, SEC.69. Amended by P.L.2-1996, SEC.125.

IC 3-10-11-7

Affidavit; methods of execution

Sec. 7. The affidavit required by this chapter may be executed as follows:

(1) At the office of the circuit court clerk or the board of registration for the county of the precinct of the person's former residence, not later than 4 p.m. on the day before the election.

(2) Before the inspector of the precinct of the person's former residence, if the application and statement are executed on the day of the election.

(3) When the application for an absentee ballot is filed with the county election board of the county of the precinct of the person's former residence.

As added by P.L.12-1995, SEC.69.

IC 3-10-11-8

Affidavit; presentation required

Sec. 8. If the person executes the affidavit under this chapter at the office of the circuit court clerk or board of registration before the day of the election, the clerk or board shall furnish a copy of the affidavit to the person. The person shall present the copy to the inspector of the precinct of the person's former residence when the person offers to vote in that precinct under IC 3-11-8.

As added by P.L.12-1995, SEC.69.

IC 3-10-11-9

Affidavit; attached to absentee ballot

Sec. 9. If the person executes the affidavit under this chapter when filing an application for an absentee ballot, the county election board shall attach the original or a copy of the affidavit to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

As added by P.L.12-1995, SEC.69.

IC 3-10-11-10

Affidavit; execution in presence of inspector; providing voter registration application

Sec. 10. If the person executes the affidavit under this chapter before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall do both of the following:

(1) Provide the person with a voter registration application, and request that the person complete and sign the application.

(2) Return the original affidavit and any completed voter registration application to the county voter registration office after the closing of the polls.

As added by P.L.12-1995, SEC.69. Amended by P.L.194-2013, SEC.38.

IC 3-10-12

Chapter 12. Special Procedures for Certain Indiana Voters to Vote in Precinct of Former Residence Under NVRA

IC 3-10-12-1

Purpose of chapter

Sec. 1. This chapter:

(1) prescribes the procedure for certain voters to cast ballots under 42 U.S.C. 1973gg-6(e)(2) in a precinct where the voter formerly resided; and

(2) is enacted to implement Article 2, Section 2(c) of the Constitution of the State of Indiana.

As added by P.L.12-1995, SEC.70. Amended by P.L.176-1999, SEC.64.

IC 3-10-12-2

Applicability of chapter

Sec. 2. This chapter applies to a general, municipal, primary, school district, and special election.

As added by P.L.12-1995, SEC.70.

IC 3-10-12-3

Repealed

(Repealed by P.L.230-2005, SEC.91.)

IC 3-10-12-3.4

Voter who changes residence voting in municipal election

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 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;

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.

As added by P.L.230-2005, SEC.47. Amended by P.L.194-2013, SEC.39.

IC 3-10-12-3.5

Affirmation must include voter identification number

Sec. 3.5. The written affirmation described in section 3.4 of this chapter must include the person's voter identification number to permit transfer of the registration under IC 3-7-13-13.

As added by P.L.209-2003, SEC.104. Amended by P.L.230-2005, SEC.48; P.L.164-2006, SEC.80.

IC 3-10-12-4

Execution of written affirmation; providing voter registration application

Sec. 4. (a) The written affirmation described in section 3.4 of this chapter may be executed as follows:

(1) At the county voter registration office for the county of the precinct of the person's former residence, not later than 4 p.m. on the day before the election.

(2) Before the inspector of the precinct of the person's former residence, if the application and statement are executed on the day of the election.

(3) When the application for an absentee ballot is filed with the county election board of the county of the precinct of the person's former residence.

(b) If the person executes the affidavit under this section at the county voter registration office before the day of the election, the office shall furnish a copy of the affirmation to the person. The person shall present the copy to the inspector of the precinct of the person's former residence when the person offers to vote in that precinct under IC 3-11-8.

(c) If the person executes the affirmation under this section when filing an application for an absentee ballot, the county election board shall attach the original or a copy of the affirmation to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

(d) If the person executes the affirmation under this section before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall do both of the following:

(1) Provide the person with a voter registration application, if

the person's current address is located within the same county as the precinct of the person's former residence, and request that the person complete and sign the application.

(2) Return the original affirmation to the county election board. The county election board shall forward the affidavit and any completed voter registration application to the county voter registration office after the closing of the polls.

As added by P.L.3-1995, SEC.93. Amended by P.L.230-2005, SEC.49; P.L.194-2013, SEC.40.

IC 3-10-12-5

Voter making affirmation challenged as ineligible; provisional ballot; sufficiency of affidavit

Sec. 5. If a voter makes an oral or a written affirmation under this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The oral or written affirmation made under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.

As added by P.L.164-2006, SEC.81.

IC 3-11

ARTICLE 11. VOTING METHODS, SUPPLIES, AND EQUIPMENT

IC 3-11-1

Repealed

(Repealed by P.L.13-1988, SEC.23.)

IC 3-11-1.5
Chapter 1.5. Precincts

IC 3-11-1.5-1
"Establishing a precinct" defined

Sec. 1. As used in this chapter, "establishing a precinct" includes the following:

(1) Dividing one (1) precinct into two (2) or more precincts.
(2) Combining two (2) or more precincts into one (1) precinct.
(3) Altering a boundary line dividing two (2) or more precincts.

As added by P.L.13-1988, SEC.1.

IC 3-11-1.5-1.5
"GIS" defined

Sec. 1.5. As used in this chapter, "GIS" refers to the geographic information system maintained by the office under IC 2-5-1.1-12.2.
As added by P.L.212-2001, SEC.10. Amended by P.L.1-2002, SEC.8.

IC 3-11-1.5-2
Establishment by county executive

Sec. 2. Each county executive shall establish precincts in the incorporated and unincorporated areas of the county in the manner described in this chapter.
As added by P.L.13-1988, SEC.1.

IC 3-11-1.5-3
Number of voters per precinct

Sec. 3. (a) Except as provided in:

(1) subsection (b);
(2) subsection (c);
(3) section 3.2 of this chapter; or
(4) section 3.5 of this chapter;

a county executive shall establish precincts so that a precinct contains no more than one thousand two hundred (1,200) active voters.

(b) This subsection applies to a precinct that includes:

(1) an entire township, but does not cross a township boundary in violation of section 4 of this chapter;
(2) an entire city legislative body district, but does not cross the boundary of a city legislative body district;
(3) an entire town legislative body district, but does not cross the boundary of a town legislative body district; or
(4) one (1) residential structure containing more than one thousand two hundred (1,200) active voters and no other residential structure containing voters.

In changing precincts or establishing new precincts, a county executive shall arrange a precinct so that it will contain no more than one thousand five hundred (1,500) active voters.

(c) A county executive is not required to establish precincts so that a precinct contains not more than one thousand two hundred

(1,200) active voters if the precinct:

(1) was established by the county executive in compliance with subsection (a) within the preceding forty-eight (48) months; and

(2) contains not more than one thousand four hundred (1,400) active voters.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1989, SEC.8; P.L.8-1990, SEC.1; P.L.7-1990, SEC.36; P.L.19-1993, SEC.1; P.L.12-1995, SEC.71; P.L.4-1996, SEC.59.

IC 3-11-1.5-3.2

Petition for waiver of limitation on number of voters; expiration

Sec. 3.2. (a) A county executive may file a petition with the election division requesting the commission to waive the requirements imposed by section 3 of this chapter. The petition must:

(1) identify each precinct to be subject to the waiver;

(2) state the number of voters that would be included in each precinct described in subdivision (1) if the waiver is granted; and

(3) state the reasons why the waiver should be granted.

(b) If the commission determines that compliance with the requirements of section 3 of this chapter would result in unnecessary expense and inconvenience for the county, the commission may grant a waiver exempting some or all of the precincts identified in the petition from section 3 of this chapter.

(c) A waiver granted for a precinct under this section expires when the county executive submits a subsequent proposed precinct establishment order for that precinct.

As added by P.L.8-1990, SEC.2. Amended by P.L.2-1996, SEC.126; P.L.3-1997, SEC.241.

IC 3-11-1.5-3.4

Combination of small precincts with other precincts in certain counties; committee; recommendations; precinct establishment order; expiration

Sec. 3.4. (a) This section applies to a county with a board of elections and registration established under IC 3-6-5.2.

(b) As used in this section, "committee" refers to the small precinct committee established by subsection (c).

(c) Effective June 1, 2014, the small precinct committee is established in the county.

(d) The committee consists of:

(1) each member of the board of elections and registration; and

(2) any additional individual appointed by unanimous vote of the entire membership of the board.

(e) The committee shall determine:

(1) which precincts within the county had fewer than five hundred (500) active voters (as defined in IC 3-11-18.1-2) as of June 1, 2014;

(2) if compliance with the precinct boundary standards set forth in section 4 or 5 of this chapter would prevent the combination

of a precinct described in subdivision (1) with one (1) or more adjoining precincts; and

(3) the potential savings in the administration of elections resulting from the combination of precincts under this section.

(f) Not later than noon August 1, 2014, the board of elections and registration shall:

(1) adopt a proposed precinct establishment order implementing the findings of the committee; and

(2) file the proposed order with the election division not later than noon August 8, 2014.

(g) If the proposed precinct establishment order is approved under this chapter, the order takes effect January 1, 2015. However, if an objection to the proposed order is filed under section 18 of this chapter, the proposed precinct establishment order takes effect January 1, 2015, unless at least three (3) members of the commission affirmatively vote to sustain the objection.

(h) This section expires January 1, 2016.

As added by P.L.64-2014, SEC.39.

IC 3-11-1.5-3.5

Precincts within campuses of universities

Sec. 3.5. (a) This section does not apply to a precinct located in a county having a consolidated city.

(b) This section applies to a precinct:

(1) that is located wholly or partially within the campus of:

(A) Ball State University;

(B) Indiana State University;

(C) Indiana University;

(D) Purdue University;

(E) The University of Evansville;

(F) The University of Southern Indiana; or

(G) Vincennes University;

with more full-time students enrolled at that campus than are enrolled at any other campus of that university; or

(2) that contains a structure owned by a university described in subdivision (1) that houses more than one hundred (100) students of the university.

(c) A county executive may establish a precinct subject to this section without regard to the number of registered voters permitted under section 3 of this chapter if less than forty percent (40%) of the active voters entitled to vote in the precinct voted in the last primary election.

As added by P.L.5-1989, SEC.43. Amended by P.L.12-1995, SEC.72; P.L.38-1999, SEC.34.

IC 3-11-1.5-4

Boundaries; arrangement to prevent crossing other boundaries

Sec. 4. A county executive shall establish precincts so that each boundary of each precinct does not cross the boundary of:

(1) the state;

(2) a county;
(3) a township;
(4) a district of the House of Representatives of the Congress of the United States;
(5) a district of the senate of the general assembly; or
(6) a district of the house of representatives of the general assembly.

As added by P.L.13-1988, SEC.1. Amended by P.L.126-2002, SEC.36.

IC 3-11-1.5-5
Boundaries; arrangement to follow other boundaries

Sec. 5. A county executive shall establish precincts so that each boundary of each precinct follows:
(1) a boundary described in section 4 of this chapter;
(2) a boundary of a city or town;
(3) a boundary of a town legislative body district;
(4) a boundary of a census block established by the Bureau of the Census and depicted in the GIS; or
(5) a boundary of a school corporation that does not follow a census block line.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1993, SEC.111; P.L.2-1996, SEC.127; P.L.3-1997, SEC.242; P.L.212-2001, SEC.11; P.L.126-2002, SEC.37.

IC 3-11-1.5-6
Territory not included in established precincts; inclusion in contiguous precinct

Sec. 6. If any territory in any county is not included in one (1) of the precincts established by the county executive under this chapter, that territory is included within the precinct that:
(1) is contiguous to that territory; and
(2) contains the least number of registered voters according to the precinct registration record maintained by the circuit court clerk or the board of registration on the date of the most recent general election.

As added by P.L.13-1988, SEC.1. Amended by P.L.7-1990, SEC.37.

IC 3-11-1.5-7
Territory included in more than one established precinct

Sec. 7. If any territory in any county is included in more than one (1) of the precincts established by the county executive under this chapter, that territory is included within the precinct that:
(1) is one (1) of the precincts in which that territory is described in the orders issued by the county executive under this chapter;
(2) is contiguous to that territory; and
(3) contains the least number of registered voters according to the precinct registration record maintained by the circuit court clerk or the board of registration as of the date of the most recent general election.

As added by P.L.13-1988, SEC.1. Amended by P.L.7-1990, SEC.38.

IC 3-11-1.5-8
Division of territory not included in established district or included in more than one established district

Sec. 8. If assigning territory to a precinct under sections 6 through 7 of this chapter would create a precinct that includes territory of more than one (1) of the entities listed in section 4 of this chapter, the territory shall be divided along the boundary of the entities and each part of the territory assigned to a separate precinct in accordance with sections 6 through 7 of this chapter.
As added by P.L.13-1988, SEC.1.

IC 3-11-1.5-9
Visible feature boundaries

Sec. 9. If a county executive cannot establish a precinct that complies with section 3 of this chapter by using the boundaries permitted under section 5 of this chapter, a county executive may:

(1) establish the precinct by using a boundary following a visible feature, including a highway, railroad, or stream, and an extension of that visible feature if the extension does not cross a visible feature or another extension; or

(2) request an exemption under section 20.5 of this chapter.

As added by P.L.13-1988, SEC.1. Amended by P.L.5-1989, SEC.44.

IC 3-11-1.5-10
Boundaries crossing entity boundaries; population

Sec. 10. A county executive may establish a precinct that does not comply with section 4 of this chapter if the part of the precinct that crosses the boundary of the entity contains no population. However, if the part of the precinct that crosses the boundary of the entity obtains population, the county executive shall establish a precinct that complies with section 4 of this chapter.
As added by P.L.13-1988, SEC.1. Amended by P.L.5-1989, SEC.45.

IC 3-11-1.5-10.5
Incorrect census boundaries; precinct boundaries following corrected boundaries

Sec. 10.5. (a) This section applies when the office determines that a boundary depicted on a census block boundary map prepared by the United States Bureau of the Census is in error.

(b) The commission may approve a precinct boundary under this chapter that follows a corrected boundary as determined by the commission. The election division shall record this approval in the minutes of the commission.

(c) The office shall annotate the corrected boundary in the GIS.
As added by P.L.3-1997, SEC.243. Amended by P.L.212-2001, SEC.12.

IC 3-11-1.5-10.7

Precinct boundary description prevails over conflicting map

Sec. 10.7. If a conflict exists between the map of a precinct and the description of the boundaries of a precinct submitted by a county and approved under this chapter, the precinct boundary is the description of the boundaries of the precinct, rather than the map of the precinct, to the extent of any conflict between the map and the description.

As added by P.L.194-2013, SEC.41; P.L.271-2013, SEC.14.

IC 3-11-1.5-11

Primary, general, and municipal elections; consistent boundaries

Sec. 11. The precincts established for a general or municipal election must be the same as the precincts established for the preceding primary election, except as provided in section 12 of this chapter.

As added by P.L.13-1988, SEC.1.

IC 3-11-1.5-12

Establishment of precincts in county adopting new voting system

Sec. 12. If a county executive adopts the use of ballot card voting systems or electronic voting systems in a county in which ballot card voting systems or electronic voting systems have not been previously used, the county executive may establish precincts after primary election day and before August 1 by combining two (2) or more precincts into one (1) precinct.

As added by P.L.13-1988, SEC.1. Amended by P.L.221-2005, SEC.35.

IC 3-11-1.5-13

Repealed

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

IC 3-11-1.5-14

Proposed precinct establishment orders; effect of timely and late submissions

Sec. 14. (a) A county executive must submit a proposed precinct establishment order to the co-directors before the county executive establishes a precinct under this chapter.

(b) To ensure sufficient time for review to determine whether a proposed precinct establishment order complies with this chapter, the co-directors may fix a date and time by which a county executive must submit an order under section 15 of this chapter if the county wishes to have the proposed order take effect before the beginning of the next period specified under section 25 of this chapter. The election division shall notify each county election board of the date fixed under this subsection at least ninety (90) days before the date occurs.

(c) If a county submits an order after the date and time fixed under subsection (b), the co-directors may review the order only after completing the review of orders submitted in compliance with

subsection (b).

(d) This subsection applies to an order submitted after the date and time fixed under subsection (b). If the co-directors are unable to determine whether a proposed order complies with this chapter before the beginning of the next period specified under section 25 of this chapter, the co-directors shall complete the review so that, if the proposed order is otherwise approved under this chapter, the order may take effect following the end of the next period specified under section 25 of this chapter.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.38; P.L.164-2006, SEC.82.

IC 3-11-1.5-15

Proposed precinct establishment orders; contents

Sec. 15. The order described in section 14 of this chapter must include the following:

(1) A map of each precinct to be established by the proposed order. A county may submit maps required by this subdivision in electronic form.

(2) A description of the boundaries of each precinct to be established by the proposed order that identifies any census blocks located entirely within the precinct.

(3) An estimated number of voters in each precinct to be established by the proposed order, based on the registration records maintained by the county voter registration office.

(4) A statement designating a polling place for the precinct that complies with the polling place accessibility requirements adopted under IC 3-11-8.

(5) Any additional information required by rules adopted by the commission under IC 4-22-2.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1993, SEC.112; P.L.12-1995, SEC.73; P.L.2-1996, SEC.128; P.L.212-2001, SEC.13; P.L.14-2004, SEC.91.

IC 3-11-1.5-15.5

Proposed precinct establishment orders; split census blocks

Sec. 15.5. If a precinct boundary splits a census block, either of the following must be submitted with the order described in section 14 of this chapter:

(1) A description of the precinct boundary in metes and bounds.

(2) One (1) or more aerial photographs that depict:

(A) each census block that is split; and

(B) the boundary of the precinct that splits each census block.

As added by P.L.225-2011, SEC.50.

IC 3-11-1.5-16

Proposed precinct establishment orders; precinct boundaries following boundaries of other entities

Sec. 16. (a) If a proposed precinct establishment order includes a

legal description of a precinct with a boundary that follows the boundary of a municipality, state legislative district, or municipal legislative district, the order must include the following:

(1) A description in metes and bounds that identifies the boundary as that of a municipality, state legislative district, or municipal legislative district.

(2) A notation on the map of the precinct indicating that the boundary is that of a municipality, state legislative district, or municipal legislative district.

(b) If a proposed precinct establishment order described by section 9 of this chapter includes a legal description of a boundary that follows a visible feature, the order must include a description in metes and bounds or an aerial photograph that identifies the visible feature that forms the boundary.

As added by P.L.13-1988, SEC.1. Amended by P.L.11-1989, SEC.1; P.L.225-2011, SEC.51.

IC 3-11-1.5-17

Review and examination of proposed order

Sec. 17. (a) The election division shall send a copy of a precinct establishment order:

(1) submitted under section 14 or 30 (repealed) of this chapter; or

(2) resubmitted under section 20 of this chapter;

to the office for comment.

(b) The office shall review the order and may make any technical comments the office considers appropriate.

(c) The co-directors or an employee designated by the co-directors shall examine:

(1) the proposed precinct establishment order; and

(2) the comments of the office;

to determine if the order would establish precincts in compliance with this chapter.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.39; P.L.212-2001, SEC.14; P.L.1-2003, SEC.2.

IC 3-11-1.5-18

Election division authorization for adoption of proposed precinct establishment order; notice; objection; commission hearing

Sec. 18. (a) If the election division determines that the proposed precinct establishment order would comply with this chapter, the election division shall issue an order authorizing the county executive to establish the proposed precincts.

(b) The order issued by the election division under subsection (a) must state that the election division finds that the proposed precincts would comply with the standards set forth in this chapter. The election division shall promptly provide a copy of the order to the county executive.

(c) The county executive must give notice of the proposed order to the voters of the county by one (1) publication under IC 5-3-1-4.

The notice must state the following:

(1) The name of each existing precinct whose boundaries would be changed by the adoption of the proposed order by the county.

(2) That any registered voter of the county may object to the proposed order by filing a sworn statement with the election division setting forth the voter's specific objections to the proposed order and requesting that a hearing be conducted by the commission under IC 4-21.5.

(3) The mailing address of the election division.

(4) The deadline for filing the objection with the election division under this section.

(d) An objection to a proposed precinct establishment order must be filed not later than noon ten (10) days after the publication of the notice by the county executive.

(e) If an objection is not filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may proceed immediately to adopt the proposed order.

(f) If an objection is filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may not adopt the proposed order until the commission conducts a hearing under IC 4-21.5 and determines whether the proposed precincts would comply with the standards set forth in this chapter.

(g) If the co-directors determine that the expiration of the ten (10) day period described in subsection (d) will occur:

(1) after the next period specified under section 25 of this chapter begins; or

(2) without sufficient time for a county or an objector to receive notice of a hearing before the commission concerning an objection before the next period specified under section 25 of this chapter begins;

the co-directors may request a hearing before the commission under section 21 of this chapter and notify the county executive of the request.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.40; P.L.3-1997, SEC.244; P.L.221-2005, SEC.36; P.L.164-2006, SEC.83.

IC 3-11-1.5-19

Proposed precinct establishment order; noncompliance

Sec. 19. If the co-directors or designated employee determines that the proposed precinct establishment order would not comply with this chapter, the co-directors shall advise the county executive specifically how the order would not comply with this chapter. If the co-directors determine that the noncompliance would result from a technical error in a map or legal description included in the proposed order, the co-directors may suggest specific amendments to the map or legal description in the letter accompanying the proposed order.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.41;

P.L.3-1997, SEC.245.

IC 3-11-1.5-20
Amendments to proposed order

Sec. 20. If a county executive is advised that a proposed precinct establishment order does not comply with this chapter, the county executive may:

(1) amend the proposed order so that the precincts may be established in compliance with this chapter; or

(2) request an exemption under section 20.5 of this chapter;

and resubmit the proposed order to the co-directors.

As added by P.L.13-1988, SEC.1. Amended by P.L.5-1989, SEC.46; P.L.3-1993, SEC.113; P.L.8-1995, SEC.42; P.L.3-1997, SEC.246.

IC 3-11-1.5-20.5
Exemption from precinct boundary requirements

Sec. 20.5. (a) This section applies when:

(1) a county executive is advised that a proposed precinct establishment order does not comply with this chapter; and

(2) the county executive determines that the noncompliance cannot be corrected by the establishment of a precinct that complies with both:

(A) the maximum voter requirement of section 3 of this chapter; and

(B) the precinct boundary requirements of section 5 of this chapter.

(b) The county executive may request the commission to grant an exemption from the precinct boundary requirements of section 5 of this chapter to establish a precinct boundary described by this section.

(c) The commission shall conduct a hearing on the exemption request. If the commission determines that the noncompliance cannot be corrected by the establishment of a precinct that complies with both:

(1) the maximum voter requirement of section 3 of this chapter; and

(2) the precinct boundary requirements of section 5 of this chapter;

the commission shall grant the exemption. However, the commission may not grant an exemption that violates section 4(1), 4(5), 4(6), or 4(7) of this chapter.

(d) If the commission grants the exemption, the county executive shall amend the proposed precinct establishment order described by section 19 of this chapter to establish precinct boundaries:

(1) in accordance with the exemption granted by the commission; and

(2) that comply with all other requirements established by this chapter.

(e) The proposed precinct establishment order described in subsection (d) must include a description in metes and bounds of the

boundaries authorized by the exemption granted under this section.
As added by P.L.5-1989, SEC.47. Amended by P.L.8-1995, SEC.43; P.L.3-1997, SEC.247; P.L.212-2001, SEC.15.

IC 3-11-1.5-21
Resubmission of orders; request for hearing

Sec. 21. (a) If the county executive believes that the proposed order described by section 19 of this chapter complies with this chapter, the county executive may resubmit the order to the co-directors and request a hearing before the commission.

(b) The co-directors may request a hearing before the commission under section 18(g) of this chapter.

(c) The hearing under this section shall be conducted in accordance with IC 4-21.5.

(d) If the commission determines that the proposed precinct establishment order complies with this chapter, the co-directors shall advise the county executive that the order complies with this chapter and may be issued by the county executive.
As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.44; P.L.3-1997, SEC.248; P.L.164-2006, SEC.84.

IC 3-11-1.5-22
Issuance of order by county executive

Sec. 22. When a county executive receives a proposed order approved by:

(1) the election division; or

(2) the commission under section 18(f) of this chapter, the county executive may issue the order.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1997, SEC.249; P.L.221-2005, SEC.37.

IC 3-11-1.5-23
Filing of orders

Sec. 23. (a) The county executive shall file a copy of the order issued under section 22 of this chapter with the co-directors not later than seven (7) days after its issuance.

(b) The co-directors shall send a copy of the order to the office not later than seven (7) days after the co-directors receive the order.
As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.45; P.L.212-2001, SEC.16.

IC 3-11-1.5-24
Effective date of orders; notice

Sec. 24. (a) The precinct establishment order becomes effective on the first date permitted under section 25 of this chapter.

(b) The office shall notify the co-directors of the date the new precinct boundaries were entered into the GIS not later than seven (7) days after the new precinct boundaries are entered into the GIS.
As added by P.L.13-1988, SEC.1. Amended by P.L.2-1996, SEC.129; P.L.3-1997, SEC.250; P.L.212-2001, SEC.17.

IC 3-11-1.5-25
Effective date of orders; restricted periods

Sec. 25. A precinct establishment order may not become effective during the following periods:

(1) In a year in which a general election is held, the period beginning on the first day that a declaration of candidacy may be filed under IC 3-8-2-4 and ending the day following general election day.

(2) For precincts located wholly or partially within a municipality, after January 31 and before the day following municipal election day, in a year in which a municipal election is held.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1997, SEC.251; P.L.212-2001, SEC.18.

IC 3-11-1.5-26
Notice of approval

Sec. 26. The co-directors shall promptly notify the county executive of:

(1) the approval of a precinct establishment order by the commission; and

(2) the date the order becomes effective.

The co-directors shall provide one (1) copy of the approved order to the county executive.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.46.

IC 3-11-1.5-27
Publication of notice of approval; filing notice with co-directors

Sec. 27. (a) Not later than fourteen (14) days following notice of final approval of a precinct establishment order by the commission under section 18(f) of this chapter, the county executive shall give notice of the approval by one (1) publication under IC 5-3-1-4.

(b) The county executive shall file one (1) copy of the notice published under subsection (a) with the co-directors.

As added by P.L.13-1988, SEC.1. Amended by P.L.3-1997, SEC.252; P.L.221-2005, SEC.38; P.L.164-2006, SEC.85.

IC 3-11-1.5-28
Published notice; contents

Sec. 28. The notice published under section 27 of this chapter must include the following:

(1) A list of the precincts established by the order and the polling places designated for the precincts.

(2) The date the order was issued by the county executive.

(3) The date the order was approved by the commission.

(4) The effective date of the order.

(5) A statement that the maps, legal descriptions, and estimated voter population of the established precincts are on file for public inspection in:

(A) the office of the county auditor; or

(B) in a county with a consolidated city, in the office of the board of registration.

As added by P.L.13-1988, SEC.1. Amended by P.L.10-1992, SEC.21; P.L.12-1995, SEC.74; P.L.2-1996, SEC.130.

IC 3-11-1.5-29
Filing of order

Sec. 29. The county executive shall file one (1) copy of the order approved under this chapter with each of the following not later than forty-five (45) days after the notice is published under section 27 of this chapter:

(1) The county voter registration office.
(2) The county auditor.

As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.47; P.L.164-2006, SEC.86.

IC 3-11-1.5-30
Repealed

(Repealed by P.L.126-2002, SEC.92.)

IC 3-11-1.5-31
Orders; approval by commission; effective date

Sec. 31. (a) This section applies to a proposed precinct establishment order that requires that a hearing by the commission be conducted under this chapter.

(b) After the election division has reviewed the proposed precinct establishment order, and the order has been revised, if necessary, to comply with this chapter, the commission shall:

(1) approve a proposed precinct establishment order under this section not later than the following January 31; and
(2) order that the precinct establishment order takes effect January 31 of the year in which the municipal election will be held.

As added by P.L.13-1988, SEC.1. Amended by P.L.1-1990, SEC.7; P.L.8-1992, SEC.14; P.L.8-1995, SEC.49; P.L.3-1997, SEC.254; P.L.126-2002, SEC.38; P.L.221-2005, SEC.39.

IC 3-11-1.5-32
Municipalities; change of district boundaries; exception

Sec. 32. The legislative body of a municipality may not change the boundary of a district established under:

(1) IC 36-3-4-3;
(2) IC 36-4-6-3;
(3) IC 36-4-6-4;
(4) IC 36-4-6-5;
(5) IC 36-5-1-10.1;
(6) IC 36-5-2-4.1; or
(7) IC 36-5-2-4.2;

after November 8 of the year preceding the year in which a municipal election is to be held and before the day following the date on which

the municipal election is held except to assign territory to a municipal legislative body district in an annexation ordinance.
As added by P.L.13-1988, SEC.1. Amended by P.L.5-1989, SEC.48; P.L.7-1990, SEC.39.

IC 3-11-1.5-32.5
Townships in counties containing a consolidated city; changes in boundaries of legislative body districts

Sec. 32.5. (a) This section applies to townships in a county containing a consolidated city.

(b) The legislative body of a township may not change the boundary of a legislative body district established under IC 36-6-6-2.5 after November 8 of the year preceding the year in which an election is held to elect township board members and before the day following the date on which an election is held to elect township board members.
As added by P.L.6-1994, SEC.1. Amended by P.L.170-2002, SEC.8.

IC 3-11-1.5-33
Municipalities; extended boundaries

Sec. 33. (a) If the boundaries of a municipality are extended before a municipal primary election or a municipal election, and the territory within those boundaries has not been included in precincts wholly within the municipality, the voters within the extended boundaries may vote, if otherwise qualified, in the municipal primary election or municipal election.

(b) The voters may vote in the precinct in which they have their residence as if the precinct had been established to include them in a precinct wholly within the municipality. These votes shall be counted and included in the canvass of the votes cast in the municipal primary election or municipal election.
As added by P.L.13-1988, SEC.1. Amended by P.L.8-1992, SEC.15; P.L.14-2004, SEC.92.

IC 3-11-1.5-34
Renaming or renumbering precincts

Sec. 34. (a) A county executive may issue an order to rename or renumber precincts without establishing new precinct boundaries. An order issued under this section becomes effective when it is filed with the co-directors.

(b) The co-directors shall send a copy of the order to the office.
As added by P.L.13-1988, SEC.1. Amended by P.L.8-1995, SEC.50; P.L.212-2001, SEC.19.

IC 3-11-1.5-35
Application of section; precinct establishment order issued by commission

Sec. 35. (a) This section applies to a county that has a precinct that crosses a boundary in violation of section 4(4), 4(5), or 4(6) of this chapter.

(b) Notwithstanding section 25 of this chapter, if the county does not issue a precinct establishment order that establishes precincts in compliance with section 4(4), 4(5), and 4(6) of this chapter by the January 31 following the last effective date described in section 25(2) of this chapter, the commission may issue an order establishing precincts as provided under subsection (c).

(c) An order issued by the commission under this section must comply with section 4(4), 4(5), and 4(6) of this chapter.

(d) The co-directors shall send a copy of the commission's order to the office.

As added by P.L.8-1992, SEC.16. Amended by P.L.2-1996, SEC.131; P.L.1-1999, SEC.1; P.L.212-2001, SEC.20; P.L.37-2002, SEC.14; P.L.2-2005, SEC.3.

IC 3-11-1.5-36

Delegation of responsibilities of county executive

Sec. 36. The county executive may adopt an order to delegate some or all of the county executive's responsibilities under this chapter to the county election board. The order may not take effect until a copy of the order has been filed with the election division.

As added by P.L.3-1993, SEC.114. Amended by P.L.2-1996, SEC.132; P.L.3-1997, SEC.255.

IC 3-11-1.5-37

Notice of errors in precinct boundaries in GIS

Sec. 37. (a) The co-directors shall notify the office of any errors found in the precinct boundaries depicted in the GIS.

(b) The office and the co-directors shall cooperate to resolve any errors found in the GIS.

As added by P.L.212-2001, SEC.21.

IC 3-11-1.5-38

Office of census data to file precinct information with election division; notification of counties about precinct information; county report of errors; correction of GIS; determination of precinct boundaries; expiration of section

Sec. 38. (a) This section applies to the boundaries of a precinct as established before January 1, 2011.

(b) As used in this chapter, "federal decennial census" has the meaning set forth in IC 1-1-3.5-2(a).

(c) Not later than July 1, 2011, the office shall file with the election division the following information for a precinct described in subsection (a):

(1) A list of the census blocks comprising the voting tabulation districts used by the United States Department of Commerce, Bureau of the Census, in reporting the 2010 federal decennial census of Indiana, as supplemented by the office.

(2) An ESRI shape file depicting the boundaries of the precinct as shown by maps included in the GIS.

(d) After a filing occurs under subsection (c), the election division

shall immediately notify the county executive and the county election board (or the board of elections and registration) of the county in which the precinct is located.

(e) Not later than thirty (30) days after the date of the notice described in subsection (d), the county executive shall notify the election division if the filing described in subsection (c) contains errors or is otherwise incorrect or incomplete. The notice must state one (1) of the following:

(1) The county executive will submit to the election division, not later than January 1, 2012, additional information for or corrections to the filing, which will become the precinct boundaries for the county for purposes of an election conducted after January 1, 2012, and until a new precinct establishment order for the county is adopted as provided in this chapter.

(2) The county executive will adopt a new precinct establishment order for the county as provided in this chapter.

(f) The election division shall provide the office with the additional information and corrections submitted by a county executive under subsection (e)(1), and the office shall add the additional information and corrections to the GIS.

(g) If a county executive does not file a notice under subsection (e), the following apply:

(1) The precinct descriptions filed by the office under subsection (c) become the precinct boundaries for the county for purposes of an election conducted after January 1, 2012, and until a new precinct establishment order for the county is adopted as provided in this chapter.

(2) A registered voter of the county may not file an objection under section 18 of this chapter to the precinct descriptions filed by the office under subsection (c).

(h) This subsection applies to an IEC-8 form submitted before January 1, 2011. Not later than January 1, 2012, the county executive shall do the following:

(1) Correct any IEC-8 form that contains incorrect information as the result of enactment of any of the following:

(A) The Indiana congressional district 2011 plan (IC 3-3-5).

(B) The senate district 2011 plan (IC 2-1-13).

(C) The house district 2011 plan (IC 2-1-12).

(2) File with the election division a form corrected as described in subdivision (1).

(i) This section does not prohibit the establishment of precincts in a county using a precinct establishment order as provided in this chapter.

(j) This section expires December 31, 2014.

As added by P.L.214-2011, SEC.13.

IC 3-11-2
Chapter 2. General Election Ballot Form

IC 3-11-2-0.5
Applicability
Sec. 0.5. (a) This chapter applies only to paper ballots.
(b) This chapter does not apply to:
(1) an electronic voting system; or
(2) an optical scan voting system.
As added by P.L.58-2005, SEC.14. Amended by P.L.164-2006, SEC.87.

IC 3-11-2-1
Repealed
(Repealed by P.L.14-2004, SEC.196.)

IC 3-11-2-2
Repealed
(Repealed by P.L.1-2006, SEC.588.)

IC 3-11-2-2.1
All candidates and public questions in election districts in county on ballot
Sec. 2.1. Each county election board shall have the:
(1) names of all candidates for election to offices or retention in offices; and
(2) state and local public questions;
in election districts wholly or partially within the county printed on a ballot as provided in this chapter. The county may print all offices on a single ballot under this section.
As added by P.L.14-2004, SEC.94. Amended by P.L.164-2006, SEC.88.

IC 3-11-2-3
Requirements of size, quality and color, and thickness
Sec. 3. Each type of ballot must be:
(1) of uniform size;
(2) of the same quality and color of paper; and
(3) sufficiently thick that the printing cannot be distinguished from the back.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.198; P.L.194-2013, SEC.42.

IC 3-11-2-4
Repealed
(Repealed by P.L.194-2013, SEC.43.)

IC 3-11-2-5
Name and device; listing of nominees
Sec. 5. The nominees of a:

(1) major political party;
(2) political party described by IC 3-8-4-10; or
(3) group of petitioners under IC 3-8-6 who are identified by the petition as the nominees of a political party;

shall be listed on the ballots under the name of the party or petitioners as designated by them in their certificate or petition. If the same device is selected by two (2) parties it shall be given to the party that first filed the device under IC 3-8-7-11.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.200; P.L.230-2005, SEC.50.

IC 3-11-2-6

Name and device; order; political party; write-in voting

Sec. 6. (a) The device named and list of nominees shall be placed on the ballots as follows:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election in the first column or row on the left side of all ballots.
(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state at the last election in the second column or row.
(3) Any other political party in the same order.

(b) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate (or an independent ticket for President and Vice President of the United States or for governor and lieutenant governor), the party or independent candidate or ticket shall be placed on the ballot after the parties described in subsection (a). If more than one (1) political party or independent candidate or ticket that has qualified to be on the ballot did not have a candidate for secretary of state in the last election, those parties, candidates, or tickets shall be listed on the ballot in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(c) Subject to subsection (e), a column or row for write-in voting shall be placed to the right of all party and independent columns on the ballot.

(d) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). If there is insufficient room on a row to list each candidate of a political party, a second or subsequent row may be utilized. However, a second or subsequent row may not be utilized unless the first row, and all preceding rows, have been filled.

(e) A column or row for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.201; P.L.7-1991, SEC.4; P.L.4-1991, SEC.60; P.L.12-1992, SEC.7; P.L.3-1993, SEC.115; P.L.14-2004, SEC.95.

IC 3-11-2-7
Cautionary statement

Sec. 7. The following statement shall be printed in underlined print at the extreme top of a ballot to be used in an election covered by this title: "It is a crime to falsify this ballot or to violate Indiana election laws.".

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.202; P.L.221-2005, SEC.40.

IC 3-11-2-8
Instructions; form, location, and contents

Sec. 8. All written or printed instructions must be at the top of the ballot immediately below the statement required by section 7 of this chapter. No other instructions or writing may appear at any other place on the ballot, including the ballot for federal and state offices, except as specified by this title. The instructions must be in English and any other language that the board considers necessary, clear, concise, and written so that a voter will not be confused about the effect of the voter's voting mark and vote.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.16; P.L.3-1987, SEC.203; P.L.221-2005, SEC.41.

IC 3-11-2-9
Device of political parties or independent ticket

Sec. 9. The device of each political party or independent ticket described in section 6 of this chapter shall be:

(1) enclosed in a circle not less than three-fourths (3/4) of an inch in diameter; and

(2) placed under the name of the party or independent ticket, as required by section 10 of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.204; P.L.3-1993, SEC.116; P.L.14-2004, SEC.96.

IC 3-11-2-10
Arrangement of ballot

Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter:

(1) Ratification of a state constitutional amendment.

(2) Local public questions.

Each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device.

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot. If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot.".

(d) If the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot.".

(e) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted.".

(f) The list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.205; P.L.3-1993, SEC.117; P.L.4-1996, SEC.60; P.L.3-1997, SEC.258; P.L.14-2004, SEC.97; P.L.58-2005, SEC.15; P.L.190-2011, SEC.4; P.L.219-2013, SEC.30.

IC 3-11-2-11
Repealed

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

IC 3-11-2-11.5
Names of write-in candidates not printed on ballot

Sec. 11.5. The name of a write-in candidate may not be printed on any ballot.

As added by P.L.3-1997, SEC.259.

IC 3-11-2-12
Ballot order of offices

Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions

described in section 10(a) of this chapter:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Prosecuting attorney.

(E) Clerk of the circuit court.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.

(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.

(J) County council member.

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:
(A) Clerk-treasurer.
(B) Judge of the town court.
(C) Town council member.

As added by P.L.3-1987, SEC.207. Amended by P.L.8-1989, SEC.8; P.L.3-1997, SEC.260; P.L.14-2004, SEC.98; P.L.98-2004, SEC.37; P.L.2-2005, SEC.4; P.L.146-2008, SEC.6; P.L.190-2011, SEC.5; P.L.201-2011, SEC.5; P.L.6-2012, SEC.9; P.L.77-2014, SEC.5.

IC 3-11-2-12.2
Order of districts and candidates on ballot

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 an office that includes both an at-large member and a member representing a district, the candidates seeking election as an at-large member shall be placed on the ballot before candidates seeking election to represent a district.

As added by P.L.4-1996, SEC.61.

IC 3-11-2-12.5
Ballot order; alternative order of county offices

Sec. 12.5. Notwithstanding section 12 of this chapter, the county election board may alter the prescribed ballot order to place the names of the candidates for the following offices before the names of the candidates for county judicial offices:

(1) Prosecuting attorney.
(2) Clerk of the circuit court.
(3) The county offices listed in section 12(4) of this chapter.

As added by P.L.4-1991, SEC.61.

IC 3-11-2-12.7
Ballot order; candidates for at-large seats on fiscal or legislative body of political subdivision

Sec. 12.7. (a) This section applies to candidates for election to at-large seats on the fiscal or legislative body of a political subdivision.

(b) Candidates shall be listed in alphabetical order according to surname within each row or column on the ballot.

(c) In each row or column on the ballot in which the names of candidates appear, the ballot shall contain a statement reading substantially as follows above the name of the first candidate: "Vote for not more than (insert number of candidates to be elected) candidates of ANY party for this office.".

(d) If more than one (1) candidate for an at-large seat was nominated by the same petition of nomination, these candidates shall be listed in alphabetical order by surname within the same row or column on the ballot, with the position of the row or column being

determined under section 6 of this chapter.
As added by P.L.3-1997, SEC.261. Amended by P.L.14-2004, SEC.99; P.L.164-2006, SEC.89.

IC 3-11-2-12.8
Repealed
(Repealed by P.L.146-2008, SEC.801.)

IC 3-11-2-12.9
Ballot order; school board offices
Sec. 12.9. (a) School board offices to be elected at the general election shall be placed on the general election ballot after the offices described in section 12 of this chapter with each candidate for the office designated as "nonpartisan".
(b) If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name.".
As added by P.L.83-1999, SEC.1. Amended by P.L.58-2005, SEC.16; P.L.190-2011, SEC.6; P.L.194-2013, SEC.44.

IC 3-11-2-13
Ballot order; retention of justice or appellate judge
Sec. 13. (a) The following offices shall be placed on the general election ballot in the following order after the offices described in section 12.9 of this chapter:
(1) Retention of a justice of the supreme court.
(2) Retention of a judge of the court of appeals.
(3) Retention of the judge of the tax court.
(b) Whenever more than one (1) justice of the supreme court is subject to retention, the name of each justice must appear on the ballot in alphabetical order. However, if the justice serving as chief justice is subject to retention, the chief justice's name must appear first.
(c) Whenever more than one (1) judge of the court of appeals is subject to retention, the name of each judge must appear on the ballot in alphabetical order. However, if the judge serving as chief judge is subject to retention, the chief judge's name must appear first.
(d) These offices shall be placed in a separate column on the ballot.
As added by P.L.3-1987, SEC.208. Amended by P.L.4-1991, SEC.62; P.L.83-1999, SEC.2; P.L.58-2005, SEC.17; P.L.190-2011, SEC.7.

IC 3-11-2-14
Ballot order; other judicial offices
Sec. 14. (a) The following offices shall be placed on the general election ballot in the following order after the offices described in section 13 of this chapter:
(1) Retention of a local judge.
(2) Local nonpartisan judicial offices.

(b) These offices shall be placed in a separate column on the ballot.

(c) If the ballot contains a candidate for a local nonpartisan judicial office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name.".

(d) If more than one (1) question concerning the retention of a local judge is to be placed on a ballot, the questions shall be placed on the ballot:

(1) in alphabetical order according to the surname of the local judge; and

(2) identifying the court (including division or room) in which the judge serves.

As added by P.L.3-1987, SEC.209. Amended by P.L.4-1996, SEC.62; P.L.83-1999, SEC.3; P.L.58-2005, SEC.18; P.L.190-2011, SEC.8.

IC 3-11-2-14.5

Ballot order; candidates for at-large seats on governing body of school corporation

Sec. 14.5. (a) This section applies to candidates for election to at-large seats on the governing body of a school corporation.

(b) Candidates shall be listed in alphabetical order according to surname.

(c) The ballot shall contain a statement reading substantially as follows above the name of the first candidate: "Vote for no more than (insert number of candidates to be elected) candidates for this office.".

As added by P.L.3-1997, SEC.262.

IC 3-11-2-15

Form of public question

Sec. 15. (a) A public question shall be placed on the general election ballot in the following form:

(The explanatory text for the public question,
if required by law)
"Shall (insert public question)?"

[] YES
[] NO

(b) In addition to any other explanatory text required by law, the ballot must also contain a statement that reads substantially as follows: "To vote on this public question, make a voting mark on or in the square to the left of the word "YES" or "NO".".

(c) Except as expressly authorized or required by statute, the commission, the election division, or a county election board may not authorize the printing or use of ballots that contain language concerning the public question other than the language authorized by a statute.

As added by P.L.3-1987, SEC.210. Amended by P.L.4-1996, SEC.63; P.L.3-1997, SEC.263.

IC 3-11-2-16

Errors or omissions in ballot; determination by election board; reprint or use of defective ballot

Sec. 16. (a) If an election board determines that a ballot printed under the authority of the election board does not comply with a requirement imposed by this title or contains any other error or omission that might result in confusion or mistakes by voters, the board shall:

(1) reprint or correct the ballot; or

(2) conduct a public hearing concerning the defective ballots.

(b) The board may conduct the hearing after informing each political party, ticket, or candidate that the board determines may have an interest in the matter.

(c) At the hearing, the board shall hear any testimony offered by a person concerning the defective ballots and shall make findings of fact concerning the following:

(1) The number of ballots, if any, containing the error or omission that have already been cast.

(2) The cost of correcting the error through the use of reprinted ballots or any other suitable method.

(3) Whether the error or omission would be likely to cause confusion or mistakes by voters.

(4) Whether any voter objects to the use of the ballots, notwithstanding the error or omission.

(d) If:

(1) a voter does not file a written objection to the use of the ballots with the board before the board concludes the hearing; and

(2) the board determines that the use of the ballots would not be likely to cause confusion or mistakes by voters;

the board shall authorize the use of the defective ballots, notwithstanding the error or omission.

(e) If:

(1) a voter files a written objection to the use of the ballots with the board before the board concludes the hearing; or

(2) the board determines that the use of the ballots would be likely to cause confusion or mistakes by voters;

the board shall order the ballots to be reprinted or altered to conform with the requirements of this title.

(f) If the board acts under subsection (a) or (e), a voter who has already voted a defective ballot by absentee ballot is entitled to recast the voter's ballot in accordance with IC 3-11-10-1.5 or IC 3-11.5-4-2. Notwithstanding the issuance of an order under subsection (e), a defective ballot shall be counted if the intent of the voter can be determined and the ballot would otherwise be counted under IC 3-12-1.

As added by P.L.3-1993, SEC.118. Amended by P.L.3-1997, SEC.264; P.L.225-2011, SEC.52; P.L.194-2013, SEC.45.

IC 3-11-3

Chapter 3. Distribution of Ballots and Other Supplies

IC 3-11-3-1

Application of chapter

Sec. 1. This chapter applies to each precinct.

As added by P.L.5-1986, SEC.7.

IC 3-11-3-2

Repealed

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

IC 3-11-3-3

Paper ballots for precincts where voting systems not sufficient to register all votes

Sec. 3. If, in the judgment of a county election board, the number of voters in a precinct of the county where a voting system is used for voting is so large that the voting system in use will not be sufficient to register the vote of all the voters in the precinct, the board may use paper ballots in addition to the voting system. The voting by paper ballot is subject to all the restrictions prescribed by this article.

As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.135; P.L.3-1997, SEC.266; P.L.221-2005, SEC.42.

IC 3-11-3-4

Repealed

(Repealed by P.L.219-2013, SEC.31.)

IC 3-11-3-5

Repealed

(Repealed by P.L.5-1989, SEC.120.)

IC 3-11-3-6

Repealed

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

IC 3-11-3-7

Repealed

(Repealed by P.L.38-1999, SEC.73.)

IC 3-11-3-8

Repealed

(Repealed by P.L.3-1997, SEC.475.)

IC 3-11-3-9

Repealed

(Repealed by P.L.38-1999, SEC.73.)

IC 3-11-3-10

Receipt of ballots and other supplies by inspector or member of

precinct election board

Sec. 10. The inspector of each precinct, or another member of the precinct election board authorized in writing by the inspector, shall appear at the office of the county election board of the inspector's county on the second or third day before election day to receive ballots and other supplies.

As added by P.L.5-1986, SEC.7.

IC 3-11-3-11 Version a

Delivery of ballots and ballot supplies; delivery and installation of hardware, firmware, and software for electronic poll lists

Note: This version of section effective until 4-1-2014. See also following version of this section, effective 4-1-2014.

Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

(2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The local ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.

(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

(1) has adopted an order under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll list in each

precinct or vote center.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.214; P.L.4-1991, SEC.63; P.L.2-1996, SEC.139; P.L.3-1997, SEC.270; P.L.126-2002, SEC.41; P.L.209-2003, SEC.105; P.L.230-2005, SEC.51; P.L.271-2013, SEC.15; P.L.2-2014, SEC.4.

IC 3-11-3-11 Version b

Delivery of ballots and ballot supplies; delivery and installation of hardware, firmware, and software for electronic poll lists

Note: This version of section effective 4-1-2014. See also preceding version of this section, effective until 4-1-2014.

Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

(2) The sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.

(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

(1) has adopted an order under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll book in each precinct or vote center.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.214;

P.L.4-1991, SEC.63; P.L.2-1996, SEC.139; P.L.3-1997, SEC.270; P.L.126-2002, SEC.41; P.L.209-2003, SEC.105; P.L.230-2005, SEC.51; P.L.271-2013, SEC.15; P.L.2-2014, SEC.4; P.L.76-2014, SEC.30.

IC 3-11-3-12
Packaging of ballots; attestation by circuit court clerk; inspector's receipt; packages not to be opened

Sec. 12. (a) The ballots delivered to the inspector of each precinct under section 11 of this chapter shall be placed in a strong and stout paper envelope or bag, which shall then be tightly closed, fastened securely, and attested by the initials of the circuit court clerk or the clerk's designee in the presence of the inspector or the inspector's representative. The inspector shall sign a receipt for the ballots. The ballot packages may not be opened until:

(1) they have been delivered to the precinct election board to which they are directed; and

(2) the precinct election board is fully organized and ready for the reception of votes.

(b) The provisional ballots delivered to the inspector of each precinct under section 11 of this chapter shall be placed in a strong and stout paper envelope or bag, separate from the bag described in subsection (a), which shall then be tightly closed, fastened securely, and attested by the initials of the circuit court clerk or the clerk's designee in the presence of the inspector or the inspector's representative. The inspector shall sign a receipt for the provisional ballots. The provisional ballot packages may not be opened until:

(1) they have been delivered to the precinct election board to which they are directed; and

(2) the precinct election board is fully organized and ready to receive votes.

As added by P.L.5-1986, SEC.7. Amended by P.L.126-2002, SEC.42; P.L.221-2005, SEC.43.

IC 3-11-3-13
Dispatch of special messenger to pick up ballots on failure of inspector; report to county election board

Sec. 13. If an inspector (or the inspector's representative) fails to appear at the office of the circuit court clerk by the close of the second day before election day, the county election board shall immediately dispatch a special messenger to the inspector's precinct with the ballots for the precinct. After delivering the ballots, the messenger shall promptly report to the county election board and file with it:

(1) the receipt of the person to whom the messenger delivered the ballots; and

(2) the messenger's affidavit stating when and to whom the messenger delivered the ballots.

As added by P.L.5-1986, SEC.7.

IC 3-11-3-14
Messenger's compensation and mileage allowance

Sec. 14. If a county election board dispatches a messenger under section 13 of this chapter, the messenger is entitled to receive:

(1) two dollars ($2) for time; and

(2) a mileage allowance at a rate determined by the county fiscal body for the distance necessarily traveled.

As added by P.L.5-1986, SEC.7. Amended by P.L.10-1997, SEC.3.

IC 3-11-3-15
Failure of inspector to appear at circuit court clerk's office under IC 3-11-3-10

Sec. 15. If an inspector fails to appear at the office of the circuit court clerk under section 10 of this chapter, the inspector is not entitled to compensation for services at the election.

As added by P.L.5-1986, SEC.7.

IC 3-11-3-16
Poll lists; voter registration lists; preparation; delivery to inspectors; delivery and installation of electronic poll books

Sec. 16. (a) Except as provided in subsection (b), each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8.

(b) In a county described by IC 3-7-29-6 or IC 3-11-18.1, the electronic poll books shall be delivered and installed for use by the county election board under section 11(b) of this chapter.

(c) The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 (or in the use of the electronic poll books).

As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.106; P.L.164-2006, SEC.90; P.L.194-2013, SEC.46; P.L.271-2013, SEC.16; P.L.258-2013, SEC.70; P.L.64-2014, SEC.40.

IC 3-11-3-17
Repealed

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

IC 3-11-3-18
Repealed

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

IC 3-11-3-19
Repealed

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

IC 3-11-3-20
Voters' poll list cover

Sec. 20. On the front cover of the bound looseleaf poll list sheets or the book form poll lists the following should be printed:

(1) The heading: "VOTERS' POLL LIST COVER".

(2) A notice to the inspector that after the polls are closed the poll list that has been used in the precinct on election day should be assembled and enclosed in a separate envelope provided for that purpose and delivered to the clerk of the circuit court of the county in which the election is held with the other election returns as provided in this title.

(3) The signatures of the inspector, judges, and clerks of the election board, certifying the following:

(A) That the signatures shown in the list is the record of the voters' poll list.

(B) The type of election.

(C) The date of the election.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1995, SEC.97; P.L.4-1996, SEC.64.

IC 3-11-3-21
Repealed

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

IC 3-11-3-22
Instruction cards; write-in voting notice cards; printing and delivery

Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, braille, and any other language that the board considers necessary, the following:

(1) Instructions for the guidance of voters in preparing their ballots.

(2) Instructions explaining the procedure for write-in voting.

(3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must inform all voters that a voter:

(1) who wants to cast write-in votes may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and

(2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

(c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the

board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.216; P.L.4-1991, SEC.64; P.L.3-1993, SEC.120; P.L.221-2005, SEC.44; P.L.164-2006, SEC.91.

IC 3-11-3-23

Instruction cards; contents

Sec. 23. (a) The cards required by section 22 of this chapter must contain instructions to the voters as to what must be done to:

(1) obtain ballots for voting;

(2) prepare ballots for voting; and

(3) obtain a new ballot in place of one accidentally defaced, mutilated, or spoiled.

(b) The cards must contain, in underlined type, the following:

(1) That it is a crime to violate Indiana election laws.

(2) That the voter should examine the ballot to determine whether the back of the ballot has:

(A) the initials of the poll clerks in ink; or

(B) the printed initials of the poll clerks, in a vote center county using an electronic poll list and a printer separate from the electronic poll list that prints on the back of each ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(3) That the voter should examine the ballot to determine if the ballot has any mark (other than the initials of the poll clerks) before voting.

(4) That the voter should not make any mark on the ballot except a voting mark in the manner provided by IC 3-12-1 because a mark other than a voting mark may void the ballot.

(5) That the voter should return the ballot to the poll clerks and request another ballot if:

(A) the poll clerks' initials have not been properly placed on the ballot;

(B) the ballot has a mark (other than the initials of the poll clerks) before the voter places a voting mark on the ballot; or

(C) the voter has improperly marked the ballot.

(c) The cards must also set out copies of IC 3-14-2-16, IC 3-14-2-17, IC 3-14-3-10, IC 3-14-3-13, IC 3-14-3-15, IC 3-14-3-16, and IC 3-14-4-9.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.217; P.L.55-2014, SEC.2.

IC 3-11-3-24

Instruction cards; posting

Sec. 24. The inspector of each precinct shall have the cards

required by section 22 of this chapter posted as follows:

(1) One (1) of each card in each place or compartment provided for the preparation of ballots.

(2) One (1) of each card at or close to the outer end of the chute.

(3) At least three (3) of each card in and about the polls.

As added by P.L.5-1986, SEC.7. Amended by P.L.69-2003, SEC.3.

IC 3-11-3-25

Sample ballots; posting

Sec. 25. As required by 42 U.S.C. 15482, the inspector of each precinct shall post the samples of each of the state and local ballots provided by the county election board under this article in and about the polls. The sample ballots shall be printed on different paper than the genuine ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.102; P.L.209-2003, SEC.111.

IC 3-11-3-26

Loss or destruction of ballots delivered to county election board; report; affidavit of circumstances; resupply

Sec. 26. If by accident or casualty the ballots delivered to a county election board, circuit court clerk, inspector, or other messenger are lost or destroyed, the person in custody of the ballots shall report the loss at once to the election board from which the ballots were obtained. The person in custody of the ballots shall make an affidavit of the circumstances of the loss, and the election board from which the ballots were obtained immediately shall resupply the person.

As added by P.L.5-1986, SEC.7.

IC 3-11-3-27

Failure or refusal to report and make proof of loss of ballots

Sec. 27. If the person in custody of the ballots fails or refuses to report and make proof of the loss as required by section 26 of this chapter, then any voter may do so. Upon such a report the election board from which the ballots were obtained immediately shall send a new supply of ballots by special messenger, as provided in other cases.

As added by P.L.5-1986, SEC.7.

IC 3-11-3-28

Securing ballots or other means of voting when none available

Sec. 28. If for any reason there are no ballots or other necessary means for voting at the opening of the polls, the precinct election board shall secure them as quickly as possible. If necessary, the board may have ballots printed. However, the ballots must conform as nearly as possible to the official ballots. The printing and the care of the ballots are governed by the same provisions and penalties as the printing and care of the other ballots prescribed by this article.

As added by P.L.5-1986, SEC.7.

IC 3-11-3-29

Candidates appointed or selected after printing of ballots and before election; name change

Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, the election board may print ballots containing the name of the new candidate.

(b) If a candidate entitled to be placed on the ballot changes the candidate's legal name after the printing of ballots and before the election, the board is not required to reprint ballots to reflect the change of legal name.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.218; P.L.5-1989, SEC.49; P.L.4-1996, SEC.65; P.L.3-1997, SEC.271; P.L.202-1999, SEC.19; P.L.225-2011, SEC.53; P.L.194-2013, SEC.47.

IC 3-11-3-29.3

Death of candidate who filed with secretary of state or election division; name of deceased candidate printed on ballot; replacement ballot; vote cast for deceased candidate void

Sec. 29.3. (a) This section applies to a candidate who has filed with the secretary of state or election division as a candidate for nomination in a primary election.

(b) If the election division determines that a candidate for nomination in a primary has died, the division shall:

(1) not include the name of the candidate in the certification transmitted to the county under IC 3-8-2-17; or

(2) if the certification to the county has already been transmitted, notify the county election board of each county to which the candidate's name has been previously certified.

(c) The county election board shall not print the name of a deceased candidate described in subsection (b) on a primary ballot. However, if the county election board has already printed ballots containing the name of the deceased candidate, the county may provide those ballots to voters and shall not reprint the ballot to remove the name of the deceased candidate.

(d) A voter who has cast a ballot containing the name of a deceased candidate is entitled to request a replacement absentee ballot under IC 3-11-10-1.5.

(e) Any vote cast for a deceased candidate in the primary election is void.

As added by P.L.194-2013, SEC.48.

IC 3-11-3-29.4

Death of candidate who filed with circuit court clerk or board of elections and registration; name of deceased candidate printed on ballot; replacement ballot; vote cast for deceased candidate void

Sec. 29.4. (a) This section applies to a candidate who has filed with a circuit court clerk or board of elections and registration as a candidate for:

(1) nomination in a primary election or municipal primary election; or

(2) election to a political party office in a primary election.

(b) If the county election board determines by unanimous vote of the entire membership that there is good cause to believe that a candidate has died, the board shall not print the name of the candidate on the primary ballot.

(c) However, if the county election board has already printed ballots containing the name of the deceased candidate, the county may provide those ballots to voters and shall not reprint the ballot to remove the name of the deceased candidate.

(d) A voter who has cast a ballot containing the name of a deceased candidate is entitled to request a replacement absentee ballot under IC 3-11-10-1.5.

(e) Any vote cast for a deceased candidate in the primary election is void.

As added by P.L.194-2013, SEC.49. Amended by P.L.76-2014, SEC.31.

IC 3-11-3-29.5

Pasters; deceased candidates; vacancies

Sec. 29.5. (a) This section applies to a general or special election in which the name of a candidate appears on the ballot. This section does not apply to an election for presidential electors in which the name of a candidate for President of the United States or Vice President of the United States appears on the ballot.

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

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

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

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

(B) votes unanimously by the entire membership that there is good cause to believe that the candidate has died.

(c) The election board shall provide the number of ballots necessary to reflect a vacancy to the following:

(1) The absentee voter board.

(2) The inspector of each precinct in which the candidate is on the ballot.

(3) The circuit court clerk.

(d) The election board may order the printing of new ballots that omit the name of a candidate described in subsection (b). A ballot printed under this subsection must contain the statement "NO CANDIDATE" or "CANDIDATE DECEASED" or words to that effect at the appropriate position on the ballot.

(e) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled after noon five (5) days before the election, the election board is not

required to reprint ballots to remove the name of an individual who is no longer a candidate but may do so upon the vote of the election board.
As added by P.L.4-1991, SEC.65. Amended by P.L.2-1993, SEC.31; P.L.3-1993, SEC.121; P.L.4-1996, SEC.66; P.L.3-1997, SEC.272; P.L.38-1999, SEC.36; P.L.219-2013, SEC.32; P.L.258-2013, SEC.71.

IC 3-11-3-30
Repealed
(Repealed by P.L.194-2013, SEC.50.)

IC 3-11-3-31
Leftover ballots; preservation; destruction
Sec. 31. (a) Each county election board shall preserve the unused ballots that are left over after supplying the precincts, as prescribed by section 11 of this chapter. The ballots shall be preserved until expiration of the time for filing a contest or recount petition under IC 3-12.
(b) The board shall then destroy all of the ballots, except for one (1) regular ballot and one (1) provisional ballot.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.220; P.L.3-1993, SEC.123; P.L.126-2002, SEC.44.

IC 3-11-3-32
Preservation of ballot in election record; entry of information
Sec. 32. (a) The county election board shall securely paste the one (1) regular ballot that was preserved under section 31 of this chapter in the election record immediately before the provisional ballot placed under subsection (b). The board shall also enter below the ballot the number of ballots:
(1) printed by the board;
(2) delivered to each messenger; and
(3) destroyed by the board.
(b) The county election board shall securely paste the one (1) provisional ballot that was preserved under section 31 of this chapter in the election record immediately after the regular ballot placed in the record under subsection (a) and immediately before the place where the vote is to be recorded. The board shall also enter below the provisional ballot the number of provisional ballots:
(1) printed by the board;
(2) delivered to each messenger; and
(3) destroyed by the board.
As added by P.L.5-1986, SEC.7. Amended by P.L.126-2002, SEC.45.

IC 3-11-3-33
Provision of ballot box
Sec. 33. Whenever a general election is held, the county election board shall provide a ballot box for each precinct.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.221.

IC 3-11-3-34
Ballot boxes; specifications

Sec. 34. Each ballot box provided under section 33 of this chapter must:

(1) have an opening in the lid sufficient only for a single ballot;

(2) have at least two (2) locks of different kinds and combinations, so that one (1) key will not unlock the other; and

(3) be constructed to prevent fraud.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.222.

IC 3-11-3-35
Counties with population of more than 400,000 but less than 700,000; voting system malfunction; paper ballots and necessary supplies

Sec. 35. (a) This section applies to a county having a population of more than four hundred thousand (400,000), but less than seven hundred thousand (700,000).

(b) In each precinct where voting is by electronic voting system, the county election board shall provide the following to be used if an electronic voting system malfunctions:

(1) The following number of paper ballots:

(A) Not less than ten (10) if the number of registered voters in the precinct is not more than three hundred (300).

(B) Not less than twenty-five (25) if the number of registered voters in the precinct is more than three hundred (300).

(2) The necessary supplies and equipment as required by IC 3-11-11.

(c) Upon notice that an electronic voting system is out of order or fails to work, the precinct election board shall make the paper ballots provided under subsection (b) available to voters. The precinct election board shall contact the county election board to obtain additional ballots.

(d) Upon notice that an electronic voting system is out of order or fails to work, the county election board shall deliver additional necessary supplies to any precinct in the county, including additional paper ballots.

As added by P.L.10-1992, SEC.22. Amended by P.L.20-1993, SEC.1; P.L.221-2005, SEC.45.

IC 3-11-4

Chapter 4. Eligibility and Application for Absentee Ballot

IC 3-11-4-0.5

When an absentee ballot is considered sent to a voter

Sec. 0.5. For purposes of this chapter, an absentee ballot application or an absentee ballot is considered "sent" to a voter if the application or ballot is:

(1) sent by United States mail addressed to the voter;

(2) transmitted by fax to a number provided by the voter; or

(3) personally given to the voter.

As added by P.L.126-2002, SEC.46.

IC 3-11-4-1

Entitlement to vote by absentee ballot in clerk's office or satellite office; conditions

Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot. Except as otherwise provided in this article, a voter voting by absentee ballot must vote in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2) or at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12.5 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.223; P.L.7-1990, SEC.40; P.L.4-1991, SEC.67; P.L.3-1993, SEC.124; P.L.17-1993, SEC.10; P.L.1-1994, SEC.4; P.L.12-1995, SEC.76; P.L.3-1995, SEC.98; P.L.2-1996, SEC.140; P.L.126-2002, SEC.47; P.L.14-2004, SEC.101; P.L.66-2010, SEC.9.

IC 3-11-4-2

Application for absentee ballot; completion; execution; handling; affidavits

Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The name of the individual.

(2) The voter registration address of the individual.

(3) The mailing address of the individual.

(4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

(4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board not later than:

(1) noon ten (10) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) Beginning January 1, 2015, the date (or dates) that the absentee ballot applications attached to the affidavit were received.

(4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(5) A statement that the person is executing the affidavit under

the penalties of perjury.

(6) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

As added by P.L.5-1986, SEC.7. Amended by P.L.38-1999, SEC.37; P.L.126-2002, SEC.48; P.L.103-2005, SEC.2; P.L.121-2012, SEC.1; P.L.194-2013, SEC.51; P.L.64-2014, SEC.41.

IC 3-11-4-2.1

False, fictitious, or fraudulent absentee ballot application; delivery to county election board; sworn statement; county election board action

Sec. 2.1. If a person receives a completed absentee ballot application that the person has reason to believe is materially false, fictitious, or fraudulent, the person shall deliver the application to the appropriate county election board not later than the deadline set forth in section 2 of this chapter, with a statement sworn or affirmed to under the penalties for perjury, setting forth the reasons why the person believes that the application may be materially false, fictitious, or fraudulent. The county election board shall act under IC 3-6-5-31 to determine if a violation of election law has occurred.

As added by P.L.194-2013, SEC.52.

IC 3-11-4-3

Deadline for receipt of absentee ballot applications; application received by election division

Sec. 3. (a) Except as provided in section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) not earlier than the date the registration period resumes under IC 3-7-13-10 nor later than the following:

(1) Noon on election day if the voter registers to vote under IC 3-7-36-14.

(2) Noon on the day before election day if the voter:

(A) completes the application in the office of the circuit court clerk under IC 3-11-10-26; or

(B) is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by electronic mail or fax under section 6(h) of this chapter.

(3) Noon on the day before election day if:

(A) the application is a mailed, transmitted by fax, or hand delivered application from a confined voter or voter caring for a confined person; and

(B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board under IC 3-11-10-25.

(4) 11:59 p.m. on the eighth day before election day if the application:

(A) is a mailed application;

(B) was transmitted by fax; or

(C) was hand delivered;

from other voters who request to vote by mail under IC 3-11-10-24.

(b) An application for an absentee ballot received by the election division by the time and date specified by subsection (a)(2)(B), (a)(3), or (a)(4) is considered to have been timely received for purposes of processing by the county. The election division shall immediately transmit the application to the circuit court clerk, or the director of the board of elections and registration, of the county where the applicant resides. The election division is not required to complete or file the affidavit required under section 2(h) of this chapter whenever the election division transmits an application under this subsection.

As added by P.L.5-1986, SEC.7. Amended by P.L.14-1987, SEC.1; P.L.3-1987, SEC.224; P.L.10-1988, SEC.103; P.L.5-1989, SEC.50; P.L.7-1990, SEC.41; P.L.12-1992, SEC.8; P.L.8-1992, SEC.17; P.L.3-1997, SEC.273; P.L.38-1999, SEC.38; P.L.176-1999, SEC.67; P.L.126-2002, SEC.49; P.L.1-2003, SEC.3; P.L.14-2004, SEC.102; P.L.103-2005, SEC.3; P.L.66-2010, SEC.10; P.L.225-2011, SEC.54; P.L.219-2013, SEC.33.

IC 3-11-4-4

Manner of making application; furnished forms; fax and electronic mail applications

Sec. 4. (a) Applications may be made on application forms approved by the commission by any of the following means:

(1) In person.

(2) By fax transmission.

(3) By mail (including United States mail or bonded courier).

(4) By electronic mail with a digital image of the application and signature of the applicant, if transmitted by an absent uniformed services voter or an overseas voter acting under section 6 of this chapter.

(b) Application forms shall:

(1) be furnished to a central committee of the county at the request of the central committee;

(2) be:

(A) mailed;

(B) transmitted by fax; or

(C) transmitted by electronic mail with a digital image of the application;

upon request, to a voter applying by mail, by telephone, by electronic mail, or by fax; and

(3) be delivered to a voter in person who applies at the circuit court clerk's office.

(c) A county election board shall accept an application for an absentee ballot transmitted by fax even though the application is delivered to the county election board by a person other than the person submitting the application.

(d) When an application is received under subsection (a)(4), the circuit court clerk's office (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.4, the office of the board of elections and registration) shall send an electronic mail receipt acknowledging receipt of the voter's application.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.225; P.L.5-1989, SEC.51; P.L.10-1989, SEC.6; P.L.8-1992, SEC.18; P.L.3-1993, SEC.125; P.L.2-1996, SEC.141; P.L.126-2002, SEC.50; P.L.120-2009, SEC.6; P.L.66-2010, SEC.11; P.L.219-2013, SEC.34.

IC 3-11-4-5
Repealed

(Repealed by P.L.8-1992, SEC.43.)

IC 3-11-4-5.1
Application form; prescribed by commission; contents

Sec. 5.1. (a) The commission 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 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 commission 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 commission 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 commission 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 commission 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 residence is at 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.

As added by P.L.8-1992, SEC.19. Amended by P.L.17-1993, SEC.11; P.L.12-1995, SEC.77; P.L.2-1996, SEC.142; P.L.103-2005, SEC.4; P.L.1-2006, SEC.5; P.L.121-2012, SEC.2; P.L.219-2013, SEC.35; P.L.194-2013, SEC.53; P.L.64-2014, SEC.42.

IC 3-11-4-5.5

Election division designated as single office for voter registration and absentee ballot procedures for overseas and absent uniformed services voters

Sec. 5.5. In accordance with 42 U.S.C. 1973ff-1(b), but subject to section 5.7 of this chapter, the election division is designated as the single office in Indiana responsible for providing information regarding voter registration procedures under IC 3-7 and absentee ballot procedures under this chapter to be used by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in Indiana.

As added by P.L.209-2003, SEC.112. Amended by P.L.66-2010, SEC.12.

IC 3-11-4-5.7

Military and Overseas Voter Empowerment Act; delegation of authority to counties; designation of communications means; providing applications to voters; security and privacy of application requests; providing information to voters; free access system

Sec. 5.7. (a) As used in this section, "MOVE" refers to the Military and Overseas Voter Empowerment Act (Sections 577 through 589 of the National Defense Authorization Act for Fiscal Year 2010).

(b) Except as expressly provided by law, the state delegates its responsibilities to carry out the requirements of MOVE to each county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4).

(c) To implement 42 U.S.C. 1973ff-1, electronic mail, fax, and web publication are designated as means of communication for an absent uniformed services voter or an overseas voter to request a

voter registration application and an absentee ballot application from the election division, a county election board, or a county voter registration office.

(d) An office described in subsection (c) that receives an electronic mail or fax from a voter shall provide an absentee ballot application or a voter registration application by electronic mail or fax to the voter if:

(1) requested by the voter; and

(2) the voter provides an electronic mail address or a fax number that permits the office to send an application not later than the end of the first business day after the office receives the communication from the voter.

If the electronic mail address or the fax number provided by the voter does not permit the office to send the voter an application not later than the end of the first business day after the office receives the communication, the office shall send the application to the voter by United States mail.

(e) As required by 42 U.S.C. 1973ff-1, to the extent practicable and permitted under state law (including IC 3-7 and IC 5-14-3), an office described in subsection (c) shall ensure that the procedures used to transmit an absentee ballot application or a voter registration application to an absent uniformed services voter or overseas voter protect the security and integrity of the application request processes, and that the privacy of the identity and other personal data of the voter who requests or is sent an application under subsection (d) is protected throughout the process of making the request or being sent the application.

(f) As required under 42 U.S.C. 1973ff-1, an office described in subsection (c) shall include information regarding the use of electronic mail, fax, and web publication with all informational and instructional materials that are sent with an absentee ballot application or an absentee ballot to an absent uniformed services voter or overseas voter.

(g) To implement Section 580 of MOVE, and in accordance with IC 3-7-26.3-3, the secretary of state, with the approval of the election division, shall develop a free access system that permits an absent uniformed services voter or overseas voter to determine whether the voter's absentee ballot has been received by the appropriate county election board (or board of elections and registration), regardless of the manner in which the absentee ballot was transmitted by the voter to the board. To the extent permitted by IC 3-7 and IC 5-14-3, the system must contain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the system.

As added by P.L.66-2010, SEC.13.

IC 3-11-4-6

Absent uniformed services voters, overseas voters, and address confidentiality voters; transmission of applications and ballots

Sec. 6. (a) This section applies, notwithstanding any other

provision of this title, to absentee ballot applications for the following:

(1) An absent uniformed services voter.

(2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).

(3) An overseas voter.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section. A person may apply for an absentee ballot at any time after the registration period resumes under IC 3-7-13-10.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing either of the following:

(1) A combined absentee registration form and absentee ballot request approved under 42 U.S.C. 1973ff(b)(2).

(2) A form prescribed under IC 3-5-4-8 that identifies the applicant as an absent uniformed services voter or an overseas voter. A form prescribed under this subdivision must permit the applicant to designate whether the applicant wishes to receive the absentee ballot by electronic mail, fax, or United States mail.

(d) If the county election board receives an absentee ballot application from a person described by subsection (c), the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under section 15 of this chapter, unless the person has indicated under subsection (c) that the person wishes to receive the absentee ballot by electronic mail or fax.

(e) Whenever a voter files an application for an absentee ballot and indicates on the application that the voter is an absent uniformed services voter or an overseas voter, the application is an adequate application for an absentee ballot for an election conducted during the period that ends on December 31 following the date the application is filed, unless an absentee ballot mailed to the voter at the address set forth in the application is returned to the county election board during that period as undeliverable. The circuit court clerk and county election board shall process this application and send general election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for a change of address within the same county or for a change of name or other information set forth in the voter's registration record, the previously approved absentee ballot application remains effective for the same period, unless the acknowledgment notice sent to the voter at that address is returned by the United States Postal Service due to an unknown or insufficient address in accordance with IC 3-7-33-5. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for an address that

is not located in the same county, the voter must file a new absentee ballot application under this section with the appropriate county election board.

(f) Whenever a voter described in subsection (a)(2) files an application for a primary election absentee ballot and indicates on the application that the voter is an address confidentiality program participant, the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the period that ends on December 31 following the date the application is filed. The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(g) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

(1) To a law enforcement agency, upon request.

(2) As directed by a court order.

(h) The county election board shall by fax or electronic mail transmit an absentee ballot to and receive an absentee ballot from an absent uniformed services voter or an overseas voter by electronic mail or fax at the request of the voter indicated in the application filed under this section. If the voter wants to submit absentee ballots by fax or electronic mail, the voter must separately sign and date a statement submitted with the electronic mail or the fax transmission that states substantively the following: "I understand that by faxing or e-mailing my voted ballot I am voluntarily waiving my right to a secret ballot.".

(i) The county election board shall send confirmation to a voter described in subsection (h) that the voter's absentee ballot has been received as follows:

(1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.

(3) If:

(A) the voter does not provide a fax number or an electronic mail address; or

(B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's absentee ballot;

the county election board shall send the confirmation by United States mail.

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

(j) Upon approval of the voter's absentee ballot application, a county election board shall transmit an absentee ballot to an absent uniformed services voter or an overseas voter by electronic mail under a program authorized and administered by the Federal Voting Assistance Program of the United States Department of Defense or directly to the voter at the voter's electronic mail address, if requested to do so by the voter. A voter described by this section may transmit the voted absentee ballot to a county election board by electronic mail. If a voter described in this section transmits the voted absentee ballot through the United States Department of Defense program, the ballot must be transmitted in accordance with the procedures established under that program. An electronic mail message transmitting a voted absentee ballot under this subsection must include a digital image of the voter's signature on the statement required under subsection (h).

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.17; P.L.14-1987, SEC.3; P.L.10-1989, SEC.8; P.L.7-1990, SEC.43; P.L.8-1992, SEC.20; P.L.3-1997, SEC.274; P.L.273-2001, SEC.1; P.L.126-2002, SEC.51; P.L.1-2003, SEC.4; P.L.209-2003, SEC.113; P.L.198-2005, SEC.2; P.L.66-2010, SEC.14; P.L.225-2011, SEC.55; P.L.219-2013, SEC.36.

IC 3-11-4-6.1
Repealed

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

IC 3-11-4-7
Uniformed services voters, overseas voters, and address confidentiality voters; requirements for application

Sec. 7. (a) An absentee ballot application under section 6 of this chapter must be made on a standard form approved under 42 U.S.C. 1973ff(b) or on the form prescribed by the commission under section 5.1 of this chapter.

(b) An absentee ballot application under section 6 of this chapter from an:

(1) absent uniformed services voter; or

(2) address confidentiality program participant (as defined in IC 5-26.5-1-6);

must show that the voter or program participant is a resident otherwise qualified to vote in the precinct.

(c) An absentee ballot application under section 6 of this chapter

from an overseas voter must show that the overseas voter was a resident and otherwise qualified to vote in the precinct where the voter resided before leaving the United States.
As added by P.L.5-1986, SEC.7. Amended by P.L.14-1987, SEC.4; P.L.3-1989, SEC.10; P.L.8-1992, SEC.21; P.L.2-1996, SEC.143; P.L.273-2001, SEC.2; P.L.126-2002, SEC.52.

IC 3-11-4-8
Nonresident overseas voter; entitled to receive only federal ballots; precinct of voter

Sec. 8. (a) This section applies to an overseas voter described in IC 3-5-2-34.5(3).

(b) An overseas voter who resides outside the United States and who is no longer a resident of a precinct in Indiana is only entitled to receive absentee ballots for a federal office under this chapter.

(c) A voter described in subsection (a) is considered to be a voter of the Indiana precinct where the voter registration office of the county where the person was domiciled before leaving the United States is located.
As added by P.L.5-1986, SEC.7. Amended by P.L.14-1987, SEC.5; P.L.10-1989, SEC.9; P.L.7-1990, SEC.44; P.L.8-1992, SEC.22; P.L.3-1997, SEC.275; P.L.126-2002, SEC.53; P.L.66-2003, SEC.36; P.L.198-2005, SEC.3.

IC 3-11-4-9
Repealed

(Repealed by P.L.126-2002, SEC.93.)

IC 3-11-4-10
Estimate of number of ballots required

Sec. 10. Each circuit court clerk shall:

(1) not less than sixty (60) days before the date on which a general, primary, or municipal election is held; or

(2) not more than three (3) days after the date on which a special election is ordered;

estimate the number of absentee ballots that will be required in the county for the election.
As added by P.L.5-1986, SEC.7. Amended by P.L.10-1989, SEC.10; P.L.7-1990, SEC.45.

IC 3-11-4-11
Repealed

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

IC 3-11-4-12
Repealed

(Repealed by P.L.66-2010, SEC.31.)

IC 3-11-4-12.5
Absent uniformed services voter or overseas voter; use of federal

write-in absentee ballot form; waiver of confidentiality not required

Sec. 12.5. (a) This section applies to an absent uniformed services voter or overseas voter.

(b) If a voter makes a timely application for and does not receive an absentee ballot from a county election board, the voter may use a federal write-in absentee ballot in the form prescribed by the Federal Voting Assistance Program of the United States Department of Defense and in accordance with the requirements set forth in 42 U.S.C. 1973ff-2 to cast a vote by mail, electronic mail, or fax for any of the following:

(1) Any candidate for nomination at a primary election.

(2) Any candidate, political party, or public question on a general election, municipal election, or special election ballot.

(c) The voluntary waiver of confidentiality under section 6(h) of this chapter is not required for a federal write-in absentee ballot.

(d) When a county election board receives a federal write-in absentee ballot, the board shall process the ballot as prescribed by IC 3-11-10-1(b).

As added by P.L.66-2010, SEC.16. Amended by P.L.219-2013, SEC.37.

IC 3-11-4-13

Repealed

(Repealed by P.L.66-2010, SEC.31.)

IC 3-11-4-14

Ballots other than those specified in IC 3-11-4-12.5; preparation and printing under direction of county election board

Sec. 14. (a) All absentee ballots other than those specified in section 12.5 of this chapter shall be prepared and printed under the direction of each county election board. After completing the estimate required by section 10 of this chapter and receiving all certifications from the election division required under IC 3-8 or IC 3-10, the county election board shall immediately proceed to prepare and have printed the ballots.

(b) Except as provided in subsection (c), ballots prepared by the county election board under this section must provide space for the voter to cast a write-in ballot.

(c) Space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

As added by P.L.5-1986, SEC.7. Amended by P.L.4-1991, SEC.70; P.L.66-2003, SEC.38; P.L.14-2004, SEC.104; P.L.66-2010, SEC.17.

IC 3-11-4-15

Ballots prepared and printed under direction of county election board; delivery to circuit court clerk

Sec. 15. The absentee ballots that are prepared and printed under

the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2) at least fifty (50) days before a general, primary, special, or municipal election.
As added by P.L.5-1986, SEC.7. Amended by P.L.10-1989, SEC.11; P.L.3-1997, SEC.278; P.L.66-2003, SEC.39; P.L.66-2010, SEC.18.

IC 3-11-4-16
Marking on label attached to package of ballots delivered to circuit court clerk; distribution of ballots

Sec. 16. Each package of absentee ballots delivered to a circuit court clerk shall be plainly marked, on an appropriate attached label, with the words: "This package contains _____ (giving number of ballots) absentee ballots." The clerk shall securely keep all ballots in the clerk's office and shall distribute them to applicants as provided in this chapter.
As added by P.L.5-1986, SEC.7.

IC 3-11-4-17
Filing of application received; recording of information in statewide voter registration list

Sec. 17. Upon receipt of an application for an absentee ballot, a circuit court clerk shall file the application in the clerk's office and record all of the following in the statewide voter registration list maintained under IC 3-7-26.3:

(1) The voter's name.
(2) The date the application is received.
(3) The information provided by the voter under section 5.1(d) of this chapter.
(4) The date the ballot is sent to the voter.
(5) If mailed, the address to which the ballot is sent.
(6) If transmitted by fax, the fax number to which the ballot is faxed.
(7) The date the ballot is marked before the clerk or otherwise received from the voter.
(8) The combined total number of absentee ballots sent by the county to absent uniformed services voters and overseas voters.
(9) The total number of absentee ballots returned by voters described in subdivision (8) in time to be counted.
(10) The total number of absentee ballots described in subdivision (8) that were counted in whole or in part.
(11) Any other information that is necessary or advisable.

As added by P.L.5-1986, SEC.7. Amended by P.L.126-2002, SEC.54; P.L.198-2005, SEC.6; P.L.96-2012, SEC.3; P.L.121-2012, SEC.3; P.L.13-2013, SEC.3.

IC 3-11-4-17.5
Consideration of application; determinations; denial of application; casting provisional ballot; filing additional documentation; transfer of registrations

Sec. 17.5. (a) Upon receiving an application for an absentee

ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

(1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;

(2) the information set forth on the application appears to be true;

(3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual acting under section 2(b) of this chapter; and

(4) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (4), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast a provisional ballot, which the county election board shall retain and not transmit to the voter's precinct.

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) A voter's failure to provide the information requested under section 5.1(d) of this chapter does not affect a voter's ability to receive an absentee ballot. A county election board may not deny an application because the voter has not provided the information requested under section 5.1(d) of this chapter as a part of the voter's application for an absentee ballot.

(d) This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d), if the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

(e) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then

determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(f) If the applicant:

(1) is a voter of the precinct according to the registration record; and

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

As added by P.L.3-1997, SEC.279. Amended by P.L.209-2003, SEC.114; P.L.103-2005, SEC.5; P.L.164-2006, SEC.92; P.L.121-2012, SEC.4; P.L.194-2013, SEC.54; P.L.64-2014, SEC.43.

IC 3-11-4-17.7

Replacement official ballots

Sec. 17.7. (a) This section applies when a voter:

(1) has been mailed the official ballot under this chapter; and

(2) notifies the county election board that the ballot has been destroyed, spoiled, lost, or not received by the voter after a reasonable time has elapsed for delivery of the ballot by mail.

(b) As required under 42 U.S.C. 15481, the voter may obtain a replacement official ballot under the procedures set forth in this chapter after the voter files a statement with the county election board. The statement must affirm, under penalties of perjury, that the voter did not receive the official ballot (or that the ballot was received by the voter, but was destroyed, spoiled, or lost), and must set forth any facts known by the voter concerning the destruction, spoiling, or loss of the ballot.

(c) After a voter files the statement required under subsection (b), the county election board may issue a replacement official ballot to the voter in accordance with this chapter and shall include information regarding the official replacement ballot in the certification provided to the precinct inspector under section 22 of this chapter.

(d) After receiving the official replacement ballot, the voter shall destroy any spoiled ballot in the possession of the voter or any lost

or delayed official ballot that comes into the possession of the voter.
As added by P.L.4-1996, SEC.67. Amended by P.L.209-2003, SEC.115.

IC 3-11-4-17.8
Official replacement ballots; procedures

Sec. 17.8. (a) This section applies to a replacement ballot issued under section 17.7 of this chapter.

(b) The county election board shall enclose the official replacement ballot in an envelope that complies with section 20 of this chapter. The envelope must contain a notation that the envelope contains an official replacement ballot.

(c) If the county election board receives both an original absentee ballot and an official replacement ballot issued under section 17.7 of this chapter from the same voter, the board shall reject the original absentee ballot and deliver only the official replacement ballot to the precinct election board.
As added by P.L.3-1997, SEC.280.

IC 3-11-4-18
Mailing of ballots; additional documentation; voter education program

Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be mailed:

(1) on the day of the receipt of the voter's application; or

(2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under

IC 3-7-33-5(f) that the applicant is a registered voter.

(d) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(e) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.229; P.L.10-1988, SEC.105; P.L.4-1991, SEC.71; P.L.3-1993, SEC.128; P.L.3-1995, SEC.99; P.L.126-2002, SEC.55; P.L.209-2003, SEC.116; P.L.14-2004, SEC.105; P.L.103-2005, SEC.6; P.L.164-2006, SEC.93; P.L.66-2010, SEC.19; P.L.194-2013, SEC.55.

IC 3-11-4-18.5

Challenge absentee voter application; affidavit; referral to county election board

Sec. 18.5. (a) Upon receipt of an absentee ballot application, a member of the county election board or a member of an absentee voter board may file an affidavit with the county election board alleging that the application:

(1) was not submitted by a voter of the precinct;

(2) contains a false statement; or

(3) has not been executed or filed in accordance with Indiana or federal law.

(b) The affidavit must be in a form prescribed by the commission and state the following:

(1) The name and title of the individual filing the affidavit.

(2) A brief statement of the facts known or believed by the individual regarding why:

(A) the applicant is not a voter of the precinct;

(B) the application contains a false statement; or

(C) the application has not been executed or filed in accordance with Indiana or federal law.

(3) That the individual is executing the affidavit under the penalties of perjury.

(4) The penalties for perjury.

(c) Upon the filing of the affidavit, the approval or denial of the application shall be referred to the county election board, which shall promptly conduct a hearing on the matter.

(d) The county election board may act under IC 3-6-5-31 to refer the matter to the appropriate prosecuting attorney.

As added by P.L.103-2005, SEC.7.

IC 3-11-4-19

Necessity of circuit court clerk's official seal and signature and initials of members of absentee voter board on ballot mailed

Sec. 19. (a) Subject to IC 3-5-4-9, a ballot that is mailed must bear the circuit court clerk's official seal and signature or facsimile signature on the back of the ballot. Before the ballot is mailed:

(1) the two (2) members of the absentee voter board in the office of the circuit court clerk; or

(2) the two (2) appointed members of the county election board or their designated representatives;

shall place their initials in ink on the back of the ballot. The initials must be in the persons' ordinary handwriting or printing and without a distinguishing mark of any kind. No other initialing of the absentee ballot is necessary.

(b) An absentee ballot that is voted before an absentee voter board under IC 3-11-10-25 or IC 3-11-10-26 must bear the seal, signature, and initials prescribed by IC 3-11-10-27.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.18; P.L.3-1987, SEC.230; P.L.263-2003, SEC.2.

IC 3-11-4-20

Envelope; enclosure of ballot; addressee

Sec. 20. An absentee ballot mailed under section 18 of this chapter shall be enclosed in an envelope, unsealed and stamped for return to the county election board by at least first class mail. One (1) side of the envelope must bear the name, official title, and post office address of the county election board. The pre-addressed, stamped envelope shall be furnished by the county election board.

As added by P.L.5-1986, SEC.7.

IC 3-11-4-21

Envelope; affidavit

Sec. 21. (a) On the other side of the envelope required by section 20 of this chapter shall be printed an affidavit in conformity with 42 U.S.C. 1973ff-1(b), providing that the voter affirms under penalty of perjury that the following information is true:

(1) The name of the precinct and township (or ward and city or town).

(2) That the voter is:

(A) a resident of; or

(B) entitled under IC 3-10-11 or IC 3-10-12 to vote in;

the precinct.

(3) The voter's complete residence address, including the name of the city or town and county.

(4) That the voter is entitled to vote in the precinct, the type of election to be held, and the date of the election.

(5) That:

(A) the voter has personally marked the enclosed ballot or ballots in secret and has enclosed them in this envelope and sealed them without exhibiting them to any other person;

(B) the voter personally marked the enclosed ballot or

ballots, enclosed them in this envelope, and sealed them with the assistance of an individual whose name is listed on the envelope and who affirms under penalty of perjury that the voter was not coerced or improperly influenced by the individual assisting the voter or any other person, in a manner prohibited by state or federal law, to cast the ballot for or against any candidate, political party, or public question; or

(C) as the properly authorized attorney in fact for the undersigned under IC 30-5-5-14, the attorney in fact affirms the voter personally marked the enclosed ballot or ballots in secret and enclosed them in this envelope and sealed them without exhibiting them to the attorney in fact or to any other person.

(6) The date and the voter's signature.

(b) If the affidavit is signed by an attorney in fact, the name of the attorney in fact must be indicated.

(c) A guardian or conservator of an individual may not sign an affidavit for the individual under this section unless the guardian or conservator also holds a power of attorney authorizing the guardian or conservator to sign the affidavit.

(d) The side of the envelope containing this affidavit must also set forth the penalties for perjury.

As added by P.L.5-1986, SEC.7. Amended by P.L.17-1993, SEC.12; P.L.12-1995, SEC.79; P.L.3-1995, SEC.100; P.L.3-1997, SEC.281; P.L.38-1999, SEC.40; P.L.209-2003, SEC.117; P.L.103-2005, SEC.8.

IC 3-11-4-22

Duties of circuit court clerk

Sec. 22. Each circuit court clerk shall do both of the following:

(1) Keep a separate absentee ballot record for each precinct in the county.

(2) Certify to each inspector, at the time that the absentee ballots are delivered, all the following:

(A) The number of absentee ballots sent to each absentee voter.

(B) The number of absentee ballots marked before the clerk.

(C) The names of the voters to whom the ballots were sent or who marked ballots in person.

As added by P.L.5-1986, SEC.7. Amended by P.L.126-2002, SEC.56.

IC 3-11-4.5
Repealed

(Repealed by P.L.4-1996, SEC.106.)

IC 3-11-5
Repealed

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

IC 3-11-6

Chapter 6. Voting System Purchase Fund

IC 3-11-6-1

Establishment

Sec. 1. The legislative body of a county may establish a cumulative fund under IC 6-1.1-41 to provide funds for the purchase of ballot card voting systems or electronic voting systems.

As added by P.L.5-1986, SEC.7. Amended by P.L.5-1988, SEC.6; P.L.17-1995, SEC.1; P.L.221-2005, SEC.46.

IC 3-11-6-2

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6-3

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6-4

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6-5

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6-6

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6-7

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6-8

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6-9

Tax levy; rate

Sec. 9. To provide for a cumulative fund, a county may levy a tax in compliance with IC 6-1.1-41 on all taxable property within the county. The tax may not exceed one and sixty-seven hundredths cents ($0.0167) on each one hundred dollars ($100) of assessed valuation.

As added by P.L.5-1986, SEC.7. Amended by P.L.17-1995, SEC.2; P.L.6-1997, SEC.2.

IC 3-11-6-10

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6-11

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6-12

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6-13

Name of fund

Sec. 13. The tax collected under section 9 of this chapter shall be held in a cumulative fund to be known as the voting system purchase fund.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.233; P.L.17-1995, SEC.3.

IC 3-11-6-14

Repealed

(Repealed by P.L.17-1995, SEC.45.)

IC 3-11-6.5

Chapter 6.5. Voting System Improvement

IC 3-11-6.5-0.3

"Fund"

Sec. 0.3. As used in this chapter, "fund" refers to the election administration assistance fund established by section 2 of this chapter.

As added by P.L.209-2003, SEC.118.

IC 3-11-6.5-0.5

Repealed

(Repealed by P.L.97-2004, SEC.133.)

IC 3-11-6.5-0.7

"Purchase"

Sec. 0.7. As used in this chapter, "purchase" includes the purchasing, leasing, and lease-purchasing of voting systems.

As added by P.L.209-2003, SEC.119.

IC 3-11-6.5-1

Quantity purchase agreements; purchase of voting systems by state; purchase of voting system by counties for voters with disabilities

Sec. 1. (a) As used in this section, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

(b) The department shall award quantity purchase agreements to vendors for new voting systems or upgrades or expansion of existing voting systems by counties.

(c) Both of the following must apply before the department may issue a quantity purchase agreement to a voting system vendor:

(1) The commission has found that all of the following would be enhanced by the vendor's new or upgraded voting system:

(A) Reliability of a county's voting system.

(B) Efficiency of a county's voting system.

(C) Ease of use by voters.

(D) Public confidence in a county's voting system.

(2) The commission has otherwise approved the vendor's new voting system or the upgrade or expansion of the existing voting system for use under this title.

(d) The quantity purchase agreement must include options for a county to:

(1) purchase;

(2) lease-purchase; or

(3) lease;

new voting systems or upgrades or expansion of existing voting systems.

(e) The purchase of new voting systems or upgrades or expansions of existing voting systems by a county or under a quantity purchase agreement entered into by the department under this section is

considered an acquisition by the state for purposes of 42 U.S.C. 15401 if the voting system, upgrade, or expansion complies with 42 U.S.C. 15481 through 15502.

(f) Each county shall purchase at least one (1) voting system under this section for each polling place in the county to meet the requirements set forth under IC 3-11-15-13 (repealed).

As added by P.L.239-2001, SEC.7. Amended by P.L.209-2003, SEC.120; P.L.164-2006, SEC.94; P.L.1-2009, SEC.3.

IC 3-11-6.5-2

Election administration assistance fund; purpose; administration of fund

Sec. 2. (a) In accordance with 42 U.S.C. 15404, the election administration assistance fund is established for the following purposes:

(1) As provided by 42 U.S.C. 15401, to carry out activities to improve the administration of elections for federal office.

(2) As provided by 42 U.S.C. 15401, to use funds provided to the state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) as a reimbursement of costs in obtaining voting equipment that complies with 42 U.S.C. 15481 if the state obtains the equipment after November 7, 2000.

(3) As provided by 42 U.S.C. 15401, to use funds provided to the state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) as a reimbursement of costs in obtaining voting equipment that complies with 42 U.S.C. 15481 under a multiyear contract incurred after December 31, 2000.

(4) For reimbursing counties for the purchase of new voting systems or for the upgrade or expansion of existing voting systems that would not qualify for reimbursement under subdivision (2) or (3).

(b) The fund consists of the following:

(1) Money appropriated to the fund by the general assembly, including any money appropriated from the build Indiana fund.

(2) All money allocated to the state by the federal government:

(A) under Section 101 of HAVA (42 U.S.C. 15301), as required by 42 U.S.C. 15304;

(B) under Section 102 of HAVA (42 U.S.C. 15302), as required by 42 U.S.C. 15304;

(C) under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408); and

(D) under any other program for the improvement of election administration.

(3) Proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law.

The auditor of state shall establish an account within the fund for money appropriated by the general assembly and separate accounts within the fund for any money received by the state from the federal government for each source of allocations described under subdivision (2). Proceeds of bonds issued by the Indiana bond bank

under subdivision (3) may be deposited into any account, as determined by the election division.

(c) The secretary of state shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the Section 101 account of the fund. If money is not available for this purpose in the Section 101 account of the fund, the expenses of administering the fund shall be paid from money appropriated under subsection (b)(1).

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund and allocated among the accounts within the fund according to the balances of the respective accounts.

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

(g) Money in the fund is appropriated continuously for the purposes stated in subsection (a).

As added by P.L.239-2001, SEC.7. Amended by P.L.209-2003, SEC.121; P.L.153-2013, SEC.6.

IC 3-11-6.5-2.1
Administration of fund under HAVA state plan

Sec. 2.1. The secretary of state may administer the fund in accordance with the HAVA state plan, as published in the Indiana Register on November 1, 2003. The state plan may be amended in accordance with the requirements of HAVA and the procedures for amendment set forth in the plan. If the plan is amended as provided in this section, the fund may be administered in accordance with that amendment.

As added by P.L.14-2004, SEC.107. Amended by P.L.153-2013, SEC.7.

IC 3-11-6.5-3
Repealed

(Repealed by P.L.209-2003, SEC.203.)

IC 3-11-6.5-3.1
Use of HAVA Title II funds; maintenance of expenditures

Sec. 3.1. (a) This section applies to money received under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) and deposited in the account established under section 2 of this chapter for those funds.

(b) Money deposited in the account must be used to comply with the requirements of Title III of HAVA (42 U.S.C. 15481 through 15502).

(c) In conformity with Section 254(a)(7) of HAVA (42 U.S.C. 15404), the state shall maintain expenditures by the state for activities funded by the payment of funds described by this section at a level that is not less than the level of those expenditures

maintained by the state for the fiscal year ending June 30, 2000.
As added by P.L.209-2003, SEC.122. Amended by P.L.97-2004, SEC.5; P.L.153-2013, SEC.8.

IC 3-11-6.5-4
Applications for reimbursement from fund; approval of reimbursements

Sec. 4. (a) To receive reimbursement for the purchase of voting systems under this chapter, a county must file an application with the election division, in the form required by the election division. The secretary of state shall review the application and make a recommendation to the budget committee regarding the application.

(b) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if the budget agency determines any of the following:

(1) The county has purchased or will purchase a new voting system or an upgrade or expansion of an existing voting system to comply with HAVA that would be eligible for reimbursement under HAVA and this chapter from any fund account.

(2) The county has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system. This subdivision applies only if the purchase of a new voting system is eligible for reimbursement under HAVA.

As added by P.L.239-2001, SEC.7. Amended by P.L.209-2003, SEC.123; P.L.108-2008, SEC.2; P.L.153-2013, SEC.9.

IC 3-11-6.5-5
Reimbursement of county from fund

Sec. 5. (a) If a county's application is approved under section 4 of this chapter, the secretary of state shall, subject to this section, reimburse the county from the fund an amount to be determined by the secretary of state.

(b) Payment of money from the fund is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

(c) It is the intent of the general assembly that a county eligible for reimbursement under section 4 of this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law.

As added by P.L.239-2001, SEC.7. Amended by P.L.209-2003, SEC.124; P.L.164-2006, SEC.95; P.L.153-2013, SEC.10.

IC 3-11-6.5-6
Repealed

(Repealed by P.L.209-2003, SEC.203.)

IC 3-11-6.5-6.1
Repealed

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

IC 3-11-6.5-7
Repealed
(Repealed by P.L.209-2003, SEC.203.)

IC 3-11-6.5-7.1
HAVA Section 102 funds; reimbursements to counties

Sec. 7.1. (a) This section applies to money received under Section 102 of HAVA (42 U.S.C. 15302) and deposited in the account established under section 2 of this chapter for those funds.

(b) Money deposited in the account must be used for the purposes set forth in Section 102 of HAVA (42 U.S.C. 15302).

(c) As permitted under 42 U.S.C. 15302, a county may apply to receive reimbursement from the fund.

(d) To receive reimbursement or voting systems under this section, a county must file an application with the election division in the form required by the election division. The secretary of state shall review the application and make a recommendation to the budget committee regarding the application.

(e) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement if the budget agency determines that the county has purchased a voting system to comply with Section 102 of HAVA and is eligible for reimbursement under this section.

(f) The budget agency, after review by the budget committee, shall approve a county's application for disbursement of voting systems to the county if the budget agency determines that the county is entitled to receive voting systems under this section to comply with Section 102 of HAVA.

(g) If a county's application for reimbursement is approved under this section, the secretary of state shall, subject to subsection (h), reimburse the county from the fund in an amount not more than the amount determined by STEP TWO of the following formula:

STEP ONE: Determine the number of precincts in the county that used a voting machine voting system or a punch card voting system at the November 7, 2000, general election.

STEP TWO: Multiply the number determined in STEP ONE by four thousand dollars ($4,000).

(h) Payment of money from the fund under this section is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

As added by P.L.209-2003, SEC.126. Amended by P.L.97-2004, SEC.6; P.L.153-2013, SEC.11.

IC 3-11-6.5-8
HAVA Section 101 funds; reimbursements to counties

Sec. 8. (a) This section applies to money received under Section 101 of HAVA (42 U.S.C. 15301) and deposited in the account established under section 2 of this chapter for those funds.

(b) Money deposited in the account must be used in accordance with the requirements applicable under Section 101 of HAVA (42 U.S.C. 15301).

(c) The money may be used for the following purposes:

(1) By the secretary of state for any purpose authorized by this title and permitted under 42 U.S.C. 15301.

(2) To reimburse counties for the upgrade or expansion of existing voting systems to comply with HAVA.

(d) As permitted under 42 U.S.C. 15301, a county may apply to receive reimbursement under subsection (c).

(e) To receive reimbursement under this section, a county must make an application to the election division in the form required by the election division. The secretary of state shall review the application and make a recommendation to the budget committee regarding the application.

(f) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this section if the budget agency determines that the application complies with the requirements for reimbursement under subsection (c)(2).

(g) If a county's application is approved under subsection (c)(2), the secretary of state shall, subject to subsection (h), pay the county from the fund in an amount to be determined by the secretary of state.

(h) Payment of money from the fund under this section is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

As added by P.L.239-2001, SEC.7. Amended by P.L.209-2003, SEC.127; P.L.97-2004, SEC.7; P.L.153-2013, SEC.12.

IC 3-11-7

Chapter 7. Approval of Ballot Card Voting Systems

IC 3-11-7-1

Necessity of approval

Sec. 1. The commission must approve a ballot card voting system before it may be used in an election.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.235; P.L.2-1996, SEC.161; P.L.239-2001, SEC.8; P.L.221-2005, SEC.48.

IC 3-11-7-2

Approval of system by commission

Sec. 2. The commission may approve a ballot card voting system only if the commission determines that the system meets the standards in this chapter and IC 3-11-15.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.236; P.L.2-1996, SEC.162; P.L.176-1999, SEC.68.

IC 3-11-7-3

Capability of system; voting in secrecy

Sec. 3. A ballot card voting system must enable a voter to cast a vote in secrecy for all offices and public questions for which the voter is entitled to vote.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.237.

IC 3-11-7-3.5

Face of ballot card

Sec. 3.5. A ballot card printed for use under this article must have the year of the election to be conducted printed or stamped on the face of the ballot card.

As added by P.L.176-1999, SEC.69.

IC 3-11-7-4

Capability of system; voting straight or split ticket variations; independent candidates; presidential electors; public questions

Sec. 4. (a) A ballot card voting system must permit a voter to vote:

(1) except at a primary election, a straight party ticket for all of the candidates of one (1) political party by a single mark on each ballot card;

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

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

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

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

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

(2) for or against a public question on which the voter may vote.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.238; P.L.3-1993, SEC.131; P.L.221-2005, SEC.49; P.L.219-2013, SEC.38.

IC 3-11-7-5
Requisites of systems
Sec. 5. A ballot card voting system must be:
(1) suitably designed for the purpose used;
(2) of durable construction;
(3) safe, efficient, and accurate in the conduct of elections and counting of ballots; and
(4) in compliance with the standards for systems that are purchased after the effective date of the standards established under this chapter and IC 3-11-15.
As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.19; P.L.3-1987, SEC.239; P.L.4-1991, SEC.74; P.L.2-1996, SEC.163; P.L.176-1999, SEC.70.

IC 3-11-7-6
Counting of vote; voting straight or split ticket variations
Sec. 6. A ballot card voting system must count a ballot in accordance with IC 3-12-1-7 when a voter votes a straight ticket vote and votes for individual candidates as described by IC 3-12-1-7.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.240; P.L.3-1993, SEC.132; P.L.164-2006, SEC.96.

IC 3-11-7-7
Repealed
(Repealed by P.L.164-2006, SEC.144.)

IC 3-11-7-8
Repealed
(Repealed by P.L.164-2006, SEC.144.)

IC 3-11-7-9
Repealed
(Repealed by P.L.164-2006, SEC.144.)

IC 3-11-7-10
Repealed
(Repealed by P.L.164-2006, SEC.144.)

IC 3-11-7-11
Repealed
(Repealed by P.L.164-2006, SEC.144.)

IC 3-11-7-11.5
Ballot card voting system; write-in vote count capacity
Sec. 11.5. A ballot card voting system must permit the counting

of write-in votes in accordance with IC 3-12-1-7.5.
As added by P.L.3-1993, SEC.138.

IC 3-11-7-12
Tests to be conducted by independent laboratory before approving system; marketing, sale, lease, or installation of voting system; expiration of approval

Sec. 12. (a) The commission shall:

(1) require the vendor to have tests conducted concerning the compliance of a ballot card voting system with HAVA and the standards set forth in this chapter and IC 3-11-15; and

(2) have the results of the tests evaluated by the person designated under IC 3-11-16;

before determining whether to approve the application for certification of a ballot card voting system.

(b) The tests required under this section must be performed by an independent laboratory accredited under 42 U.S.C. 15371. The vendor shall pay any testing expenses incurred under this section.

(c) A ballot card voting system may not be marketed, sold, leased, installed, or implemented in Indiana before the application for certification of the system is approved by the commission.

(d) An approval of a ballot card voting system under this chapter expires on the date specified in section 19(a) of this chapter.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.245; P.L.2-1996, SEC.164; P.L.221-2005, SEC.50.

IC 3-11-7-13
Repealed

(Repealed by P.L.176-1999, SEC.134.)

IC 3-11-7-14
Supplementary instructions and procedures for safe and efficient use of system; issuance

Sec. 14. The commission may issue supplementary instructions and procedures for the safe and efficient use of ballot card voting systems to carry out this chapter.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.247; P.L.2-1996, SEC.166.

IC 3-11-7-15
Proposed changes to voting system; tests to be conducted by independent laboratory before approval; criteria for approval; marketing, sale, lease, or installation of changes; expiration of approval

Sec. 15. (a) A vendor may apply for approval of a proposed improvement or change to a ballot card voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or change must be in the form prescribed by the commission.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 42 U.S.C. 15371. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the proposed improvement or change to the voting system and the results of the testing by the independent laboratory under subsection (c) and report the results of the review to the commission. The review must indicate whether the proposed improvement or change:

(1) has been approved by an independent laboratory accredited under 42 U.S.C. 15371;

(2) is a de minimis change or a modification;

(3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and

(4) would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has approved the application for an improvement or change (including a de minimis change) to a ballot card voting system, the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified under section 19(a) of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.248; P.L.4-1991, SEC.75; P.L.2-1996, SEC.167; P.L.3-1997, SEC.286; P.L.14-2004, SEC.108; P.L.221-2005, SEC.51; P.L.76-2014, SEC.32.

IC 3-11-7-16

Disapproval of system

Sec. 16. The commission may not approve the marketing, sale, lease, installation, or implementation of a ballot card voting system by a vendor if the commission finds that the system fails to meet all statutory requirements.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.249; P.L.5-1988, SEC.8; P.L.4-1991, SEC.76; P.L.2-1996, SEC.168; P.L.176-1999, SEC.71; P.L.221-2005, SEC.52.

IC 3-11-7-17

Examination of previously approved voting system; rescission of approval; prohibition of use

Sec. 17. (a) The election division (or the person designated under IC 3-11-16) may periodically examine a ballot card voting system that the commission has previously approved to determine whether

the system is still in compliance with all statutory requirements and whether the voting system in use in a county has the same hardware, firmware, and software as the version of the voting system that was certified by the commission.

(b) If a system does not comply with subsection (a), the commission may rescind the commission's approval of the voting system.

(c) If the commission's approval is rescinded under subsection (b), the commission may prohibit the system from being installed, implemented, leased, marketed, used, permitted to be used, or sold for use in Indiana in an election conducted under this title.

As added by P.L.4-1991, SEC.77. Amended by P.L.3-1993, SEC.139; P.L.2-1996, SEC.169; P.L.2-1997, SEC.9; P.L.3-1997, SEC.287; P.L.176-1999, SEC.72; P.L.126-2002, SEC.57; P.L.14-2004, SEC.109; P.L.221-2005, SEC.53.

IC 3-11-7-18

Filing contracts, leases, or purchase orders with election division

Sec. 18. (a) The county executive shall file a copy of all contracts, leases, or purchase orders, including modifications, for the sale or lease of voting equipment, systems, or software with the election division.

(b) The documents listed in subsection (a) must be filed not later than thirty (30) days after the date of approval of the contract, lease, or purchase order by the county executive.

As added by P.L.4-1991, SEC.78. Amended by P.L.2-1996, SEC.170; P.L.3-1997, SEC.288; P.L.221-2005, SEC.54.

IC 3-11-7-19

Expiration of approval of voting system; renewal of approval; notice of request for renewal; conditions for renewal; approval of renewal

Sec. 19. (a) Except as provided in subsection (g), the approval of a ballot card voting system under this chapter expires October 1 of the year following the year in which presidential electors are elected under IC 3-10-2-3.

(b) The vendor of a voting system approved under this chapter may request that the approval be renewed by filing an application with the election division.

(c) The application described in subsection (b) must identify all counties that are currently using the voting system. Before the commission considers the application for renewal, the election division shall give notice of the application to the circuit court clerk of each county listed in the application.

(d) When the commission considers the application, the commission shall request comments regarding the renewal of the application from any interested person. Before acting on the application for renewal, the commission must receive a report from the person designated under IC 3-11-16 indicating that the hardware, firmware, and software included in the application for renewal of the

voting system is identical to the version of the voting system previously certified by the commission.

(e) After receiving the report under subsection (d) and receiving comments from interested persons, the commission shall approve an application for renewal under this section if the commission finds that the voting system:

(1) complies with the standards prescribed under this chapter;

(2) has worked effectively where the system has been used; and

(3) has been adequately supported by the vendor of the system.

(f) If the commission finds that a vendor has marketed, sold, leased, installed, implemented, or permitted the use of a voting system in Indiana that:

(1) has not been certified by the commission for use in Indiana; or

(2) includes hardware, firmware, or software in a version that has not been approved for use in Indiana;

the commission may revoke the approval granted under this section and prohibit the vendor from marketing, leasing, or selling any voting system in Indiana for a specific period not to exceed five (5) years.

(g) A vendor subject to subsection (f) may continue to provide support during the period specified in subsection (f) to a county that has acquired a voting system from the vendor after the vendor certifies that the voting system to be supported by the vendor only includes hardware, firmware, and software approved for use in Indiana.

As added by P.L.3-1993, SEC.140. Amended by P.L.2-1996, SEC.171; P.L.3-1997, SEC.289; P.L.14-2004, SEC.110; P.L.221-2005, SEC.55.

IC 3-11-7.5

Chapter 7.5. Approval of Electronic Voting Systems

IC 3-11-7.5-1

Necessity for approval

Sec. 1. The commission must approve any form of electronic voting system before it may be used at an election.

As added by P.L.3-1987, SEC.250. Amended by P.L.2-1996, SEC.172.

IC 3-11-7.5-2

Submission of application for approval

Sec. 2. A person may submit an application for approval of an electronic voting system in the form prescribed by the commission.

As added by P.L.3-1987, SEC.250. Amended by P.L.2-1996, SEC.173; P.L.3-1997, SEC.290; P.L.221-2005, SEC.57.

IC 3-11-7.5-3

Compliance with statutes required for approval

Sec. 3. The commission may approve an electronic voting system only if the system complies with the requirements of this chapter and IC 3-11-15.

As added by P.L.3-1987, SEC.250. Amended by P.L.4-1991, SEC.79; P.L.2-1996, SEC.174; P.L.176-1999, SEC.73.

IC 3-11-7.5-4

Standards for approval; tests to be conducted by independent laboratory before approving system; marketing, sale, lease, or installation of voting system; expiration of approval

Sec. 4. (a) The commission shall:

(1) require the vendor to have tests conducted concerning the compliance of an electronic voting system with HAVA and the standards set forth in this chapter and IC 3-11-15; and

(2) have the results of the tests evaluated by the person designated under IC 3-11-16;

before determining whether to approve the application for certification of an electronic voting system.

(b) The tests required under this section must be performed by an independent laboratory accredited under 42 U.S.C. 15371. The vendor shall pay any testing expenses under this section.

(c) If the commission finds that an electronic voting system complies with this article, the commission may approve the system. The approved system then may be adopted for use at an election.

(d) An electronic voting system may not be marketed, sold, leased, installed, or implemented in Indiana before the application for certification of the system is approved by the commission.

(e) An approval of an electronic voting system under this chapter expires on the date specified by section 28(a) of this chapter.

As added by P.L.3-1987, SEC.250. Amended by P.L.4-1991, SEC.80; P.L.2-1996, SEC.175; P.L.176-1999, SEC.74; P.L.221-2005,

SEC.58.

IC 3-11-7.5-5
Proposed changes to voting system; tests to be conducted by independent laboratory before approval; criteria for approval; marketing, sale, lease, or installation of changes; expiration of approval

Sec. 5. (a) A vendor may apply for approval of a proposed improvement or change to an electronic voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or a change must be in the form prescribed by the commission.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 42 U.S.C. 15371. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the improvement or change to the voting system and the results of the testing by the independent laboratory under subsection (c) and report the results of the review to the commission. The review must indicate whether the proposed improvement or change:

(1) has been approved by an independent laboratory accredited under 42 U.S.C. 15371;

(2) is a de minimis change or a modification;

(3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and

(4) would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has examined and approved the application for an improvement or change to an electronic voting system (including a de minimis change), the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified by section 28(a) of this chapter.

As added by P.L.3-1987, SEC.250. Amended by P.L.4-1991, SEC.81; P.L.2-1996, SEC.176; P.L.3-1997, SEC.291; P.L.176-1999, SEC.75; P.L.14-2004, SEC.111; P.L.221-2005, SEC.59; P.L.76-2014, SEC.33.

IC 3-11-7.5-6
Repealed

(Repealed by P.L.3-1997, SEC.475.)

IC 3-11-7.5-7
Voting system must meet specifications

Sec. 7. The commission may not approve the marketing, sale, lease, installation, or implementation of an electronic voting system unless the system meets the specifications in sections 8 through 18 of this chapter and in IC 3-11-15.

As added by P.L.3-1987, SEC.250. Amended by P.L.4-1991, SEC.82; P.L.2-1996, SEC.178; P.L.176-1999, SEC.76; P.L.221-2005, SEC.60; P.L.76-2014, SEC.34.

IC 3-11-7.5-8
Secrecy

Sec. 8. An electronic voting system must ensure secrecy to a voter in the act of voting.

As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-9
Potential for voting for any candidate or on any public question

Sec. 9. An electronic voting system must provide facilities that will permit votes to be cast for any candidate at any election and for or against any public question.

As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-10
Capability of system; voting straight or split ticket variations; independent candidates; presidential electors; public questions

Sec. 10. (a) An electronic voting system must permit a voter to vote:

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

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

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

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

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

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

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

(3) for all the candidates for presidential electors of a political party or an independent ticket by making a single voting mark.

As added by P.L.3-1987, SEC.250. Amended by P.L.3-1993, SEC.141; P.L.219-2013, SEC.39.

IC 3-11-7.5-11
Multiple vote prevention feature

Sec. 11. An electronic voting system must prevent a voter from voting for the same candidate or for or against the same public question more than once.

As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-12
Single party primary voting potential

Sec. 12. An electronic voting system must be adjustable for use in a primary election so that a voter may not vote for a candidate except those seeking nomination as candidates of the voter's political party.

As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-13
Accuracy in registering and counting votes

Sec. 13. An electronic voting system must correctly register and accurately count all votes cast for each candidate and for or against each public question.

As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-14
Security against unauthorized voting

Sec. 14. An electronic voting system must be designed so that it can be determined whether the system has been operated after once being secured against additional voting.

As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-15
Voter counting device

Sec. 15. An electronic voting system must be able to indicate during an election how many voters have voted by use of a counting device.

As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-16
Votes cast counting device; security against voting upon removal of device

Sec. 16. An electronic voting system must have a counting device that records the number of votes cast for each candidate and for or against each public question on the ballot that cannot be tampered with or altered at any time while votes are being cast on the system. When the computer memory pack that permits votes to be recorded on the counting device is removed, the system must be designed so that it can no longer be placed into operation.

As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-17
Prevention of voting outside polling hours

Sec. 17. An electronic voting system must have a device or

method that prevents the operation of the system before the time for opening the polls and after the time for closing the polls.
As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-18
System identification number
Sec. 18. Each electronic voting system must bear a number that will distinguish it from any other system.
As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-19
Repealed
(Repealed by P.L.76-2014, SEC.35.)

IC 3-11-7.5-20
Repealed
(Repealed by P.L.221-2005, SEC.145.)

IC 3-11-7.5-21
Adoption and procurement of system
Sec. 21. A county executive may purchase, procure, lease, install, implement, or authorize the use of an electronic voting system only after the system has been approved by the commission.
As added by P.L.3-1987, SEC.250. Amended by P.L.4-1991, SEC.83; P.L.2-1996, SEC.179; P.L.221-2005, SEC.61.

IC 3-11-7.5-22
Requirement of written guarantee to keep electronic voting system in working order
Sec. 22. A county executive also may not purchase or procure an electronic voting system unless the person selling the system has guaranteed, in writing, to keep the system in working order at least five (5) years.
As added by P.L.3-1987, SEC.250. Amended by P.L.7-1990, SEC.47.

IC 3-11-7.5-23
Phase in of system
Sec. 23. If it is impossible to supply each precinct with an electronic voting system at an election following the adoption of the systems in a county, as many systems shall be supplied as it is possible to procure. The county election board shall determine the precincts of the county in which the systems will be used.
As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-24
Custody of system while not in use
Sec. 24. The circuit court clerk is responsible for the care and custody of all electronic voting systems while not in use.
As added by P.L.3-1987, SEC.250.

IC 3-11-7.5-25
Experimental use of system

Sec. 25. The county election board may provide for the experimental use of an electronic voting system at an election in one (1) or more precincts in the county. The system may be used without a formal adoption by the county or purchase but the electronic voting system must be approved by the commission before the system is implemented in or used by the county. The experimental use of a system at an election in accordance with this section is valid for all purposes as if formally adopted by the county.

As added by P.L.3-1987, SEC.250. Amended by P.L.2-1996, SEC.180; P.L.14-2004, SEC.112.

IC 3-11-7.5-26
Examination of previously approved voting system; rescission of approval; prohibition of use

Sec. 26. (a) The election division (or the person designated under IC 3-11-16) may periodically examine an electronic voting system that the commission has previously approved to determine whether that system is still in compliance with all statutory requirements and whether the voting system in use in a county has the same hardware, firmware, and software as the version of the voting system that was certified by the commission.

(b) If a system does not comply with subsection (a), the commission may rescind the commission's approval of the voting system.

(c) If the commission's approval is rescinded under subsection (b), the commission may prohibit the system from being installed, implemented, leased, marketed, used, permitted to be used, or sold for use in Indiana in an election conducted under this title.

As added by P.L.4-1991, SEC.84. Amended by P.L.3-1993, SEC.142; P.L.2-1996, SEC.181; P.L.3-1997, SEC.292; P.L.176-1999, SEC.78; P.L.126-2002, SEC.58; P.L.14-2004, SEC.113; P.L.221-2005, SEC.62.

IC 3-11-7.5-27
Filing contracts, leases, or purchase orders with election division

Sec. 27. (a) The county executive shall file a copy of all contracts, leases, or purchase orders, including modifications, for the sale or lease of voting equipment, systems, or software with the election division.

(b) The documents listed in subsection (a) must be filed not later than thirty (30) days after the date of approval of the contract, lease, or purchase order by the county executive.

As added by P.L.4-1991, SEC.85. Amended by P.L.2-1996, SEC.182; P.L.3-1997, SEC.293; P.L.221-2005, SEC.63.

IC 3-11-7.5-28
Expiration of approval of voting system; renewal of approval; notice of request for renewal; conditions

Sec. 28. (a) Except as provided in subsection (g), the approval of an electronic voting system under this chapter expires October 1 of the year following the year in which presidential electors are elected under IC 3-10-2-3.

(b) The vendor of a voting system approved under this chapter may request that the approval be renewed by filing an application with the election division.

(c) The application described in subsection (b) must identify all counties that are currently using the voting system. Before the commission considers the application for renewal, the election division shall give notice of the application to the circuit court clerk of each county listed in the application.

(d) When the commission considers the application, the election division shall request comments regarding the renewal of the application from any interested person. Before acting on the application for renewal, the commission must receive a report from the person designated under IC 3-11-16 indicating that the hardware, firmware, and software included in the application for renewal of the voting system is identical to the version of the voting system previously certified by the commission.

(e) After receiving the report under subsection (d) and comments from interested persons, the commission shall approve an application for renewal under this section if the commission finds that the voting system:

(1) complies with the standards prescribed under this chapter;

(2) has worked effectively where the system has been used; and

(3) has been adequately supported by the vendor of the system.

(f) If the commission finds that a vendor has marketed, sold, leased, installed, implemented, or permitted the use of a voting system in Indiana that:

(1) has not been certified by the commission for use in Indiana; or

(2) includes hardware, firmware, or software in a version that has not been approved for use in Indiana;

the commission may revoke the approval granted under this section and prohibit the vendor from marketing, leasing, or selling any voting system in Indiana for a specific period not to exceed five (5) years.

(g) A vendor subject to subsection (f) may continue to provide support during the period specified in subsection (f) to a county that has acquired a voting system from the vendor after the vendor certifies that the voting system to be supported by the vendor only includes hardware, firmware, and software approved for use in Indiana.

As added by P.L.3-1993, SEC.143. Amended by P.L.2-1997, SEC.10; P.L.3-1997, SEC.294; P.L.14-2004, SEC.114; P.L.221-2005, SEC.64.

IC 3-11-8

Chapter 8. Voting Procedures Generally

IC 3-11-8-0.1

Effect of certain amendments to chapter

Sec. 0.1. The amendments made to sections 2 and 6 of this chapter by P.L.4-1991 apply to elections held after December 31, 1991.

As added by P.L.220-2011, SEC.13.

IC 3-11-8-1

Application of chapter

Sec. 1. This chapter applies to each precinct.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-1.2

"Facility" and "accessible facility" defined; facility standards

Sec. 1.2. (a) As used in this section, "facility" refers to the facility in which a polling place is located.

(b) For purposes of this chapter, a facility is an "accessible facility" for elderly voters and voters with disabilities only if the following apply:

(1) The facility meets the standards for accessibility for elderly voters and voters with disabilities established under 42 U.S.C. 1973ee through 42 U.S.C. 1973ee-6.

(2) All the following are accessible to elderly voters and voters with disabilities in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters:

(A) Parking spaces marked and available to conform with IC 5-16-9.

(B) The path to the facility that an individual must travel on the property where the facility is located.

(C) The entrances of the facility to be used by voters.

(D) The paths of travel within the facility to the rooms or areas where the voting systems are located.

(E) The rooms or areas in the facility where the voting systems are located.

(c) The requirements of subsection (b) are satisfied if a facility will comply with subsection (b) by implementing temporary measures.

As added by P.L.116-2003, SEC.3.

IC 3-11-8-2

Voting in precinct of residence

Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.107; P.L.4-1991, SEC.86; P.L.17-1993, SEC.13; P.L.12-1995, SEC.80; P.L.116-2003, SEC.4; P.L.225-2011, SEC.56.

IC 3-11-8-3

County executive secures voting polls; accessible facility; inapplicability to vote center counties

Sec. 3. (a) This section does not apply to a county using vote centers under IC 3-11-18.1.

(b) Before each election each county executive shall secure for each precinct of the county an accessible facility in which to hold the election.

(c) If an accessible facility is not available within the precinct, then the polls may be located in another precinct in the county if the polls are:

(1) either:

(A) not more than five (5) miles from the closest boundary of the precinct for which it is the polls; or

(B) located in the same township as the precinct that does not have an accessible facility available; and

(2) located in an accessible facility.

(d) If the county election board, by a unanimous vote of its entire membership, determines that an accessible facility is not available under subsection (c), the board may locate the polls in the most convenient available accessible facility in the county.

(e) If the county election board, by unanimous vote of its entire membership, determines that:

(1) an accessible facility is not available under subsection (c) or (d); and

(2) the most convenient accessible facility is located in an adjoining county;

the board may locate the polls in the facility described in subdivision (2) with the unanimous consent of the entire membership of the county election board of the county in which the facility is located.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.251; P.L.3-1993, SEC.144; P.L.1-1994, SEC.5; P.L.2-1996, SEC.183; P.L.3-1997, SEC.295; P.L.116-2003, SEC.5; P.L.230-2005, SEC.52; P.L.258-2013, SEC.72.

IC 3-11-8-3.1

Designation of polls

Sec. 3.1. (a) A county executive shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

(b) The designation of a polling place under this section remains in effect until:

(1) the location of the polling place is altered by an order of the county executive or county election board under this chapter; or

(2) a precinct establishment order issued under IC 3-11-1.5:

(A) designates a new polling place location; or

(B) combines the existing precinct with another precinct established by the order.

As added by P.L.13-1988, SEC.8. Amended by P.L.4-1991, SEC.87; P.L.12-1995, SEC.81; P.L.3-1997, SEC.296; P.L.116-2003, SEC.6; P.L.225-2011, SEC.57.

IC 3-11-8-3.2
Polls; notice of location; change of location

Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must state whether the polls are located in an accessible facility.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

As added by P.L.13-1988, SEC.9. Amended by P.L.3-1993, SEC.145; P.L.116-2003, SEC.7; P.L.225-2011, SEC.58.

IC 3-11-8-3.4
County applications to Secretary of Health and Human Services to make polling places accessible and provide information to voters with disabilities

Sec. 3.4. (a) As authorized under 42 U.S.C. 15421, a county election board may apply on behalf of a county to the Secretary of Health and Human Services for payments under HAVA (42 U.S.C. 15421 through 15425) to do the following:

(1) Make polling places (including the path of travel, entrances, exits, and voting areas of each polling place) more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters.

(2) Provide individuals with disabilities and other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

(b) If a county election board submits an application under subsection (a), the application must:

(1) comply with 42 U.S.C. 15423; and

(2) be filed with the election division not later than the submission of the application under subsection (a).

(c) If a county election board receives payments from the Secretary of Health and Human Services under 42 U.S.C. 15421 through 15425, the payments shall be deposited in the county general

fund and appropriated to the county election board for the purposes described in the application. The county election board shall spend the money for the purposes described in the application.

(d) As required by 42 U.S.C. 15425, the county election board shall file a report with the Secretary of Health and Human Services regarding the activities conducted with these funds and the expenditures made with respect to the categories listed in subsection (a)(1) and (a)(2). The county election board shall file a copy of the report with the election division and the state board of accounts not later than the date the report is submitted under this subsection.

As added by P.L.209-2003, SEC.128.

IC 3-11-8-4

Public buildings to be available for holding election

Sec. 4. School buildings, fire stations, and all other public buildings shall be made available without charge to a county for holding an election. The county may not be required to sign any agreement assuming liability as a precondition for use of the public building.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1997, SEC.297.

IC 3-11-8-4.1

Location of polls; one place per precinct; inapplicability to vote center counties

Sec. 4.1. (a) This section does not apply to a county using vote centers under IC 3-11-18.1.

(b) The polls for each precinct may be located in only one (1) place.

As added by P.L.13-1988, SEC.10. Amended by P.L.258-2013, SEC.73.

IC 3-11-8-4.2

Repealed

(Repealed by P.L.116-2003, SEC.11.)

IC 3-11-8-4.3

Location of polls in adjoining precinct

Sec. 4.3. (a) If the county election board adopts an order by the unanimous vote of the entire membership of the board, the county executive may locate the polls for the precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct.

(b) An order adopted under this section expires December 31 after the date the order was adopted.

(c) If a precinct election board administers more than one (1) precinct under this section, the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

As added by P.L.13-1988, SEC.12. Amended by P.L.5-1989, SEC.53;

P.L.12-1995, SEC.82; P.L.14-2004, SEC.115; P.L.230-2005, SEC.53.

IC 3-11-8-5
Election not to be held in room where alcoholic beverages kept or sold

Sec. 5. An election may not be held in a room in which alcoholic beverages are kept or sold.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-6
Requirement to locate polls in accessible facility

Sec. 6. The county executive shall locate the polls for each precinct in an accessible facility.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.252; P.L.10-1988, SEC.108; P.L.4-1991, SEC.88; P.L.2-1996, SEC.184; P.L.3-1997, SEC.298; P.L.38-1999, SEC.42; P.L.116-2003, SEC.8; P.L.225-2011, SEC.59.

IC 3-11-8-6.3
Polls may not be located in facility in which polls or chute contain a display visible to voter of political preference, party allegiance, or pictures, photographs, or other likeness of currently elected official

Sec. 6.3. (a) The polls may not be located in a structure on or in which is affixed any display visible to a voter of political preference or party allegiance. Except as provided in subsection (b), this section does not prohibit the location of the polls in a structure that includes any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

(b) The polls may not be located in a structure in which the polls or chute contain any display visible to the voter of political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

As added by P.L.194-2013, SEC.56. Amended by P.L.258-2013, SEC.74.

IC 3-11-8-6.5
Repealed

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

IC 3-11-8-7
Preparation of polls for election

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 the room in which the election is held.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.253; P.L.69-2003, SEC.4; P.L.221-2005, SEC.65; P.L.64-2014, SEC.44.

IC 3-11-8-8

Poll time on election day

Sec. 8. The polls in each precinct open at 6 a.m. and close at 6 p.m. on election day.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-9

Proclamation of opening and closing of polls

Sec. 9. The inspector of each precinct shall proclaim the opening and closing of the polls to the people outside the polls in a loud tone of voice.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-10

Precinct record to be made by poll clerks; contents

Sec. 10. The poll clerks of each precinct shall make a record of:

(1) the inspector's proclamation of the closing of the polls; and

(2) the time the proclamation was made.

The poll clerks shall enter the record required by this section on the tally papers. After the record has been made no more voters may vote except as provided in section 11 of this chapter.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-10.3 Version a

Electronic poll list; requirements

Note: This version of section effective until 4-1-2014. See also following version of this section, effective 4-1-2014.

Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.

(b) An electronic poll list must satisfy all of the following:

(1) An electronic poll list must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll list.

(2) An electronic poll list may not be connected to a voting system.

(3) An electronic poll list may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll list must be encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) a local version of the data base; and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll list must permit a poll clerk to enter information indicating that the voter has voted at the election.

(7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.

(8) The electronic poll list must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

(9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll list must permit voter history to be quickly and accurately

uploaded into the computerized list.

(10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.

(11) The electronic poll list must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll list must include a bar code reader or tablet that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) The electronic poll list must be compatible with:

(A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll list.

(14) The electronic poll list must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(15) The procedures for setting up, using, and shutting down an electronic poll list must:

(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(16) The electronic poll list must enable a precinct election officer to verify that the electronic poll list:

(A) has been set up correctly;

(B) is working correctly so as to verify the eligibility of the voter;

(C) is correctly recording that a voter has voted; and

(D) has been shut down correctly.

(17) The electronic poll list must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.

(B) Training materials that:
(i) may be in written or video form; and
(ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.
(C) Failsafe data recovery procedures for information included in the electronic poll list.
(D) Usability tests:
(i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;
(ii) that include the setting up, using, and shutting down of the electronic poll list; and
(iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.
(E) A clear model of the electronic poll list system architecture and the following documentation:
(i) End user documentation.
(ii) System-level documentation.
(iii) Developer documentation.
(F) Detailed information concerning:
(i) electronic poll list consumables; and
(ii) the vendor's supply chain for those consumables.
(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.
(H) Repair and maintenance policies for the electronic poll list.
(I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12, the following:
(i) A list of customers who are using or have previously used the vendor's electronic poll list.
(ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.
(18) The electronic poll list and any hardware attached to the poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.
(19) The electronic poll list must demonstrate that it correctly processes all activity regarding each voter registration record included on the list, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll list.
(20) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the

vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12.

(21) The electronic poll list must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter voted, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

(22) The electronic poll list must:

(A) permit a voter to sign the poll list even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature and its assignment to the voter's registration record.

As added by P.L.1-2011, SEC.2. Amended by P.L.271-2013, SEC.17; P.L.258-2013, SEC.75; P.L.219-2013, SEC.40; P.L.2-2014, SEC.5.

IC 3-11-8-10.3 Version b
Electronic poll book; requirements

Note: This version of section effective 4-1-2014. See also preceding version of this section, effective until 4-1-2014.

Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

(b) An electronic poll book must satisfy all of the following:

(1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll book.

(2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both the following apply:

(A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.

(B) All ballot related data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

(3) An electronic poll book may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the

voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll book must be secure and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) a local version of the electronic poll list; and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll book must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has voted at the election.

(7) The electronic poll book must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county.

(8) The electronic poll book must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

(9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list.

(10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.

(11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad,

tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll book must include a bar code reader or tablet that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(14) The electronic poll book must be compatible with:

(A) any hardware attached to the electronic poll book, such as signature pads, bar code scanners, and network cards;

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll book.

(15) The electronic poll book must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(16) The procedures for setting up, using, and shutting down an electronic poll book must:

(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:

(A) has been set up correctly;

(B) is working correctly so as to verify the eligibility of the voter;

(C) is correctly recording that a voter has voted; and

(D) has been shut down correctly.

(18) The electronic poll book must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll book.

(B) Training materials that:

(i) may be in written or video form; and

(ii) must be in a format suitable for use at a polling place,

such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll book.

(D) Usability tests:

(i) that are conducted by the manufacturer of the electronic poll list book using individuals who are representative of the general public;

(ii) that include the setting up, using, and shutting down of the electronic poll book; and

(iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.

(E) A clear model of the electronic poll book system architecture and the following documentation:

(i) End user documentation.

(ii) System-level documentation.

(iii) Developer documentation.

(F) Detailed information concerning:

(i) electronic poll book consumables; and

(ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll book.

(H) Repair and maintenance policies for the electronic poll book.

(I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:

(i) A list of customers who are using or have previously used the vendor's electronic poll book.

(ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.

(19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.

(21) The electronic poll book must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.

(22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

(A) permit a voter to sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature and its assignment to the voter's registration record.

As added by P.L.1-2011, SEC.2. Amended by P.L.271-2013, SEC.17; P.L.258-2013, SEC.75; P.L.219-2013, SEC.40; P.L.2-2014, SEC.5; P.L.55-2014, SEC.3; P.L.64-2014, SEC.45; P.L.76-2014, SEC.36.

IC 3-11-8-10.5

Recording name of voters who sign poll list; requirements

Sec. 10.5. A poll clerk may record the names of individuals who have signed the poll list and make that record available to a watcher or pollbook holder who requests the information. However, the poll clerk must ensure that:

(1) a voter is not delayed in casting the voter's votes as a result of the preparation of the record, or by providing the information; and

(2) the poll clerk does not engage in electioneering (as defined under IC 3-14-3-16) in providing this information.

As added by P.L.9-2004, SEC.18.

IC 3-11-8-11

Closing of polls; persons permitted to vote; extension of voting hours by order; provisional ballots

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;

(2) have signed the poll list but who have not voted; or

(3) are in the act of voting;

to vote. In addition, the inspector shall require all voters who have not yet passed the challengers to line up in single file within the chute. The poll clerks shall record the names of the voters in the chute, and these voters may vote unless otherwise prevented according to law.

(b) 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 42 U.S.C. 15482, 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.
As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.129; P.L.221-2005, SEC.66.

IC 3-11-8-11.3
Repealed
(Repealed by P.L.64-2014, SEC.46.)

IC 3-11-8-12
No adjournment or recess after opening of polls until closed
Sec. 12. After the opening of the polls, there may be no adjournment or recess until after the polls have been closed and the inspector is ready to leave with the ballot box and other documents and papers to be delivered to the circuit court clerk.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.254.

IC 3-11-8-13
Restrictions on inspector, judge, or poll clerk of precinct after closing of polls
Sec. 13. An inspector, judge, or poll clerk of a precinct may not vote after the polls have closed nor make a statement concerning the result of the election before the closing of the polls.
As added by P.L.5-1986, SEC.7.

IC 3-11-8-14
Reading of IC 3-14-4-7 to precinct election board; oath
Sec. 14. At the opening of the polls, the inspector of each precinct shall read IC 3-14-4-7 to the precinct election board. Each member of the board shall take an oath that the member has not violated and will not violate IC 3-14-4-7.
As added by P.L.5-1986, SEC.7.

IC 3-11-8-15
Persons permitted at polls during elections; simulated elections
Sec. 15. (a) Only the following persons are permitted in the polls during an election:
(1) Members of a precinct election board.
(2) Poll clerks and assistant poll clerks.
(3) Election sheriffs.
(4) Deputy election commissioners.
(5) Pollbook holders and challengers.
(6) Watchers.
(7) Voters for the purposes of voting.
(8) Minor children accompanying voters as provided under IC 3-11-11-8.
(9) An assistant to a precinct election officer appointed under IC 3-6-6-39.
(10) An individual authorized to assist a voter in accordance with IC 3-11-9.
(11) A member of a county election board, acting on behalf of

the board.

(12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).

(13) Either of the following who have been issued credentials signed by the members of the county election board:

(A) The county chairman of a political party.

(B) The county vice chairman of a political party.

However, a county chairman or a county vice chairman who is a candidate for nomination or election to office at the election may not enter the polls under this subdivision.

(14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

As added by P.L.5-1986, SEC.7. Amended by P.L.4-1991, SEC.89; P.L.3-1993, SEC.146; P.L.38-1999, SEC.43; P.L.66-2003, SEC.40; P.L.209-2003, SEC.130; P.L.97-2004, SEC.8; P.L.14-2004, SEC.116; P.L.230-2005, SEC.54; P.L.194-2013, SEC.57.

IC 3-11-8-16

Only voters permitted near entrance to the polls

Sec. 16. A person may not remain within a distance equal to the length of the chute (as defined in IC 3-5-2-10) of the entrance to the polls except for the purpose of offering to vote.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.147; P.L.3-1997, SEC.299; P.L.2-1998, SEC.7; P.L.38-1999, SEC.44; P.L.69-2003, SEC.5; P.L.230-2005, SEC.55.

IC 3-11-8-17

Number of voters to be admitted to polls at one time; inapplicability to vote center counties

Sec. 17. (a) This section does not apply to a county using vote centers under IC 3-11-18.1.

(b) In a precinct, as many voters may be admitted to the polls at one (1) time for the purpose of voting as there are stations for voting in the polls.

As added by P.L.5-1986, SEC.7. Amended by P.L.258-2013, SEC.76.

IC 3-11-8-18

Voter not to converse with any person except precinct election board member

Sec. 18. A voter or person offering to vote may not converse or communicate with a person other than a member of the precinct election board while at the polls.
As added by P.L.5-1986, SEC.7.

IC 3-11-8-19
Approach and entry to chute; announcement of voter's name to challengers
Sec. 19. Voters shall approach and enter the chute in the order in which they appear for the purpose of voting. After entering the polls, the voter shall proceed to the designated area for challengers. A voter shall immediately announce the voter's full and true name to the challengers.
As added by P.L.5-1986, SEC.7. Amended by P.L.64-2014, SEC.47.

IC 3-11-8-20
Challenge of voter; reduction of challenge to affidavit form
Sec. 20. If a voter offering to vote is challenged by a challenger or by a member of the precinct election board, the person challenging the voter shall reduce the challenge to affidavit form, setting forth succinctly the reasons for the challenge.
As added by P.L.5-1986, SEC.7.

IC 3-11-8-21
Challenge of voter; challenger's affidavit
Sec. 21. The affidavit of challenge prescribed by section 20 of this chapter must set forth under oath or affirmation the following:
(1) The name of the challenger.
(2) The name of the person being challenged.
(3) The reasons the challenger believes the person being challenged is not a legal voter in the precinct.
(4) The source of the information provided under subdivision (3).
(5) A statement that the challenger understands that making a false statement on the affidavit is punishable under the penalties of perjury.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1995, SEC.103.

IC 3-11-8-22
Repealed
(Repealed by P.L.164-2006, SEC.142.)

IC 3-11-8-22.1
Challenge of voter; provisional ballot
Sec. 22.1. (a) This subsection applies to a voter:
(1) whose name does not appear on the poll list for the precinct; and
(2) who produces a certificate of error issued under IC 3-7-48-1.
If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as

provided by IC 3-7-48-1(b), if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(b) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who makes an oral or a written affirmation in compliance with IC 3-7-48-5 that the voter continues to reside in the precinct at the address shown as the voter's former residence in the voter registration record.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(c) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who produces a registration receipt that complies with IC 3-7-48-7.

If the county election board provides the precinct election board with the information required under IC 3-7-48-7(a)(2) and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(d) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who is not described by subsection (a), (b), or (c).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 instead of a regular official ballot if the voter wishes to cast a ballot. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

(e) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and

(2) who no longer resides in the precinct but is entitled to vote at the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

If the voter executes an affidavit in compliance with IC 3-10-10, IC 3-10-11, or IC 3-10-12 and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot if the voter wishes to cast a ballot.

(f) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and
(2) who is not described in subsection (e).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

As added by P.L.164-2006, SEC.97.

IC 3-11-8-23

Challenge of voter; challenged voter's affidavit; when affidavit not required

Sec. 23. (a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b) The affidavit of a challenged voter required by section 22.1 of this chapter must be sworn and affirmed and must contain the following:

(1) A statement that the voter is a citizen of the United States.
(2) The voter's date of birth to the best of the voter's information and belief.
(3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.
(4) The voter's name and a statement that the voter is generally known by that name.
(5) A statement that the voter has not voted and will not vote in any other precinct in this election.
(6) The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.
(7) If applicable, that, when the voter was challenged to present proof of identification or an additional document to confirm the voter's identity and current residence, the voter presented proof of identification or the additional documentation that complied with IC 3-5-2-40.5 or IC 3-7-33-4.5.
(8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.
(9) If the individual's name does not appear on the registration list, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by IC 3-7-13-10.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.255; P.L.10-1988, SEC.110; P.L.4-1991, SEC.91; P.L.17-1993, SEC.15; P.L.12-1995, SEC.84; P.L.3-1995, SEC.104; P.L.126-2002, SEC.60;

P.L.209-2003, SEC.132; P.L.164-2006, SEC.98; P.L.219-2013, SEC.41; P.L.64-2014, SEC.48.

IC 3-11-8-23.5
Challenged voter casting provisional ballot; affidavit

Sec. 23.5. In accordance with 42 U.S.C. 15482, a voter challenged under section 21 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

As added by P.L.209-2003, SEC.133. Amended by P.L.164-2006, SEC.99.

IC 3-11-8-24
Repealed

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

IC 3-11-8-25
Repealed

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

IC 3-11-8-25.1 Version a
Admittance of voter to polls; procedure; proof of identification; challenge of voter; cancellation and reregistration of voter who has moved

Note: This version of section effective until 4-1-2014. See also following version of this section, effective 4-1-2014.

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 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 affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll list. 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, in a precinct governed by subsection (g):

(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 list (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 voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll list 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 current residence address on the poll list or reentering the address in the electronic poll list.

(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.

As added by P.L.209-2003, SEC.135. Amended by P.L.2-2004, SEC.3; P.L.109-2005, SEC.4; P.L.164-2006, SEC.100; P.L.53-2009, SEC.2; P.L.219-2013, SEC.45; P.L.55-2014, SEC.4.

IC 3-11-8-25.1 Version b

Admittance of voter to polls; procedure; proof of identification; challenge of voter; cancellation and reregistration of voter who has moved

Note: This version of section effective 4-1-2014. See also preceding version of this section, effective until 4-1-2014.

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 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 affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll book. 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, in a precinct governed by subsection (g):

(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 voter may 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 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 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.

As added by P.L.209-2003, SEC.135. Amended by P.L.2-2004, SEC.3; P.L.109-2005, SEC.4; P.L.164-2006, SEC.100; P.L.53-2009, SEC.2; P.L.219-2013, SEC.45; P.L.55-2014, SEC.4; P.L.64-2014, SEC.49; P.L.76-2014, SEC.37.

IC 3-11-8-25.2

Additional documentation before voting; procedure; use of provisional ballot without documentation

Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 42 U.S.C. 15483, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) A current and valid photo identification.

(2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection

(b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(e) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

As added by P.L.14-2004, SEC.117. Amended by P.L.109-2005, SEC.5; P.L.164-2006, SEC.101.

IC 3-11-8-25.3

Voter has moved to new address within same precinct; transfer of voter's registration

Sec. 25.3. If the voter makes:

(1) a written affirmation on the poll list that the voter resides at an address that is within the same precinct, but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7;

the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.

As added by P.L.219-2013, SEC.46.

IC 3-11-8-25.5

Voter who leaves poll without casting ballot or after casting provisional ballot

Sec. 25.5. If an individual signs the individual's name and either:

(1) signs the individual's address; or

(2) checks the "Address Unchanged" box;

on the poll list or provides the information for entry by the poll clerk into the electronic poll list under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

As added by P.L.3-1997, SEC.300. Amended by P.L.209-2003, SEC.136; P.L.2-2004, SEC.4; P.L.109-2005, SEC.6; P.L.164-2006, SEC.102; P.L.271-2013, SEC.19.

IC 3-11-8-25.7

Procedure for voting by member of the military or public safety officer called to duty while waiting to vote

Sec. 25.7. (a) This section applies only to a voter who is a member of the military or public safety officer.

(b) Notwithstanding section 25.5 of this chapter, if a voter signs the voter's name and either:

(1) writes the voter's address; or

(2) checks the "Address Unchanged" box;

on the poll list or provides the information for entry by the poll clerk

into the electronic poll list under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may reenter the polls to cast a ballot at the election as provided in this section.

(c) A voter who leaves the polls to respond to an emergency in the voter's capacity as a member of the military or public safety officer must notify a precinct election officer that the voter is leaving the polls to respond to an emergency in the voter's capacity as a member of the military or public safety officer.

(d) A poll clerk or assistant poll clerk shall make a notation on the poll list with the voter's name indicating that the voter has left the polls as permitted by this section and the time the voter left the polls.

(e) If the voter returns to the polls, the voter shall be permitted to vote if the voter executes an affidavit stating all of the following:

(1) The name of the voter.

(2) That the voter is a member of the military or public safety officer.

(3) The military or public safety position the voter holds.

(4) That after the voter signed the poll list, but before the voter voted, the voter was called to respond to an emergency in the voter's capacity as a member of the military or public safety officer.

(5) A brief description of the emergency to which the voter responded.

(6) The time at which the voter returned to the polls.

(f) The commission shall prescribe the form of the affidavit required by this section.

As added by P.L.120-2009, SEC.7. Amended by P.L.271-2013, SEC.20.

IC 3-11-8-26
Repealed

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

IC 3-11-8-26.1
Procedure for voter who cannot sign name and address or who has disability related difficulty

Sec. 26.1. (a) If a voter:

(1) cannot sign; or

(2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list or enter the information into the electronic poll book:

(1) The voter's name.

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

(c) The poll clerks 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.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

(e) The poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that the voter may 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 check the box after stating to the voter the address shown on the electronic poll list 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 current residence address on the poll list or reentering the address in the electronic poll book.

As added by P.L.209-2003, SEC.138. Amended by P.L.2-2004, SEC.5; P.L.164-2006, SEC.103; P.L.271-2013, SEC.21; P.L.76-2014, SEC.38.

IC 3-11-8-27

Challenge of voter by precinct election board member

Sec. 27. If a member of a precinct election board is not satisfied that a person who offers to vote is the person who the person represents the person to be, the member may challenge the person and the person may vote only if the person signs the affidavit required to be signed by voters who are challenged under section 20 of this chapter.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-27.5

Challenged voter entitled to cast provisional ballot

Sec. 27.5. In accordance with 42 U.S.C. 15482, a voter challenged under section 27 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

As added by P.L.209-2003, SEC.139. Amended by P.L.164-2006, SEC.104.

IC 3-11-8-28

Repealed

(Repealed by P.L.230-2005, SEC.91.)

IC 3-11-8-29

Poll list; precinct election board's copy

Sec. 29. (a) This section does not apply to a list kept by a poll clerk under section 10.5 of this chapter.

(b) A precinct election board may not keep a poll list other than the poll list required by section 25.1 of this chapter.
As added by P.L.5-1986, SEC.7. Amended by P.L.109-2005, SEC.7; P.L.164-2006, SEC.105.

IC 3-11-8-30
Poll list; return to circuit court clerk; preservation
Sec. 30. Each inspector shall return the poll lists, together with the oaths of the precinct election board members, in a sealed envelope separate from all other precinct election returns to the circuit court clerk. The clerk shall preserve the poll lists for the period required by IC 3-10-1-31 or IC 3-10-1-31.1.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.148; P.L.14-2004, SEC.119.

IC 3-11-8-31
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-8-32
Repealed
(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-8-33
Repealed
(Repealed by P.L.4-1988, SEC.3.)

IC 3-11-9

Chapter 9. Assistance to Certain Voters

IC 3-11-9-1

Application of chapter

Sec. 1. This chapter applies to:

(1) each precinct; and

(2) absentee voting, including the casting of an absentee ballot before an absentee voter board:

(A) in the office of the:

(i) circuit court clerk; or

(ii) board of elections and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.4; or

(B) at a satellite office established under IC 3-11-10-26.3.

As added by P.L.5-1986, SEC.7. Amended by P.L.8-1992, SEC.24; P.L.66-2010, SEC.20.

IC 3-11-9-2

Voters with disabilities or unable to read or write English; assistance; affidavit

Sec. 2. (a) A voter who:

(1) is a voter with disabilities; or

(2) is unable to read or write English;

may request assistance in voting before entering the voting booth and designate a person (other than the voter's employer, an officer of the voter's union, or an agent of the voter's employer or union) to assist the voter in voting at an election, as required by 42 U.S.C. 1973aa-6.

(b) This subsection does not apply to a person designated by a voter described by subsection (a) who is voting absentee before two (2) members of the absentee voter board. The person designated must execute a sworn affidavit on a form provided by the precinct election board stating that, to the best of the designated person's knowledge, the voter:

(1) is a voter with disabilities or is unable to read or write English; and

(2) has requested the designated person to assist the voter in voting under this section.

(c) The person designated may then accompany the voter into the voting booth and assist the voter in marking the voter's paper ballot or ballot card or in registering the voter's vote on the electronic voting system.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.258; P.L.10-1988, SEC.112; P.L.4-1991, SEC.93; P.L.8-1992, SEC.25; P.L.3-1993, SEC.149; P.L.14-2004, SEC.120; P.L.221-2005, SEC.67.

IC 3-11-9-3

Voter does not designate individual to assist voter; who must assist

Sec. 3. (a) The following individuals shall assist a voter described by section 2 of this chapter who requests assistance in voting before

entering the voting booth but does not wish to designate a person under that section.

(1) The two (2) judges if the voter is voting at a precinct.

(2) Two (2) members of the absentee voter board if the voter is voting absentee.

(b) This subsection does not apply to a person designated by a voter described by subsection (a) who is voting absentee before two (2) members of the absentee voter board. The individuals described in subsection (a) shall execute a sworn affidavit on a form provided by the precinct election board stating that, to the best of the individuals' knowledge, the voter:

(1) is a voter with disabilities or is unable to read or write English;

(2) has requested assistance in voting; and

(3) does not wish to designate a person to assist the voter in voting under section 2 of this chapter.

(c) The two (2) individuals described in subsection (a) shall then accompany the voter into the voting booth to assist the voter in marking the voter's paper ballot or ballot card or in registering the voter's vote on the electronic voting system.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.259; P.L.10-1988, SEC.113; P.L.4-1991, SEC.94; P.L.8-1992, SEC.26; P.L.3-1993, SEC.150; P.L.221-2005, SEC.68.

IC 3-11-9-4
Repealed

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

IC 3-11-9-5
"Service animal"

Sec. 5. (a) As used in this section, "service animal" has the meaning set forth in IC 35-46-3-11.5.

(b) A voter who requires the assistance of a service animal is entitled to bring the animal into the polls and the voting booth.

As added by P.L.66-2003, SEC.41.

IC 3-11-9-6
Voter with disability entitled to vote on direct record electronic voting system; exception

Sec. 6. (a) This section applies only to a voter with a disability.

(b) This section does not apply to an absentee ballot cast by a voter before an absentee voter board visiting the voter's place of confinement or the voter's residence.

(c) A voter is entitled to vote on a direct record electronic voting system that complies with IC 3-11-8.

As added by P.L.66-2010, SEC.21.

IC 3-11-10

Chapter 10. Voting by Absentee Ballot

IC 3-11-10-1

Voter's affidavit; voting procedure; transmission of ballot

Sec. 1. (a) A voter voting by absentee ballot shall make and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter then shall, except as provided in subsection (b), do the following:

(1) Mark the ballot in the presence of no other person.

(2) Fold each ballot separately.

(3) Fold each ballot so as to conceal the marking.

(4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided.

(5) Securely seal the envelope.

(6) Do one (1) of the following:

(A) Mail the envelope to the county election board, with not more than one (1) ballot per envelope.

(B) Deliver the envelope to the county election board in person.

(C) Deliver the envelope to a member of the voter's household or a person designated as the attorney in fact for the voter under IC 30-5 for delivery to the county election board:

(i) in person;

(ii) by United States mail; or

(iii) by a bonded courier company.

(b) A voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6 is not required to comply with subsection (a). The individual designated by the circuit court clerk to receive absentee ballots transmitted by fax or electronic mail shall do the following upon receipt of an absentee ballot transmitted by fax:

(1) Note the receipt of the absentee ballot in the records of the circuit court clerk as other absentee ballots received by the circuit court clerk are noted.

(2) Fold each ballot received from the voter separately so as to conceal the marking.

(3) Enclose each ballot in a blank absentee ballot envelope.

(4) Securely seal the envelope.

(5) Mark on the envelope: "Absentee Ballot Received by Fax or Electronic Mail".

(6) Securely attach to the envelope the faxed affidavit received with the voter's absentee ballots.

(c) Except as otherwise provided in this title, absentee ballots received by fax or electronic mail shall be handled and processed as other absentee ballots received by the circuit court clerk are handled and processed.

As added by P.L.5-1986, SEC.7. Amended by P.L.4-1996, SEC.68; P.L.126-2002, SEC.61; P.L.103-2005, SEC.9; P.L.198-2005, SEC.7.

IC 3-11-10-1.2
Proof of identification not required

Sec. 1.2. An absentee voter is not required to provide proof of identification when:

(1) mailing, delivering, or transmitting an absentee ballot under section 1 of this chapter; or

(2) voting before an absentee board under section 25 of this chapter.

As added by P.L.109-2005, SEC.8. Amended by P.L.103-2005, SEC.10.

IC 3-11-10-1.5
Replacement of candidates on ballot; request for new ballots

Sec. 1.5. (a) This section applies to a voter:

(1) voting by an absentee ballot that includes a candidate for election to an office who:

(A) ceases to be a candidate; and

(B) is succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2; or

(2) casting a replacement absentee ballot under IC 3-11-2-16.

(b) If:

(1) the original absentee ballot has not been delivered to the appropriate precinct; and

(2) the absentee voter's name has not been marked on the poll list under section 16 of this chapter;

the absentee voter may recast the voter's ballot under this section. To obtain another set of ballots the absentee voter must present a written request for another set of ballots from the circuit court clerk.

(c) Upon receiving a written request under subsection (b), the circuit court clerk shall do the following:

(1) Place the written request with the absentee voter's original ballots.

(2) Mark "canceled" on the original set of ballots.

(3) Preserve the original ballots with the other defective ballots.

(4) Deliver a new set of ballots to the absentee voter.

As added by P.L.4-1991, SEC.95. Amended by P.L.3-1995, SEC.105; P.L.3-1997, SEC.301.

IC 3-11-10-2
Marking absentee ballot; electioneering

Sec. 2. (a) A voter voting by absentee ballot may mark a ballot with a pen or a lead pencil.

(b) A person may not engage in electioneering (as defined in IC 3-14-3-16) in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law.

As added by P.L.5-1986, SEC.7. Amended by P.L.5-1989, SEC.55; P.L.103-2005, SEC.11.

IC 3-11-10-3

Receipt of ballot; necessity to receive in time

Sec. 3. A county election board must receive an absentee ballot in time for the board to deliver the ballot to the precinct election board of the voter's precinct before the closing of the polls on election day.
As added by P.L.5-1986, SEC.7.

IC 3-11-10-4
Examination of signature

Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the application for the absentee ballot. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the application for the absentee ballot. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1997, SEC.302; P.L.126-2002, SEC.62; P.L.198-2005, SEC.8.

IC 3-11-10-4.5
Absentee ballot of voter required to present additional information; procedure

Sec. 4.5. (a) Upon receipt of an absentee ballot from a voter required to provide additional information to the county voter registration office under IC 3-7-33-4.5, the county election board shall contact the county voter registration office to determine if the additional information has been filed with the office by the voter.

(b) If the voter has filed the information with the county voter registration office, the county election board shall add a notation to the application indicating that the required information has been filed and that the absentee ballot may be counted if the ballot otherwise complies with this article.

(c) If the voter has not filed the information with the county voter registration office, the county election board shall add a notation on the application filed by a voter described under subsection (b) and on

the envelope provided under this chapter reading substantially as follows:

"INSPECTOR: AS OF (insert date absentee ballot application approved) THIS VOTER WAS REQUIRED TO FILE ADDITIONAL DOCUMENTATION WITH THE COUNTY VOTER REGISTRATION OFFICE BEFORE THIS BALLOT MAY BE COUNTED. CHECK THE POLL LIST AND COUNTY ELECTION BOARD CERTIFICATION TO SEE IF THE VOTER HAS FILED THIS INFORMATION. IF NOT, PROCESS AS A PROVISIONAL BALLOT IF THIS BALLOT OTHERWISE COMPLIES WITH INDIANA LAW.".

As added by P.L.209-2003, SEC.140. Amended by P.L.221-2005, SEC.69.

IC 3-11-10-5

Marking of ballot when signature questioned

Sec. 5. If a county election board unanimously finds that the signature on a ballot envelope or transmitted affidavit is not genuine, the board shall write upon the ballot envelope or transmitted affidavit the words "The county election board has questioned the genuineness of the signature of this voter.". These ballots shall be delivered to the polls on election day under section 12 of this chapter with instructions to verify the voter's signature under section 15 of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.260; P.L.126-2002, SEC.63.

IC 3-11-10-6

Disputed ballots; delivery

Sec. 6. If a county election board is unable to unanimously determine whether the signature on a ballot envelope is genuine, the board shall write upon the ballot envelope or transmitted affidavit the words "Signature Disputed". The board then shall deliver all disputed ballot envelopes, together with any evidence of a documentary nature presented before the board, to the proper precinct at the same time that undisputed ballots are delivered.

As added by P.L.5-1986, SEC.7. Amended by P.L.126-2002, SEC.64.

IC 3-11-10-7

Disputed ballots; determination whether ballot to be voted or rejected

Sec. 7. After receipt of disputed ballots under section 6 of this chapter, a precinct election board shall determine whether each disputed ballot will be voted or rejected.

As added by P.L.5-1986, SEC.7.

IC 3-11-10-8

Accepted ballots; sealing into carrier envelope with endorsement of circuit court clerk

Sec. 8. (a) If a county election board (or the absentee voter board

in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a carrier envelope. The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.

(b) The envelope shall be securely sealed and endorsed with the official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open.".

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1997, SEC.303; P.L.126-2002, SEC.65; P.L.219-2013, SEC.47.

IC 3-11-10-9

Accepted ballot envelopes to be kept securely in circuit court clerk's office

Sec. 9. Each circuit court clerk shall keep all accepted ballot envelopes securely in the clerk's office until they are delivered to the proper precincts in accordance with section 12 of this chapter.

As added by P.L.5-1986, SEC.7.

IC 3-11-10-10

Absentee ballots to be kept under two locks in cabinets, boxes, or room; security of keys

Sec. 10. During the period that absentee ballots are being received, each county election board shall keep the ballots in cabinets, boxes, or a room upon which there are two (2) locks, one (1) for each of the appointed members of the board. Each day the absentee ballots shall be placed in the cabinets, boxes, or room under the direction of the appointed members of the board. If an appointed member cannot be present each day, then that member shall designate someone from the member's political party to be present with the key to the lock at the time the ballots are secured and at the time the lock is opened the next day. The key of each appointed member of the board shall be kept secure in the manner determined by that appointed member.

As added by P.L.5-1986, SEC.7. Amended by P.L.121-2012, SEC.5.

IC 3-11-10-11

Acceptance of delivery of absentee ballots or additional identifying information at post office on election day

Sec. 11. (a) On election day each circuit court clerk (or an agent of the clerk) shall visit the appropriate post office to accept delivery of absentee envelopes at the latest possible time that will permit delivery of the ballots to the appropriate precinct election boards before 6 p.m.

(b) Not later than noon on election day, the county voter registration office shall visit the appropriate post office to accept delivery of mail containing documentation submitted by a voter to

comply with IC 3-7-33-4.5. The office shall immediately notify the county election board regarding the filing of this documentation to permit the board to provide certification of this filing to the appropriate precinct election boards before 6 p.m.
As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.141; P.L.221-2005, SEC.70.

IC 3-11-10-12
Delivery of absentee ballots and additional identifying information; time for delivery

Sec. 12. (a) Except as provided in section 12.5 of this chapter, each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open and in sufficient time to enable the precinct election boards to vote the ballots during the time the polls are open.

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

(1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

(1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and

(2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.151; P.L.209-2003, SEC.142; P.L.198-2005, SEC.9; P.L.164-2006, SEC.106; P.L.66-2010, SEC.22.

IC 3-11-10-12.5
Absentee ballots cast at clerk's office or satellite office on direct record electronic voting system; central counting permitted; list of voters sent to precinct; challenge of ballots; adjustment of precinct vote totals

Sec. 12.5. (a) This section applies to absentee ballots cast:

(1) under section 26 or 26.3 of this chapter; and

(2) on a direct record electronic voting system.

(b) Notwithstanding section 12 of this chapter, a county election board is not required to deliver absentee ballots described in subsection (a) to the precincts for counting. However, the county election board shall deliver to each precinct a list of the names of voters who have cast absentee ballots described in subsection (a). The county election board shall deliver this list at the same time the county election board delivers other absentee ballots to the precinct. Absentee ballots described in subsection (a) may be challenged using the same procedure that applies to other absentee ballots. The judges shall mark the poll list to indicate that each voter on the list sent by the county election board has voted by absentee ballot. If a voter has already voted at the precinct or if the absentee ballot is challenged, the judges shall note that fact on the list sent by the county election board and return the list to the county election board with the precinct's other election materials. The county election board shall delete the absentee votes of a voter described in subsection (a) whose name has been noted by the judges as having voted at the precinct. The county election board shall count the absentee ballots described in subsection (a) using the procedures in IC 3-11.5 for counting absentee ballots at a central location, including the procedures for challenging absentee ballots and eliminating the absentee ballots of individuals voting in person at the polls, to assure that the ballots cast on the direct record electronic voting system may be counted.

(c) A county election board acting under this section:

(1) may count all absentee ballots described in subsection (a) at a central location; and

(2) shall adjust the vote totals for each precinct based on the count of absentee ballots under subdivision (1).

(d) This section does not require a county election board to count absentee ballots not described in subsection (a) at a central location under this section or IC 3-11.5.

As added by P.L.66-2010, SEC.23.

IC 3-11-10-13

Delivery of absentee ballots; county election board to deliver; control by members of both political parties; inspector to sign receipt

Sec. 13. The appointed members of the county election board or members of the absentee voter boards established under section 36 of this chapter shall deliver the absentee ballots under section 12 of this chapter. The delivery of the absentee ballots must be at all times under the combined control of members of both political parties represented on the county election board. Upon delivery of absentee ballots to a precinct election board, the inspector shall sign a receipt for the ballots.

As added by P.L.5-1986, SEC.7.

IC 3-11-10-14

Absentee ballots not arriving on time

Sec. 14. Subject to IC 3-10-8-7.5, IC 3-12-1-17, and section 11 of

this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day are considered as arriving too late and need not be delivered to the polls.

As added by P.L.5-1986, SEC.7. Amended by P.L.126-2002, SEC.66; P.L.198-2005, SEC.10; P.L.219-2013, SEC.48; P.L.64-2014, SEC.50.

IC 3-11-10-15

Inspector; opening of envelope; announcing absentee voter's name; comparing signature

Sec. 15. At any time between the opening and closing of the polls on election day, the inspector, in the presence of the precinct election board, shall do all of the following:

(1) Open the outer or carrier envelope containing an absentee ballot envelope and application.

(2) Announce the absentee voter's name.

(3) Compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit attached to the ballot envelope.

As added by P.L.5-1986, SEC.7. Amended by P.L.126-2002, SEC.67.

IC 3-11-10-16

Finding of proper execution requirements by inspector; deposit of ballots in ballot box

Sec. 16. (a) If the inspector finds under section 15 of this chapter that:

(1) the affidavit is properly executed;

(2) the signatures correspond;

(3) the absentee voter is a qualified voter of the precinct;

(4) the absentee voter is registered and is not required to file additional information with the county voter registration office under IC 3-7-33-4.5;

(5) the absentee voter has not voted in person at the election; and

(6) in case of a primary election, if the absentee voter has not previously voted, the absentee voter has executed the proper declaration relative to age and qualifications and the political party with which the absentee voter intends to affiliate;

then the inspector shall open the envelope containing the absentee ballots so as not to deface or destroy the affidavit and take out each ballot enclosed without unfolding or permitting a ballot to be unfolded or examined.

(b) The inspector shall then hand the ballots to the judges who shall deposit the ballots in the proper ballot box. The inspector shall mark the poll list in the presence of the poll clerks to indicate that the voter has voted by absentee ballot. If the voter has registered and voted under IC 3-7-36-14, the inspector shall attach to the poll list the circuit court clerk's certification that the voter has registered.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.261; P.L.126-2002, SEC.68; P.L.209-2003, SEC.143; P.L.14-2004, SEC.121; P.L.221-2005, SEC.71; P.L.64-2014, SEC.51.

IC 3-11-10-16.5
Additional identifying information not received; treatment as provisional ballot

Sec. 16.5. If the inspector finds under section 16(a) of this chapter that the voter has not filed the additional information required to be filed with the county voter registration office under IC 3-7-33-4.5, but that all of the other findings listed under section 16(a) of this chapter apply, the inspector shall direct that the absentee ballot be processed as a provisional ballot under IC 3-11.7.
As added by P.L.209-2003, SEC.144. Amended by P.L.221-2005, SEC.72.

IC 3-11-10-17
Inspector; finding improper execution of requirements; ballots not to be accepted or counted

Sec. 17. (a) If the inspector finds under section 15 of this chapter that any of the following applies, a ballot may not be accepted or counted:

(1) The affidavit is insufficient or the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the circuit court clerk under IC 3-11-4-19 or section 27 of this chapter;

(B) the two (2) members of the absentee voter board visiting the voter under section 25(b) of this chapter; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) A copy of the voter's signature has been furnished to the precinct election board and that the signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has not registered.

(5) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(6) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(7) In the case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(8) The ballot has been challenged and there is no absentee ballot application from the voter to support the absentee ballot.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot secrecy envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by:

(1) the absentee voter board under section 25(b) of this chapter;

(2) a member of the voter's household; or

(3) an individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for an inspector to determine that a signature or mark complies with subsection (a)(2).

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.262; P.L.3-1997, SEC.304; P.L.38-1999, SEC.45; P.L.126-2002, SEC.69; P.L.1-2003, SEC.5; P.L.198-2005, SEC.11; P.L.225-2011, SEC.60; P.L.194-2013, SEC.59.

IC 3-11-10-18

Defective absentee ballots; endorsement; sealing of envelope identified by precinct and date; preservation

Sec. 18. Each ballot not accepted or counted for any of the reasons prescribed by section 17 of this chapter shall, without being unfolded to disclose how it is marked, be endorsed with the words: "Rejected (giving the reason or reasons therefor)." All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the inspector shall write the words: "Defective absentee ballots." The inspector shall also identify the precinct and the date of the election on the envelope containing the rejected ballots. The defective absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the election.

As added by P.L.5-1986, SEC.7.

IC 3-11-10-19

Signing and initialing of absentee ballot

Sec. 19. If a circuit court clerk has signed an absentee ballot and the ballot has been initialed as prescribed by IC 3-11-4-19, no other initialing is required.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.263.

IC 3-11-10-20

Requirements before depositing absentee ballot in ballot box

Sec. 20. Before depositing an absentee ballot in a ballot box, the inspector shall:

(1) notify the challengers and the pollbook holders that the

inspector is about to deposit an absentee ballot; and

(2) provide the challengers and pollbook holders with the name and address of the absentee voter so that the voter may be challenged under this article.

As added by P.L.5-1986, SEC.7.

IC 3-11-10-21

Challenge of absentee vote; voter not voter of precinct; procedure

Sec. 21. The vote of an absentee voter may be challenged at the polls for the reason that the absentee voter is not a legal voter of the precinct where the ballot is being cast. The challenge under this section regarding the absentee ballot must be determined by the county election board using the procedures for counting a provisional ballot under IC 3-11.7.

As added by P.L.5-1986, SEC.7. Amended by P.L.14-2004, SEC.122; P.L.64-2014, SEC.52.

IC 3-11-10-22

Challenge of absentee vote under section 21; application considered as affidavit; enclosure of provisional ballot; procedure

Sec. 22. (a) If an absentee ballot is challenged under section 21 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) If a proper affidavit is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, then the absentee ballot envelope must be marked to indicate that a provisional ballot is enclosed, and the envelope shall be placed with the other provisional ballot envelopes for transmittal to the county election board.

As added by P.L.5-1986, SEC.7. Amended by P.L.109-2005, SEC.9; P.L.64-2014, SEC.53.

IC 3-11-10-23

Death of absentee voter; disposition of ballot

Sec. 23. If proof is given to a precinct election board that an absentee voter marked and forwarded an absentee ballot but died before election day, then the inspector shall return the ballot of the deceased voter with the other defective ballots to the officer issuing the ballots. However, the casting of an absentee ballot by a deceased voter does not invalidate an election.

As added by P.L.5-1986, SEC.7.

IC 3-11-10-24

Requirements for voting absentee ballot by mail; voting procedure;

delivery

Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(11) The voter is a member of the military or public safety officer.

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in section 1.5 of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.4-1991, SEC.96; P.L.3-1995, SEC.106; P.L.3-1997, SEC.305; P.L.38-1999, SEC.46; P.L.126-2002, SEC.70; P.L.103-2005, SEC.12; P.L.120-2009, SEC.8; P.L.225-2011, SEC.61.

IC 3-11-10-24.5

Education program to inform of effect of casting multiple votes for single office

Sec. 24.5. As required by 42 U.S.C. 15481, an election board must establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

As added by P.L.209-2003, SEC.145. Amended by P.L.14-2004, SEC.123; P.L.164-2006, SEC.107.

IC 3-11-10-25

Confined voters or caregivers; voters with disabilities; visits by absentee voter board; required information; obstruction or

interference with election officer

Sec. 25. (a) A voter who votes by absentee ballot because of:

(1) illness or injury; or

(2) caring for a confined person at a private residence;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the twelve (12) days immediately before election day; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.264; P.L.10-1988, SEC.114; P.L.5-1989, SEC.56; P.L.4-1991, SEC.97; P.L.3-1993, SEC.152; P.L.3-1997, SEC.306; P.L.126-2002, SEC.71; P.L.209-2003, SEC.146; P.L.103-2005, SEC.13; P.L.164-2006, SEC.108.

IC 3-11-10-26

Voting before absentee voter board; time and place for voting; absentee uniformed services voters; proof of identification; assistance to voters

Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.

(2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) The office of the board of elections and registration.

(2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(d) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(e) The voter may vote before the board not more than twenty-eight (28) days nor later than noon on the day before election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the

first day following the day on which the voter registration period closes.

(f) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-eight (28) days before the election and not later than noon on election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(g) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(h) Notwithstanding subsection (g), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(i) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(j) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(k) If:

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

(2) a member of the 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;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(l) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.265; P.L.5-1989, SEC.57; P.L.4-1991, SEC.98; P.L.8-1992, SEC.27; P.L.3-1995, SEC.107; P.L.2-1996, SEC.185; P.L.3-1997, SEC.307; P.L.167-2001, SEC.7 and P.L.199-2001, SEC.23; P.L.126-2002, SEC.72; P.L.209-2003, SEC.147; P.L.14-2004, SEC.124; P.L.103-2005, SEC.14; P.L.164-2006, SEC.109; P.L.66-2010, SEC.24; P.L.225-2011, SEC.62; P.L.194-2013, SEC.60; P.L.258-2013, SEC.78.

IC 3-11-10-26.2

Use of electronic voting system to vote by absentee ballot when voting under certain circumstances; procedure

Sec. 26.2. (a) A county election board or board of elections and registration shall comply with IC 3-11-9-6 by providing an electronic voting system for voting by absentee ballot in the office of the circuit court clerk, the board of elections and registration, or a satellite office established under section 26.3 of this chapter, by a voter with disabilities or any other qualified absentee voter who wishes to cast an absentee ballot on the electronic voting system.

(b) The county election board or board of elections and registration may adopt a resolution under this section to authorize the circuit court clerk to use an electronic voting system for voting by voters eligible to cast an absentee ballot before an absentee board under section 25 of this chapter. A resolution adopted under this section must be adopted by the unanimous vote of the board's entire membership.

(c) A county providing absentee ballot voting under this section must adopt procedures to do the following:

(1) Secure absentee votes cast on an electronic voting system that provide protection comparable to the protection provided to absentee votes cast by paper ballot.

(2) Compare the signature on an absentee ballot application with the applicant's signature on the applicant's voter registration application.

(3) Ensure that an invalid ballot (as determined under IC 3-11.5) is not counted.

(4) Specify how a spoiled absentee ballot is to be canceled in the direct record electronic voting system if a voter casts and returns a replacement absentee ballot.

(d) A resolution adopted under this section may contain other provisions to implement this section that the board considers useful and that are not contrary to Indiana or federal law.

(e) If a resolution is adopted under this section, the circuit court clerk may use as many electronic voting machines for recording absentee votes as the clerk considers necessary, subject to the

resolution adopted by the board.

(f) Notwithstanding any other law, an absentee ballot voted on an electronic voting system under this section is not required to bear the seal, signature, and initials prescribed by section 27 of this chapter.

(g) If a resolution is adopted under this section, the procedure for casting an absentee ballot on an electronic voting system must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk under section 26 of this chapter.

As added by P.L.69-2003, SEC.6. Amended by P.L.14-2004, SEC.125; P.L.194-2013, SEC.61; P.L.64-2014, SEC.54.

IC 3-11-10-26.3

Satellite offices

Sec. 26.3. (a) A county election board may adopt a resolution to authorize the circuit court clerk to establish satellite offices in the county where voters may cast absentee ballots before an absentee voter board.

(b) To be adopted under this section, a resolution must be adopted by the unanimous vote of the board's entire membership.

(c) A resolution adopted under this section must do the following:

(1) State the locations of the satellite offices.

(2) State the hours at which absentee voting may occur at the satellite offices.

(d) The resolution may contain other provisions the board considers useful.

(e) If a resolution is adopted under this section for a primary election, the locations of the satellite offices and the hours at which absentee voting may occur at the satellite offices established for the primary election must be used for the subsequent general or municipal election.

(f) If a resolution is adopted under this section, the procedure for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk.

(g) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

(h) A satellite office established by a circuit court clerk under this section must comply with the polling place accessibility requirements of IC 3-11-8.

(i) A resolution adopted under this section expires January 1 of the year immediately after the year in which the resolution is adopted.

As added by P.L.167-2001, SEC.8 and P.L.199-2001, SEC.24. Amended by P.L.66-2010, SEC.25; P.L.225-2011, SEC.63; P.L.194-2013, SEC.62.

IC 3-11-10-26.5

Municipal and special elections; voting before absentee voter board during specific days and hours only

Sec. 26.5. (a) This section applies to:

(1) a municipal election;

(2) a primary conducted in a municipal election year; and

(3) a special election conducted under IC 3-10-8.

(b) Notwithstanding section 26 of this chapter, a county election board (or a town election board acting under IC 3-10-7) may adopt a resolution by the unanimous vote of the board's entire membership stating that voters are entitled to vote by absentee ballot before an absentee voter board in the office of the circuit court clerk or town election board during specific days and hours identified in the resolution.

(c) If the election board adopts a resolution under subsection (b), the board must include written findings of fact in the resolution stating:

(1) the number of absentee ballot applications anticipated or previously received for the election;

(2) the expense to be incurred by providing absentee ballot voting in the office during the entire period required under section 26 of this chapter; and

(3) that voters would experience little or no inconvenience by restricting absentee ballot voting in the office to the days and hours specified in the resolution.

(d) This subsection does not apply to an absentee ballot challenged under IC 3-11-4-18.5 until the challenge has been decided by the election board. If the election board adopts a resolution under subsection (b), an absentee ballot requested to be mailed to a voter shall be mailed:

(1) on the first business day that a voter is entitled to vote by absentee ballot before an absentee voter board in the office of the election board following receipt of the voter's application;

(2) not more than five (5) days after the date of delivery of the ballots under IC 3-11-4-15; or

(3) on the day of the receipt of the voter's application;

whichever is the latest.

(e) This subsection does not apply to an absentee ballot application challenged under IC 3-11-4-18.5 until the challenge has been decided by the election board. If the absentee ballot is requested by an absent uniformed services voter or an overseas voter, the absentee ballot shall be transmitted:

(1) not more than five (5) days after the date of delivery of the ballots under IC 3-11-4-15; or

(2) on the day of the receipt of the voter's application;

whichever is later.

As added by P.L.3-1995, SEC.108. Amended by P.L.194-2013, SEC.63; P.L.219-2013, SEC.49.

IC 3-11-10-27 Version a

Circuit court clerk's official seal and signature on absentee ballots; initialing by election officials

Note: This version of section effective until 3-24-2014. See also

following version of this section, effective 3-24-2014.

Sec. 27. (a) This section does not apply to a ballot mailed to a voter under this chapter.

(b) Subject to IC 3-5-4-9, before a ballot is voted under section 25 of this chapter before an absentee voter board, it must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by the absentee voter board visiting the voter under section 25(b) of this chapter (except in a county subject to subsection (d)).

(c) Subject to IC 3-5-4-9, before a ballot is:

(1) voted under section 26 of this chapter; or

(2) placed in a secrecy envelope if it has been marked using a marking device for an optical scan ballot;

the ballot must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by the county election board or the board's designated representatives under IC 3-11-4-19.

(d) A county election board may adopt a resolution providing that the absentee ballots to be voted before an absentee voter board visiting the voter under section 25(b) of this chapter must be initialed by the county election board or the board's representatives under IC 3-11-4-19 and not by the absentee voter board visiting the voter. A resolution adopted under this subsection remains in effect until rescinded by the county election board. The election board may not rescind the resolution during the final sixty (60) days before an election.

(e) The initials must be in ink on the back of the ballot, in the person's ordinary handwriting or printing, and without a distinguishing mark of any kind. No other initialing of the absentee ballot is necessary.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.20; P.L.3-1987, SEC.266; P.L.10-1988, SEC.115; P.L.4-1991, SEC.99; P.L.3-1993, SEC.153; P.L.3-1997, SEC.308; P.L.126-2002, SEC.73; P.L.263-2003, SEC.3; P.L.13-2014, SEC.3.

IC 3-11-10-27 Version b

Necessity of circuit court clerk's official seal and signature on absentee ballots and initialing by election officials

Note: This version of section effective 3-24-2014. See also preceding version of this section, effective until 3-24-2014.

Sec. 27. (a) This section does not apply to a ballot mailed to a voter under this chapter.

(b) Subject to IC 3-5-4-9, before a ballot is voted under section 25 of this chapter before an absentee voter board, it must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by the absentee voter board visiting the voter under section 25(b) of this chapter (except in a county subject to subsection (d)).

(c) Subject to IC 3-5-4-9, before a ballot is:

(1) voted under section 26 of this chapter; or

(2) placed in a secrecy envelope if it has been marked using a marking device for an optical scan ballot;

the ballot must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by the county election board or the board's designated representatives under IC 3-11-4-19.

(d) A county election board may adopt a resolution providing that the absentee ballots to be voted before an absentee voter board visiting the voter under section 25(b) of this chapter must be initialed by the county election board or the board's representatives under IC 3-11-4-19 and not by the absentee voter board visiting the voter. A resolution adopted under this subsection remains in effect until rescinded by the county election board. The election board may not rescind the resolution during the final sixty (60) days before an election.

(e) The initials must be:

(1) in ink on the back of the ballot, in the person's ordinary handwriting or printing, and without a distinguishing mark of any kind; or

(2) in a vote center county using an electronic poll list:

(A) printed on the back of the ballot by a printer separate from the electronic poll list, immediately before the ballot is delivered to the voter; and

(B) the initials of the county election board or the board's representatives captured through the electronic signature pad or tablet at the time the county election board or the board's representatives log into the electronic poll book system.

(f) No other initialing of the absentee ballot is necessary.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.20; P.L.3-1987, SEC.266; P.L.10-1988, SEC.115; P.L.4-1991, SEC.99; P.L.3-1993, SEC.153; P.L.3-1997, SEC.308; P.L.126-2002, SEC.73; P.L.263-2003, SEC.3; P.L.13-2014, SEC.3; P.L.55-2014, SEC.5.

IC 3-11-10-28

Voting before absentee voter board; handling ballot; privacy; additional identifying information

Sec. 28. (a) A voter voting before an absentee voter board shall mark the voter's ballot in the presence of the board, but not in such a manner that either of the members of the board can see for whom the voter voted, unless the voter requests the help of the board in marking a ballot under IC 3-11-9.

(b) The voter shall then, in the presence of the board, place the ballot in an envelope furnished by the county election board.

(c) The circuit court clerk shall provide, to the extent practicable, the same degree of privacy to absentee voters voting at the office of the circuit court clerk as provided to voters at the polls on election day.

(d) This subsection applies to a voter required to present additional information under IC 3-7-33-4.5. If the voter does not present the required additional information before receiving the absentee ballot, the absentee ballot shall be processed in accordance with section 4.5(c) of this chapter.

(e) Upon accepting the completed absentee ballot from the voter, the board shall provide the voter with a notice:

(1) listing the documentation the voter may submit to the county voter registration office to comply with IC 3-7-33-4.5; and

(2) stating the address and hours of the county voter registration office.

As added by P.L.5-1986, SEC.7. Amended by P.L.4-1991, SEC.100; P.L.8-1992, SEC.28; P.L.209-2003, SEC.148; P.L.14-2004, SEC.126; P.L.221-2005, SEC.73.

IC 3-11-10-29

Affidavit on face of envelope

Sec. 29. (a) The envelope required by section 28 of this chapter must bear upon its face a printed affidavit containing the voter's affirmation under penalties of perjury that the following information is true:

The voter must indicate the voter's precinct and township (or ward and city or town) and indicate whether the voter is entitled to vote as a resident of the precinct or is entitled to vote under IC 3-10-11 or IC 3-10-12.

(b) The voter must sign and date the affidavit, and the absentee voter board members each must sign the affidavit, and after December 31, 2014, print the member's name.

(c) The absentee voter board must indicate on the affidavit if:

(1) the board visited the voter in the manner authorized under section 25(b) of this chapter; and

(2) the voter was a voter with disabilities who was unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope under section 24(b) of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.17-1993, SEC.16; P.L.12-1995, SEC.86; P.L.3-1995, SEC.109; P.L.194-2013, SEC.64; P.L.64-2014, SEC.55.

IC 3-11-10-29.2

Applicability; casting absentee ballot at location or office after closing or deadline

Sec. 29.2. (a) This section applies to a voter casting an absentee ballot at:

(1) the location of the office of the circuit court clerk designated by the circuit court clerk under IC 3-11-10-26(a)(1);

(2) the office of the board of elections and registration under IC 3-11-10-26(b)(1); or

(3) a satellite office established under IC 3-11-10-26.3.

(b) When the hour for closing the location or office described in subsection (a) or the deadline for voting established by IC 3-11-10-26 occurs, a voter who is:

(1) in the act of voting; or

(2) in line to vote, as determined in subsection (c);

shall be permitted to vote, if otherwise qualified to vote according to law.

(c) At the time described in subsection (b), an individual designated by the circuit court clerk shall:

(1) determine the end of the line of voters who are waiting to vote; 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.

(B) Stamp each voter's hand.

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

As added by P.L.64-2014, SEC.56.

IC 3-11-10-29.5

Daily uploading vote history from electronic poll lists during absentee voting

Sec. 29.5. Each day after absentee voting concludes in the circuit court clerk's office, a satellite office, or a vote center, the county election board shall direct that the vote history be uploaded from each electronic poll list into the computerized list.

As added by P.L.219-2013, SEC.50.

IC 3-11-10-30

Voters returning to place of residence before close of polls on election day; voting in person

Sec. 30. Even though the voter may have applied for and received an absentee ballot, a voter who returns to the voter's place of residence before the close of the polls on election day may vote in person under the conditions prescribed by section 31 of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.225-2011, SEC.64.

IC 3-11-10-31

Voters not returning absentee ballot; voting in person; return of ballot to be marked "cancelled"

Sec. 31. (a) If a voter has not returned an absentee ballot, then the voter may vote in person.

(b) However, if the voter has received an absentee ballot, before the voter may vote, the voter must return the ballot to the inspector. The absentee ballot shall be marked "cancelled" and preserved with other defective ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.194-2013, SEC.65.

IC 3-11-10-32

Voter returning absentee ballot may not vote in person at precinct

Sec. 32. If a voter has marked and returned an absentee ballot, the voter may not vote in person at a precinct.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1995, SEC.110; P.L.225-2011, SEC.65.

IC 3-11-10-33

Repealed

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

IC 3-11-10-34

Voter may vote when absentee ballot marked "Rejected as defective"

Sec. 34. If an envelope containing an absentee ballot has been marked "Rejected as defective" and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person.

As added by P.L.5-1986, SEC.7.

IC 3-11-10-35

Unopened envelope containing absentee ballot

Sec. 35. (a) This section does not apply to an absentee ballot required to be treated as a provisional ballot under IC 3-11.7.

(b) If an envelope containing an absentee ballot has not been opened before the close of the polls, then the envelope may not be opened without an order of a court or the state recount commission.

As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.149; P.L.221-2005, SEC.74; P.L.194-2013, SEC.66.

IC 3-11-10-36

Absentee voter boards; appointment; eligibility; service by candidate or candidate's relative

Sec. 36. (a) Each county election board shall appoint absentee voter boards.

(b) The absentee voter boards must consist of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board. If a special election is held for a local public question, the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution to provide that the party membership requirement does not apply to absentee voter boards appointed to conduct the special election. A resolution adopted under this subsection may not be repealed and expires the day after the special election.

(c) An otherwise qualified person is eligible to serve on an absentee voter board unless the person:

(1) is unable to read, write, and speak the English language;

(2) has any property bet or wagered on the result of the election;

(3) is a candidate to be voted for at the election, except as an unopposed candidate for precinct committeeman or state convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election, except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:

(1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and

(2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.267; P.L.7-1990, SEC.49; P.L.4-1991, SEC.101; P.L.3-1993, SEC.154; P.L.3-1997, SEC.309; P.L.14-2004, SEC.127.

IC 3-11-10-37

Absentee voter boards; recommendations for appointments

Sec. 37. (a) Not later than noon ten (10) days before absentee voting begins under section 26 of this chapter, 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 absentee voter boards to be appointed under section 36 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) days before absentee voting begins under section 26 of this chapter. The county election board shall make the appointments as recommended. 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 36 of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1997, SEC.310; P.L.14-2004, SEC.128.

IC 3-11-10-38

Absentee voter boards; compensation

Sec. 38. The voters appointed to the absentee voter boards under section 36 of this chapter shall be compensated in the following manner:

(1) The boards that are sent to voters under section 25 of this chapter are entitled to a per diem set by the county executive and a sum for mileage at a rate determined by the county fiscal body.

(2) The boards that are assigned to the circuit court clerk's office during the period from thirty (30) days before election day through the day before election day are entitled to a per diem set by the county executive.

(3) The boards that are assigned to deliver the absentee ballots to the precincts on election day are entitled to a per diem and a sum for mileage at a rate determined by the county fiscal body.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.268;

P.L.5-1989, SEC.58; P.L.3-1995, SEC.112; P.L.10-1997, SEC.4.

IC 3-11-10-39

Absentee voter boards; training sessions; per diem for attendance

Sec. 39. Each county election board shall conduct a training session for the members of the absentee voter boards. A member of an absentee voter board must receive the training before the member begins performing the member's duties. At the training session the duties of the absentee voter boards and the election laws and penalties pertaining to their duties shall be explained in detail. The members of absentee voter boards are entitled to a per diem set by the county executive for attending the training session.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1995, SEC.113; P.L.66-2003, SEC.42.

IC 3-11-11
Chapter 11. Voting by Paper Ballot

IC 3-11-11-1
Application of chapter
Sec. 1. This chapter applies to each precinct where voting is by paper ballot.
As added by P.L.5-1986, SEC.7.

IC 3-11-11-1.1
Paper ballot use by county election board
Sec. 1.1. A county election board may use paper ballots:
(1) in any election;
(2) in all or in some of the precincts within a political subdivision holding an election; and
(3) instead of or in combination with any other voting method.
As added by P.L.3-1987, SEC.269.

IC 3-11-11-1.2
Education program to inform of effect of casting multiple votes for single office
Sec. 1.2. As required by 42 U.S.C. 15481, an election board must establish a voter education program to notify a voter of the effect of casting multiple votes for a single office on a paper ballot.
As added by P.L.209-2003, SEC.150. Amended by P.L.14-2004, SEC.129; P.L.164-2006, SEC.110.

IC 3-11-11-1.5
Repealed
(Repealed by P.L.190-2011, SEC.13; P.L.225-2011, SEC.93.)

IC 3-11-11-1.6
Repealed
(Repealed by P.L.225-2011, SEC.93.)

IC 3-11-11-1.7
Sample ballots supplied for precincts; posting of copies
Sec. 1.7. (a) Each county election board shall provide an adequate number of sample ballots for each precinct of the county. The county election board shall arrange the sample ballots in the form of a diagram showing:
(1) the political party and independent tickets;
(2) the offices to be filled;
(3) the names of the candidates; and
(4) the public questions;
in the same order in which they will occur on the official ballots printed under the jurisdiction of the election division and the county election board. However, if presidential electors are to be voted for at an election, then the ballot of each party or independent ticket must be in the form prescribed by IC 3-10-4-1.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). At least ten (10) days before an election, each county election board shall duplicate, distribute, and cause to be posted copies of official sample ballots:

(1) received from the election division; and

(2) prepared by the county election board;

to schools, fire stations, county courthouses, and other public buildings in the county.

As added by P.L.3-1987, SEC.272. Amended by P.L.10-1988, SEC.116; P.L.7-1991, SEC.5; P.L.12-1992, SEC.9; P.L.3-1993, SEC.155; P.L.2-1996, SEC.188; P.L.3-1997, SEC.313.

IC 3-11-11-1.8

Time of delivery to polls of ballots and equipment

Sec. 1.8. Each county election board shall have the ballots and all necessary furniture and appliances that go with the ballots at the polls delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the material if requested to do so by the county election board.

As added by P.L.3-1987, SEC.273.

IC 3-11-11-1.9

Comparison of sample ballots with ones supplied; certification

Sec. 1.9. (a) Before the opening of the polls, the precinct election board shall compare the ballots with the sample ballots and determine whether the names, numbers, and letters are in agreement. The board then shall certify that the ballots and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

(b) The inspector of each precinct, or a person under the direction of the inspector, shall post sample ballots near the entrance of the chute for the precinct. The ballots must be available for public inspection throughout election day.

As added by P.L.3-1987, SEC.274.

IC 3-11-11-2

Voting preparations; ballot box

Sec. 2. (a) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

(1) the boundaries of the chute designated;

(2) the sample ballots and instruction cards posted; and

(3) everything put in readiness for the commencement of voting at the opening of the polls.

(b) At the opening of the polls, the inspector and judges shall see that there are no ballots in the ballot box before the voting begins. After the inspection of the box, the inspector shall:

(1) securely lock the box;

(2) give one (1) key to the judge of the opposite political party; and

(3) retain one (1) key.

(c) Once securely locked, the ballot box may not be opened again until after the polls have been closed and the precinct election board is ready to immediately proceed with the counting, except as otherwise provided for central counting.

(d) The voting booths or compartments must be of a size and design to permit a voter to mark ballots in secret.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.275; P.L.221-2005, SEC.75.

IC 3-11-11-3

Opening package of ballots; delivery of ballots and writing instrument

Sec. 3. At the opening of the polls, after the organization of and in the presence of the precinct election board, the inspector shall:

(1) open the packages of ballots in a manner that preserves the seals intact;

(2) deliver twenty-five (25) of each of the state and local ballots to the poll clerk of the opposite political party; and

(3) deliver to the other poll clerk a pen for marking the ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.5-1989, SEC.59; P.L.3-1993, SEC.156.

IC 3-11-11-4

Initial of poll clerk on each ballot

Sec. 4. Upon receipt of the ballots and pen under section 3 of this chapter, the poll clerks or assistant poll clerks immediately shall place their initials in ink on the back of each ballot. The initials must be in the clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.276; P.L.3-1993, SEC.157.

IC 3-11-11-5

Delivery of initialed ballots as voters call for them; voter to sign poll list

Sec. 5. Following the resolution of any challenge to a voter, as each successive voter calls for a ballot, the poll clerks or assistant poll clerks shall deliver to the voter the first initialed ballot. The inspector shall then deliver to the clerks another ballot, which the clerks shall initial as before. The voter shall then sign the poll list.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.277; P.L.64-2014, SEC.57.

IC 3-11-11-6

Delivery of ballots and writing instrument to voter; explanations

Sec. 6. (a) After a voter has signed the poll list, one (1) of the poll clerks or assistant poll clerks shall deliver to the voter one (1) of each

ballot that the voter is entitled to vote at the election and one (1) pencil or pen. Both judges, on request, shall give an explanation of the voting method. If necessary, a precinct election officer shall assist a voter in determining if the proper initials appear on a ballot.

(b) As provided by 42 U.S.C. 15481, when a voter receives a paper ballot under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.278; P.L.5-1989, SEC.60; P.L.3-1993, SEC.158; P.L.209-2003, SEC.151; P.L.164-2006, SEC.111.

IC 3-11-11-7

Standards to define a vote; voting procedure; marking; write-in votes

Sec. 7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on a paper ballot.

(b) After receiving ballots under section 6 of this chapter, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by making a voting mark on or in the squares immediately before the candidates' names; and

(2) the voter's preference on each public question by making a voting mark in front of the word "yes" or "no" under the question.

(c) Write-in votes shall be cast by:

(1) making a voting mark on or in the square immediately before the space provided for write-in voting; and

(2) printing the name of the candidate in the space provided for write-in voting.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.21; P.L.4-1991, SEC.102; P.L.209-2003, SEC.152.

IC 3-11-11-8

One voter in booth; additional instruction to voter in booth

Sec. 8. (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 judges shall then approach but not enter the voting booth and call out additional instructions to the voter.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.279; P.L.4-1991, SEC.103.

IC 3-11-11-9
Voting to be private; rights of voter in casting vote

Sec. 9. (a) A voter shall mark all ballots while screened from observation. 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) As provided by 42 U.S.C. 15481, a voter casting a paper ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.280; P.L.209-2003, SEC.153; P.L.164-2006, SEC.112.

IC 3-11-11-10
Voting straight ticket; mark; count

Sec. 10. If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may make a voting mark on or in a large circle enclosing the device and before the name under which the candidates of the party or group of petitioners are printed. The voter's vote shall then be counted for all the candidates under that party name or for the two (2) candidates comprising an independent ticket.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.22; P.L.3-1987, SEC.281; P.L.3-1993, SEC.159.

IC 3-11-11-10.5
Voting booth occupancy; time limits; refusal to leave

Sec. 10.5. (a) At a primary election, a voter may not remain in the voting booth longer than three (3) minutes.

(b) At a general, municipal, or special election, a voter may not remain in the voting booth longer than two (2) minutes.

(c) If a voter refuses to leave the voting booth after the lapse of

the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth.
As added by P.L.3-1987, SEC.282.

IC 3-11-11-11
Folding of ballot before leaving booth or compartment; no exposure of face of ballot; exposure of poll clerk's initials

Sec. 11. Before leaving the booth or compartment, a voter shall fold each of the voter's ballots separately so that:

(1) no part of the face of a ballot is exposed; and

(2) the initials of the poll clerks or assistant poll clerks are exposed.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.283.

IC 3-11-11-12
Folding of ballot before leaving booth or compartment; improper folding; voter to be directed to fold ballot properly

Sec. 12. If a voter offers to vote a ballot folded so that it does not disclose the initials of the poll clerks or assistant poll clerks while also not disclosing the face of the ballot, the precinct election board shall direct the voter to return to the booth and fold the ballot properly.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.284.

IC 3-11-11-13
Return of pencil and delivery of ballot after leaving compartment

Sec. 13. After leaving the booth or compartment, a voter shall return the pencil to the poll clerk or assistant poll clerk and display the initials on the ballots to the inspector (or to the judge who is temporarily authorized to act for the inspector).
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.285; P.L.1-1994, SEC.6.

IC 3-11-11-14
Deposit of ballots in ballot box

Sec. 14. Upon displaying the initials on the ballots to the inspector (or the judge who is temporarily authorized to act for the inspector), the voter shall:

(1) deposit the ballots in the ballot box; or

(2) deliver the ballots to the inspector, who shall deposit the ballots in the ballot box.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.286.

IC 3-11-11-15
Repealed

(Repealed by P.L.64-2014, SEC.58.)

IC 3-11-11-16
Disclosure of ballot; record

Sec. 16. If a voter shows the voter's ballot or a part of the ballot to another person after the ballot has been marked so as to disclose any of the candidates voted for or how the voter voted on a public question, the ballot may not be deposited in a ballot box. A record of the occurrence shall be made on the poll list, and the voter may not vote again at the election.
As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.117.

IC 3-11-11-17
Voter to leave polls after voting; requirement of voting or returning ballot; returning of pencil

Sec. 17. After voting, a voter shall leave the polls. However, a voter to whom ballots and a pencil have been delivered may not leave the polls without:

(1) voting the ballots or returning them to the poll clerk; and
(2) returning the pencil to the poll clerk from whom the voter received it.

As added by P.L.5-1986, SEC.7.

IC 3-11-11-18
Spoiling, defacing, or mutilating ballot; receipt of another ballot; record; disposition of ballot

Sec. 18. A voter who by accident or mistake spoils, defaces, or mutilates the voter's ballot may, by returning the ballot to the poll clerks or assistant poll clerks and satisfying them that the spoiling, defacing, or mutilation was not intentional, receive another ballot. The poll clerks or assistant poll clerks shall make a record of the fact on the poll list, and the ballot shall then be marked "VOID" by the precinct election board in the presence of the voter and returned with the other election materials as required by IC 3-10-1-31 or IC 3-10-1-31.1.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.288; P.L.14-2004, SEC.130.

IC 3-11-11-19
Repealed

(Repealed by P.L.10-1988, SEC.238.)

IC 3-11-12
Repealed

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

IC 3-11-13

Chapter 13. Voting by Ballot Card Voting System

IC 3-11-13-1

Application of chapter

Sec. 1. This chapter applies to each precinct where voting is by ballot card voting system.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.302.

IC 3-11-13-2

Permissible use of system; generally

Sec. 2. A county election board may use an approved ballot card voting system:

(1) in any election;

(2) in all or in some of the precincts within a political subdivision holding an election; and

(3) instead of or in combination with any other voting method.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.303.

IC 3-11-13-3

Use of system at primary election; requisites

Sec. 3. A ballot card voting system may be used at a primary election only if the automatic tabulating machines for the system will:

(1) count only votes for the candidates of one (1) political party;

(2) reject all votes for an office when the number of votes for the office exceeds the number that the voter is entitled to cast; and

(3) reject all votes cast for candidates of more than one (1) political party.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.23; P.L.3-1987, SEC.304.

IC 3-11-13-4

Repealed

(Repealed by P.L.66-2003, SEC.55.)

IC 3-11-13-4.5

Education program to inform of effect of casting multiple ballots for single office

Sec. 4.5. As required by 42 U.S.C. 15481, an election board must establish a voter education program to notify a voter of the effect of casting multiple ballots for a single office on an optical scan ballot card tabulated at a central location.

As added by P.L.209-2003, SEC.155. Amended by P.L.164-2006, SEC.113.

IC 3-11-13-5

Repealed

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

IC 3-11-13-6
Marking devices; preparation; time of system delivery to polls

Sec. 6. (a) Before an election at which a ballot card voting system is used, a county election board shall:

(1) have the marking devices prepared for the election;

(2) have the marking devices put in order, set and adjusted, and made ready for voting when delivered to the precincts; and

(3) provide the precinct election officers with marking devices, a demonstration marking device, ballot cards, ballot boxes, ballot labels, and other records and supplies as required.

(b) While acting under subsection (a), the county election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) Each county election board shall have each ballot card voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the systems if requested to do so by the county election board.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.306; P.L.3-1997, SEC.320; P.L.176-1999, SEC.79; P.L.239-2001, SEC.9; P.L.221-2005, SEC.76.

IC 3-11-13-7
Demonstration marking devices

Sec. 7. Demonstration marking devices may not bear the name of any candidate or the text of any public question at an election.

As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.120.

IC 3-11-13-8
Marking of ballot cards in secret

Sec. 8. Unless the marking devices enable the voter to mark a ballot card in secret, a sufficient number of voting booths for each precinct shall be provided. The booths must be of a size and design so as to enable a voter to mark a ballot card in secret.

As added by P.L.5-1986, SEC.7.

IC 3-11-13-9
Sample ballots; requirements

Sec. 9. The public officials charged with the duty of providing ballot cards or ballot labels shall also provide sample ballots. A sample ballot must be:

(1) a copy of the official ballot cards or ballot labels;

(2) arranged in the form of a diagram showing the front of the marking device as it will appear at the election; and

(3) altered so marks on the sample ballot cannot be counted as votes.

As added by P.L.5-1986, SEC.7. Amended by P.L.190-2011, SEC.9.

IC 3-11-13-10
Posting sample ballots

Sec. 10. The appropriate precinct election officers shall post sample ballots near the entrance to the polls on election day and see that they are available to public inspection throughout the day.
As added by P.L.5-1986, SEC.7.

IC 3-11-13-11
Ballot information; arrangement

Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

(1) print all offices and questions on a single ballot card; and

(2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the

highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office.".

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the

first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(k) The following information must be placed at the top of the ballot before the first public question is listed:

(1) The cautionary statement described in IC 3-11-2-7.

(2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

(1) the name of the political party or independent ticket (described in IC 3-11-2-6); and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily read the instructions.

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

(1) the names of political parties or candidates; or

(2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.307; P.L.58-2005, SEC.19; P.L.164-2006, SEC.114; P.L.190-2011,

SEC.10; P.L.194-2013, SEC.67.

IC 3-11-13-12
Ballot labels; office title with statement of number, name, and party designation of candidates

Sec. 12. If ballot labels consist of a number of separate pages, the office title with a statement of the number of candidates to be voted for may be printed above or at the side of the name of each candidate for that office. Except in a primary election, the political party designation or independent status of each candidate, which may be abbreviated, shall be printed following the candidate's name.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.165.

IC 3-11-13-13
Ballot labels; marking to indicate list of candidates continued on following page

Sec. 13. If there are more candidates for an office than can be printed on one (1) ballot page, the ballot label shall be clearly marked that the list of candidates is continued on the following page. Arrows and numbers may be used to indicate the place to vote for each candidate and on each public question.
As added by P.L.5-1986, SEC.7.

IC 3-11-13-14
Straight party or independent ticket voting; provision for single mark designation on ballot

Sec. 14. In partisan elections, the ballot labels must include a voting square or position where a voter may by one (1) mark on each card record a straight party or an independent ticket vote for all the candidates of one (1) political party or the independent ticket, except for offices for which the voter has voted individually for a candidate. If the voter records a vote for the two (2) candidates comprising an independent ticket, the vote must not count for any other independent candidate on the ballot.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.166; P.L.221-2005, SEC.77.

IC 3-11-13-15
Repealed

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

IC 3-11-13-16
Rotation of names of candidates for nomination at primary election

Sec. 16. If a county election board requires that the names of candidates for nomination at a primary election be rotated alphabetically on the marking devices, then the names shall be rotated by precincts in regular serial sequence, so that each name of a list or group of candidates for an office appears upon the marking devices an equal number of times, as nearly as practicable, at the top,

at the bottom, and in each intermediate place under the title of the office sought. Each type card within a precinct must be of the same rotation series.
As added by P.L.5-1986, SEC.7.

IC 3-11-13-17
Precinct to be provided ballot cards suitable for processing by automatic data processing machines

Sec. 17. Each county election board shall provide each precinct where a ballot card voting system is used with a sufficient number of ballot cards of the size, design, and stock suitable for processing by automatic data processing machines.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.308.

IC 3-11-13-18
Ballot cards for write-in voting; when not required; standards to define a vote

Sec. 18. (a) Except as provided in subsection (d), the county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(b) The ballot cards provided under subsection (a) must be:

(1) designed to be folded; or

(2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(c) This subsection is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system. Except as provided in subsection (d), a write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

(d) Space for write-in voting for an office is not required if:

(1) there are no declared write-in candidates for that office; or

(2) the marking device allows for entry of a write-in candidate that can be read by a tabulator.

However, procedures must be implemented to permit write-in voting for candidates for federal offices.
As added by P.L.5-1986, SEC.7. Amended by P.L.4-1991, SEC.106; P.L.38-1999, SEC.47; P.L.176-1999, SEC.80; P.L.239-2001, SEC.10; P.L.209-2003, SEC.156; P.L.14-2004, SEC.131; P.L.221-2005, SEC.78; P.L.13-2014, SEC.4.

IC 3-11-13-19
Ballot cards and secrecy envelopes; precinct number or designation; line for poll clerk's initials

Sec. 19. (a) Except as provided in subsection (b), each circuit court clerk shall print or stamp the precinct number or designation and a line for each poll clerk's initials on both a ballot card and the ballot card's secrecy envelope before the election.

(b) In a vote center county using an electronic poll list, the circuit

court clerk shall not print or stamp the information required by subsection (a) if the precinct number or designation and the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system are printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.
As added by P.L.5-1986, SEC.7. Amended by P.L.4-1991, SEC.107; P.L.55-2014, SEC.6.

IC 3-11-13-20
Repealed
(Repealed by P.L.221-2005, SEC.145.)

IC 3-11-13-21
Ballot cards to be used in primary election to be distinctively marked or be of different color to distinguish party
Sec. 21. In a primary election, the ballot cards of each political party must be distinctively marked or be of a different color so that the ballot cards of each party are easily distinguishable.
As added by P.L.5-1986, SEC.7. Amended by P.L.199-2001, SEC.25.

IC 3-11-13-22
Automatic tabulating machines; testing
Sec. 22. (a) 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 the automatic tabulating machines tested to ascertain that the machines will correctly count the votes cast for all candidates and on all public questions. 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.
(b) 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.
As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.24; P.L.176-1999, SEC.81; P.L.26-2000, SEC.16.

IC 3-11-13-23
Observation of machine tests; certification
Sec. 23. (a) The two (2) appointed members of the county election board shall observe the test required by section 22 of this chapter and certify the test as meeting the requirements of section 22 of this chapter.
(b) A copy of the certification of the test conducted under section 22(b) of this chapter shall be filed with the election returns.
(c) The test must be open to representatives of political parties, candidates, the media, and the public.
As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.25;

P.L.2-1996, SEC.193; P.L.3-1997, SEC.321; P.L.176-1999, SEC.82; P.L.26-2000, SEC.17; P.L.14-2004, SEC.132.

IC 3-11-13-24
Testing machines; requirements

Sec. 24. The test required by section 22 of this chapter must:

(1) be conducted by processing a preaudited group of ballot cards marked so as to record a predetermined number of valid votes for each candidate and on each public question; and

(2) include for each office one (1) or more ballot cards that have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating machines to reject the votes.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.26; P.L.26-2000, SEC.18; P.L.221-2005, SEC.79.

IC 3-11-13-25
Testing machines; detection of error; determination of cause and correction

Sec. 25. If an error is detected during the test required by section 22 of this chapter, the cause of the error shall be determined and corrected, and an errorless count shall be made before the automatic tabulating machines are approved.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.27; P.L.5-1988, SEC.9; P.L.26-2000, SEC.19.

IC 3-11-13-26
Sealing tabulating machines following completion of count

Sec. 26. After completion of the count, the tabulating machines shall be sealed as provided in IC 3-12-3-10. The ballot cards and all other election materials shall be sealed, retained, and disposed of as provided for paper ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.28; P.L.3-1987, SEC.309; P.L.176-1999, SEC.83; P.L.26-2000, SEC.20; P.L.221-2005, SEC.80.

IC 3-11-13-26.5
Instructional displays

Sec. 26.5. (a) Each county election board may make available at convenient places throughout the county ballot card voting systems for the instruction of the voters. The board shall locate the systems at places where people usually assemble, such as shopping centers. The board shall have the systems attended at convenient hours designated by the board by persons able to instruct others in their use. The county chairmen of the major political parties of the state must approve the persons attending the systems under this section.

(b) Each ballot card voting system used for instructional purposes must contain the names of all candidates and a description of all public questions as they will appear on the official sample ballot for the system on election day. However, the system may not be set to record a tally or total.

As added by P.L.3-1987, SEC.310. Amended by P.L.3-1993, SEC.167.

IC 3-11-13-27
Determination of system readiness; certification

Sec. 27. (a) After the delivery of a ballot card voting system to a precinct, the precinct election board may meet at the polls on the same day and open the package containing the sample ballot cards, to determine whether the system is ready for use in accordance with section 16 of this chapter. If a ballot card voting system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done.

(b) While acting under subsection (a), the precinct election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

(1) the boundaries of the chute designated;
(2) the sample ballots and instruction cards posted; and
(3) everything put in readiness for the commencement of voting at the opening of the polls.

(d) Before the opening of the polls, the precinct election officers shall do the following:

(1) Compare the ballot cards used in the marking device with the sample ballots furnished and determine whether the names, numbers, and letters are in agreement.
(2) Determine that the system records that zero (0) votes have been cast for each candidate and on each public question.
(3) Assure that the system is otherwise in perfect order.

(e) The officers then shall certify that:

(1) the marking device and the sample ballots are in agreement;
(2) the system records zero (0) votes cast; and
(3) the system appears to be in perfect order.

Forms shall be provided for certification, and the certification shall be filed with the election returns.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.311; P.L.3-1997, SEC.322; P.L.221-2005, SEC.81.

IC 3-11-13-27.5
Opening and delivering ballots and marking devices

Sec. 27.5. At the opening of the polls, after the organization of and in the presence of the precinct election board, the inspector shall:

(1) open the packages of ballot cards in a manner that preserves the seals intact;
(2) deliver fifty (50) of each of the state and local ballots to the poll clerk representing the opposite political party; and
(3) deliver to the other poll clerk a device for marking the ballots.

As added by P.L.3-1987, SEC.312. Amended by P.L.176-1999,

SEC.84.

IC 3-11-13-28 Version a
Initial of poll clerks on ballot card

Note: This version of section effective until 3-24-2014. See also following version of this section, effective 3-24-2014 until 4-1-2014, and following repeal of this section, effective 4-1-2014.

Sec. 28. (a) This section does not apply to a ballot card voted by absentee ballot.

(b) The two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:

(1) at the time the card is issued to a voter; or

(2) in the case of a ballot marked by a marking device for an optical scan ballot, before the ballot is placed into the tabulating device.

The initials must be in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.

(c) Except as provided in IC 3-12-1-12, a ballot card is not valid unless it is initialed by both poll clerks.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.313; P.L.3-1993, SEC.168; P.L.176-1999, SEC.85; P.L.13-2014, SEC.5.

IC 3-11-13-28 Version b
Initial of poll clerks on ballot card

Note: This version of section effective 3-24-2014 until 4-1-2014. See also preceding version of this section, effective until 3-24-2014, and following repeal of this section, effective 4-1-2014.

Sec. 28. (a) This section does not apply to a ballot card voted by absentee ballot.

(b) Except as provided in subsection (c), the two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:

(1) at the time the card is issued to a voter; or

(2) in the case of a ballot marked by a marking device for an optical scan ballot, before the ballot is placed into the tabulating device.

The initials must be in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.

(c) In a vote center county using an electronic poll list and a printer separate from the electronic poll list, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system may be printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.

(d) Except as provided in IC 3-12-1-12, a ballot card is not valid unless, immediately before the ballot card is delivered to the voter:

(1) the ballot card is initialed by both poll clerks; or

(2) the initials of both poll clerks are printed on the back of the ballot card in accordance with subsection (c).

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.313; P.L.3-1993, SEC.168; P.L.176-1999, SEC.85; P.L.13-2014, SEC.5; P.L.55-2014, SEC.7.

IC 3-11-13-28 Version c
Repealed

(Repealed by P.L.76-2014, SEC.39.)

Note: This repeal of section effective 4-1-2014. See also preceding version of this section, effective until 3-24-2014, and preceding version of this section, effective 3-24-2014 until 4-1-2014.

IC 3-11-13-28.1
Applicability; initials of poll clerks on ballot card

Sec. 28.1. (a) This section does not apply:

(1) to a ballot card voted by absentee ballot; or

(2) in a vote center county using an electronic poll book and a printer separate from the electronic poll book.

(b) Except as provided in subsection (c), the two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:

(1) at the time the card is issued to a voter; or

(2) in the case of a ballot marked by a marking device for an optical scan ballot, before the ballot is placed into the tabulating device.

The initials must be in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.

(c) In a vote center county using an electronic poll list and a printer separate from the electronic poll list, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system may be printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.

(d) Except as provided in IC 3-12-1-12, a ballot card is not valid unless, immediately before the ballot card is delivered to the voter:

(1) the ballot card is initialed by both poll clerks; or

(2) the initials of both poll clerks are printed on the back of the ballot card in accordance with subsection (c).

As added by P.L.76-2014, SEC.40.

IC 3-11-13-28.2
Applicability; initials of poll clerks on ballot card

Sec. 28.2. (a) This section:

(1) does not apply to a ballot card voted by absentee ballot; and

(2) applies in a vote center county using an electronic poll book and a printer separate from the electronic poll book.

(b) The printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log onto the electronic poll book system may be printed by a printer separate from the electronic poll book on the back of each ballot card

immediately before the ballot card is delivered to the voter.

(c) Except as provided in IC 3-12-1-12, a ballot card is not valid unless immediately before the ballot card is delivered to the voter:

(1) the ballot card is initialed by both poll clerks; and

(2) the initials of both poll clerks are printed on the back of the ballot in accordance with subsection (b).

As added by P.L.76-2014, SEC.41.

IC 3-11-13-28.5

Poll clerk initials on ballot cards; information for voters on effect of casting multiple votes for single office; correction of ballot by voter

Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.

(b) This subsection does not apply in a precinct where a marking device for an optical scan ballot is being used. As each successive voter calls for a ballot, the poll clerks shall deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the poll clerks another ballot of each type, which the clerks shall initial as before.

(c) This subsection applies to an optical scan ballot card ballot tabulated at a central location. As provided by 42 U.S.C. 15481, when a voter receives an optical scan ballot card ballot, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

As added by P.L.3-1987, SEC.314. Amended by P.L.4-1996, SEC.70; P.L.38-1999, SEC.48; P.L.176-1999, SEC.86; P.L.239-2001, SEC.12; P.L.209-2003, SEC.158; P.L.221-2005, SEC.82; P.L.164-2006, SEC.115; P.L.13-2014, SEC.6.

IC 3-11-13-28.7

Poll clerk initials on secrecy envelopes; standards to define a vote

Sec. 28.7. (a) The two (2) poll clerks of each precinct shall place their initials in ink on the secrecy envelope of a ballot card (or on the fold-over part of a ballot card described in section 18(b)(1) of this chapter) at the time the card is issued to a voter. The initials must be in the poll clerk's ordinary handwriting or printing and without a distinguishing mark of any kind.

(b) This subsection is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system. A write-in vote cast on a secrecy envelope or fold-over envelope:

(1) is not valid unless:

(A) the secrecy envelope is initialed by both poll clerks; and

(B) the vote includes both the name of the write-in candidate and the office for which the write-in vote is cast; and

(2) makes the secrecy envelope or fold-over envelope a ballot for purposes of this title.

As added by P.L.4-1991, SEC.108. Amended by P.L.3-1993, SEC.169; P.L.3-1997, SEC.323; P.L.176-1999, SEC.87; P.L.209-2003, SEC.159; P.L.221-2005, SEC.83.

IC 3-11-13-29
Instructions to voters; location of instructions; rights of voter in casting ballot

Sec. 29. (a) In addition to the instructions printed on the ballot card or ballot labels, instructions to voters shall be posted in each voting booth or placed on the marking device. Each voter shall be instructed by both judges, on request, on how to operate the voting device before the voter enters the voting booth.

(b) The instructions posted in the voting booth or placed on the marking device must state the following:

(1) That the voter should examine the ballot card to determine whether the back of the ballot card has:

(A) the initials of the poll clerks in ink; or

(B) the printed initials of the poll clerks, in a vote center county using an electronic poll list and a printer separate from the electronic poll list that prints on the back of each ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(2) That the voter should not make an unnecessary mark on the ballot card because the mark may void the card.

(3) That the voter should examine the ballot card to determine if the card has any mark (other than the initials of the poll clerks) before voting.

(4) That the voter should return the ballot card to the poll clerks and request another ballot card if:

(A) the poll clerks' initials have not been properly placed on the card;

(B) the card has a mark (other than the initials of the poll clerks) before the voter places a voting mark on the ballot; or

(C) the voter has improperly marked the card.

(5) That the voter should examine the ballot card after voting to determine that all marks made on the card to indicate the voter's selections have been completely marked.

(c) As provided by 42 U.S.C. 15481, a voter casting an optical scan ballot card under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of

casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.315; P.L.209-2003, SEC.160; P.L.221-2005, SEC.84; P.L.164-2006, SEC.116; P.L.55-2014, SEC.8.

IC 3-11-13-30
Instructions to voter

Sec. 30. When a voter is handed a ballot card, the voter shall be instructed to:

(1) use only the marking device provided for marking the cards and that the voter is not to mark a card in any other way;

(2) be certain that the initials of the poll clerks appear on the voter's card and that if the initials are not on the card it will not be counted, except as provided by IC 3-12-1-12; and

(3) place the voter's card in an envelope after the voter has voted or to fold the card in a manner so that no card is exposed upon which a choice is indicated.

As added by P.L.5-1986, SEC.7. Amended by P.L.176-1999, SEC.88; P.L.221-2005, SEC.85.

IC 3-11-13-31
Assisting voter in determining proper initials on ballot card

Sec. 31. If necessary, a precinct election officer shall assist a voter in determining if the proper initials appear on a ballot card.

As added by P.L.5-1986, SEC.7.

IC 3-11-13-31.5
Visual placement of voting booths

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.

As added by P.L.3-1987, SEC.316.

IC 3-11-13-31.6
Voting mark; instructions

Sec. 31.6. Whenever a ballot card voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the

system to indicate a vote.
As added by P.L.225-2011, SEC.66.

IC 3-11-13-31.7
Voting procedure; standards to define a vote

Sec. 31.7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by marking the connectable arrows, circles, ovals, or squares immediately beside:

(A) the candidates' names; or

(B) the numbers referring to the candidates; and

(2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:

(A) the word "yes" or "no" under the question; or

(B) the number referring to the word "yes" or "no" on the ballot.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or independent ticket (described in IC 3-11-2-6), the voter may mark:

(1) the circle enclosing the device; or

(2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;

that designates the candidates of that political party or independent ticket (described in IC 3-11-2-6). The voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

(d) This subsection applies to a voter casting a ballot on a voting system that includes features of both an optical scan ballot card voting system and a direct record electronic voting system. After entering into a booth used with the voting system, the voter shall indicate the candidates for whom the voter desires to vote and the voter's preference on each public question by:

(1) inserting a paper ballot or an optical scan ballot into the voting system; or

(2) using headphones to listen to a recorded list of political parties, candidates, and public questions.

(e) A voter using a voting system described in subsection (d) may indicate the voter's selections by:

(1) touching a device on or in the squares immediately adjacent to the name of a political party, candidate, or response to a public question; or

(2) indicating the voter's choices by using a sip puff device that

enables the voter to indicate a choice by inhaling or exhaling.
As added by P.L.3-1987, SEC.317. Amended by P.L.3-1993, SEC.170; P.L.176-1999, SEC.89; P.L.209-2003, SEC.161; P.L.58-2005, SEC.20; P.L.221-2005, SEC.86; P.L.76-2014, SEC.42.

IC 3-11-13-32
Additional instruction to voter after entering voting booth

Sec. 32. If a voter needs additional instruction after entering the voting booth, the voter may request assistance from the two (2) judges. The judges shall then approach but not enter the booth and call out the additional instructions to the voter.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.318.

IC 3-11-13-32.5
Occupation of voting booth; time limits; refusal to leave

Sec. 32.5. (a) At a primary election, a voter may not remain in the voting booth or compartment longer than three (3) minutes.

(b) At a general, municipal, or special election, a voter may not remain in the voting booth or compartment longer than two (2) minutes.

(c) If a voter refuses to leave a voting booth or compartment after the lapse of the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth or compartment.
As added by P.L.3-1987, SEC.319.

IC 3-11-13-32.8
Disclosure of vote by voter before its registration; effect

Sec. 32.8. If a voter shows the voter's ballot card or a part of the card to another person after the card has been marked so as to disclose any of the candidates voted for or how the voter voted on a public question, the ballot card may not be deposited in a ballot box. A record of the occurrence shall be made on the poll list, and the voter may not vote again at the election.
As added by P.L.3-1987, SEC.320. Amended by P.L.10-1988, SEC.121.

IC 3-11-13-33
Processing voted ballot; poll list entry of voting

Sec. 33. (a) After a voter has marked a ballot card, the voter shall place it inside the envelope provided for this purpose or fold the envelope described in section 18(b)(1) of this chapter and return the ballot card to the judge.

(b) The judge shall offer to return the envelope with the ballot card inside to the voter. The voter shall:

(1) accept the envelope and deposit it in the ballot box; or

(2) decline the envelope and require the judge to deposit it in the ballot box.

(c) If a voter offers to vote a ballot card that is not inside the

envelope provided for this purpose or with the envelope not folded if the ballot is described in section 18(b)(1) of this chapter, the precinct election board shall direct the voter to return to the booth and place the ballot card in the envelope provided for this purpose or fold the envelope.

(d) After a voter's ballot cards have been deposited in the ballot box, the poll clerks shall make a voting mark after the voter's name on the poll list.

(e) After voting, a voter shall leave the polls. However, a voter to whom ballot cards and a marking device have been delivered may not leave the polls without voting the ballot cards or returning them to the poll clerk from whom the voter received them.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.321; P.L.4-1996, SEC.71; P.L.38-1999, SEC.49; P.L.176-1999, SEC.90; P.L.239-2001, SEC.13; P.L.221-2005, SEC.87.

IC 3-11-13-34
Repealed

(Repealed by P.L.176-1999, SEC.134.)

IC 3-11-13-34.5
Repealed

(Repealed by P.L.176-1999, SEC.134.)

IC 3-11-13-35
Defaced or defective ballot cards

Sec. 35. If a voter spoils or defaces a ballot card or marks it erroneously, the voter shall return the card so as not to disclose any choices that the voter has made.

As added by P.L.5-1986, SEC.7. Amended by P.L.38-1999, SEC.52; P.L.176-1999, SEC.91; P.L.239-2001, SEC.14; P.L.221-2005, SEC.88.

IC 3-11-13-36
Securing marking devices on closing of polls

Sec. 36. As soon as the polls are closed, the inspector shall secure the marking devices against further voting.

As added by P.L.5-1986, SEC.7.

IC 3-11-13-37
Confirmation of count

Sec. 37. If a petition is filed under section 38 of this chapter, the county election board shall confirm that the votes cast in an election:

(1) for each candidate and each public question; and

(2) on a ballot card voting system in a precinct specified under section 38 of this chapter;

were correctly counted by the system.

As added by P.L.6-1986, SEC.29. Amended by P.L.3-1987, SEC.322.

IC 3-11-13-38

Petition for confirmation of vote cast

Sec. 38. Each county chairman for either of the major parties in the county may petition the county election board for confirmation of the vote cast on a ballot card voting system no earlier than the Saturday before an election and no later than the Thursday after an election. The petition may specify not more than five percent (5%) of the precincts or five (5) precincts, whichever is greater, in which a ballot card voting system was used for an audit under section 37 of this chapter.

As added by P.L.6-1986, SEC.30. Amended by P.L.3-1987, SEC.323.

IC 3-11-13-39

Audit requirement

Sec. 39. The county election board shall conduct an audit under section 37 of this chapter by means of tests and procedures that are approved by the commission and independent of the provider of the ballot card voting system being audited.

As added by P.L.6-1986, SEC.31. Amended by P.L.3-1987, SEC.324; P.L.2-1996, SEC.194.

IC 3-11-13-40

Certification of results of audit

Sec. 40. The county election board shall certify the results of an audit under section 37 of this chapter not later than noon twelve (12) days after the election. The certification must be on the form prescribed by the commission. One (1) copy shall be filed with the election returns, and one (1) copy must be delivered to the election division.

As added by P.L.6-1986, SEC.32. Amended by P.L.2-1996, SEC.195; P.L.3-1997, SEC.325.

IC 3-11-13-41

Notice of audit

Sec. 41. Public notice of the time and place of an audit under section 37 of this chapter shall be given at least forty-eight (48) hours before the audit. The notice shall be published once in accordance with IC 5-3-1-4. However, if publication in accordance with IC 5-3-1-4 will not allow the county election board to certify the results of the audit within ten (10) days after the election, notice shall be given by posting it:

(1) at or near the county courthouse; and

(2) at the post office serving the county courthouse.

As added by P.L.6-1986, SEC.33.

IC 3-11-13-42

Municipal election use of ballot card voting system

Sec. 42. If a county has procured ballot card voting systems for use, the ballot card voting systems may be used at a municipal election. If there are not sufficient ballot card voting systems on hand for each precinct of the municipality, the county election board shall

determine in what precincts ballot card voting systems will be used at the election.
As added by P.L.3-1987, SEC.325.

IC 3-11-13-43
Municipal elections where ballot card voting system supplied; supplies; expenses

Sec. 43. (a) If ballot card voting systems are used in a municipal election, the county election board shall furnish to the municipality:

(1) the requisite number of ballot card voting systems; and

(2) all the furniture and appliances that go with the ballot card voting systems.

(b) However, the municipality shall pay the expenses of moving the ballot card voting systems and furniture to and from the polls and also for any damage or loss to the ballot card voting systems or furniture.
As added by P.L.3-1987, SEC.326.

IC 3-11-13-44
Appointment of person to observe preparation of automatic tabulating machines; term; duties; compensation

Sec. 44. (a) The county chairman of each major political party of the county may appoint one (1) person to observe:

(1) the ordering and the setting and adjustment of automatic tabulating machines under section 6 of this chapter;

(2) the testing of automatic tabulating machines under section 22 of this chapter; and

(3) the determination of the cause of and correction of errors in the counting of ballot cards under section 25 of this chapter.

(b) The county chairman shall file the name of a person appointed under this section with the circuit court clerk.

(c) A person appointed under this section serves until:

(1) the county chairman notifies the circuit court clerk that the person's appointment has been revoked;

(2) the county chairman notifies the clerk that the person has died; or

(3) the person files a letter of resignation with the clerk.

(d) A person appointed under subsection (a):

(1) may attend the ordering and the setting and the adjustment of the automatic tabulating machines only as a witness;

(2) shall remain silent and subject to the orders of the board; and

(3) may not obstruct or interfere with the ordering and setting and adjustment of the automatic tabulating machines.

(e) A person appointed under subsection (a) is not entitled to compensation for services except from the political party of the county chairman making the appointment.
As added by P.L.5-1989, SEC.62.

IC 3-11-14

Chapter 14. Voting by Electronic Voting System

IC 3-11-14-1

Applicability of chapter

Sec. 1. This chapter applies to each precinct where voting is by electronic voting system.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-2

County election board use of electronic voting system; where permitted

Sec. 2. A county election board may use an approved electronic voting system:

(1) in any election;

(2) in all or in some of the precincts within a political subdivision holding an election; and

(3) instead of or in combination with any other voting method.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-3

Ballot labels

Sec. 3. (a) The county election board shall furnish ballot labels prepared as required by section 3.5 of this chapter.

(b) The county election board shall have the ballot labels printed:

(1) in black ink on clear white material;

(2) in the size that will fit on an electronic system; and

(3) in plain, clear type as space will reasonably permit.

As added by P.L.3-1987, SEC.327. Amended by P.L.58-2005, SEC.21.

IC 3-11-14-3.5

Ballot information; arrangement

Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify

the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established

by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office.".

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be

placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

As added by P.L.58-2005, SEC.22. Amended by P.L.190-2011, SEC.11; P.L.225-2011, SEC.67; P.L.194-2013, SEC.68; P.L.76-2014, SEC.43.

IC 3-11-14-4
Distinctive party ballot labels

Sec. 4. Political parties may be distinguished in a primary election by the use of different color ballot labels. The party device for a political party that has been adopted in accordance with IC 3-8 and the party name or other designation shall be prefixed to the list of candidates of the party.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-5
Repealed

(Repealed by P.L.194-2013, SEC.69.)

IC 3-11-14-6
Repealed

(Repealed by P.L.194-2013, SEC.70.)

IC 3-11-14-7
Sample ballots; number and arrangement

Sec. 7. Each county election board shall provide the number of sample ballots the county election board considers adequate for each precinct of the county. The county election board shall arrange the sample ballots in the form of a diagram showing the entire front of an electronic voting system as it will appear on the official ballots printed under the jurisdiction of the county election board. However, if presidential electors are to be voted for at an election, then the ballot label of each political party or independent ticket must be in the form prescribed by IC 3-10-4-1.

As added by P.L.3-1987, SEC.327. Amended by P.L.3-1993,

SEC.171; P.L.2-1996, SEC.198; P.L.3-1997, SEC.328; P.L.194-2013, SEC.71.

IC 3-11-14-8
Electronic voting system display before election; posting sample ballots

Sec. 8. (a) Each county election board may make available at convenient places throughout the county electronic voting systems for the instruction of the voters. The board shall locate the systems at places where people usually assemble, such as shopping centers. The board shall have the systems attended at convenient hours designated by the board by persons able to instruct others in their use. The county chairmen of the major political parties of the state must approve the persons attending the systems under this section.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). At least ten (10) days before an election, each county election board shall duplicate, distribute, and cause to be posted copies of official sample ballots prepared by the county election board to schools, fire stations, county courthouses, and other public buildings in the county.

As added by P.L.3-1987, SEC.327. Amended by P.L.7-1991, SEC.7; P.L.12-1992, SEC.11; P.L.3-1993, SEC.172; P.L.2-1996, SEC.199; P.L.3-1997, SEC.329; P.L.194-2013, SEC.72.

IC 3-11-14-9
Information contained in instructional models

Sec. 9. Each electronic voting system used for instructional purposes must contain the names of all candidates and a description of all public questions as they will appear on the official sample ballot on election day. However, the systems may not be set to record a tally or total.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-10
Ballot labels; installation

Sec. 10. Each county election board shall, before election day, have the proper ballot labels prepared as required by section 3.5 of this chapter and put on each electronic voting system.

As added by P.L.3-1987, SEC.327. Amended by P.L.3-1993, SEC.173; P.L.58-2005, SEC.23.

IC 3-11-14-11
Rotation of candidate names on ballot system

Sec. 11. A county election board may require that the names of candidates for nomination at a primary election be rotated alphabetically on electronic voting systems. If the board does so, the names shall be rotated by precincts in regular serial sequence, so that each name of a list or group of candidates for an office appears upon the systems an equal number of times, as nearly as practicable, at the

top, at the bottom, and in each intermediate place under the title of the office sought.
As added by P.L.3-1987, SEC.327.

IC 3-11-14-12
School district elections; arrangement of candidate names

Sec. 12. In school district elections, the county election board shall arrange the names of candidates in alphabetical order on an electronic voting system as required by section 3.5 of this chapter.
As added by P.L.3-1987, SEC.327. Amended by P.L.58-2005, SEC.24.

IC 3-11-14-13
Preparation and adjustment of system before delivery

Sec. 13. (a) Before an electronic voting system is delivered to a precinct, the county election board shall have the system put in order, set and adjusted, and ready for use in voting. As part of the system's preparation, the county election board may conduct any of the comparisons and determinations required under section 17 of the chapter. However, notwithstanding any action taken by the county election board, each precinct election board must also perform the comparisons and determinations required under section 17 of this chapter before the opening of the polls. The board may employ one (1) or more competent persons to prepare systems in accordance with this section.

(b) While acting under subsection (a), the county election board may restrict access to parts of the room where voting systems and other election material are being handled to safeguard this material.
As added by P.L.3-1987, SEC.327. Amended by P.L.3-1997, SEC.330; P.L.221-2005, SEC.89.

IC 3-11-14-14
Delivery of system to polls

Sec. 14. Each county election board shall have each electronic voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the system if requested to do so by the county election board.
As added by P.L.3-1987, SEC.327.

IC 3-11-14-15
Examination of system and sample ballots upon delivery

Sec. 15. (a) After the delivery of an electronic voting system to a precinct, the precinct election board may meet at the polls on the same day, open the package containing the sample ballots, and, if necessary, examine the ballot label, to determine whether the system is ready for use in accordance with section 11 of this chapter. If a system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or

have it done.

(b) While acting under subsection (a), the precinct election board may restrict access to parts of the room where voting systems and other election material are being handled to safeguard this material.
As added by P.L.3-1987, SEC.327. Amended by P.L.3-1997, SEC.331.

IC 3-11-14-16
Preparation at polls before opening

Sec. 16. On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

(1) the boundaries of the chute designated;
(2) the sample ballots and instruction cards posted; and
(3) everything put in readiness for the commencement of voting at the opening of the polls.

As added by P.L.3-1987, SEC.327. Amended by P.L.221-2005, SEC.90.

IC 3-11-14-17
Preparation at polls before opening; system check; certification

Sec. 17. (a) Before the opening of the polls, each precinct election board shall:

(1) compare the ballot label on each electronic voting system with the sample ballot to see that it is correct;
(2) see that the system records zero (0) votes for each candidate and on each public question; and
(3) see that the system is otherwise in perfect order.

(b) After the system is in perfect order for voting, the precinct election board may not permit the counters to be operated except by voters in voting. The board then shall certify that the ballot labels and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.
As added by P.L.3-1987, SEC.327.

IC 3-11-14-18
Posting of sample ballots

Sec. 18. The inspector of each precinct, or a person under the direction of the inspector, shall post sample ballots near the entrance of the chute for the precinct. The ballots must be available for public inspection throughout election day.
As added by P.L.3-1987, SEC.327.

IC 3-11-14-19
Failure of equipment; supply of paper ballots and voting booths

Sec. 19. Each county election board shall be at its office from 5 a.m. until 6 p.m. on election day. Upon notice that an electronic voting system is out of order or fails to work, the board shall be ready between those hours to deliver to any precinct in the county:

(1) necessary paper ballots;
(2) election booths with an adequate number of stalls;
(3) ballot boxes; and
(4) all necessary supplies and equipment as required by law.
As added by P.L.3-1987, SEC.327.

IC 3-11-14-20
Location of voting system; secrecy
Sec. 20. The exterior of an electronic voting system and each area of the polls must be in plain view of the precinct election board. Each system 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.
As added by P.L.3-1987, SEC.327.

IC 3-11-14-21
Regulation of voting system area
Sec. 21. After the opening of the polls, the inspector, judges, and poll clerks may not allow any person to pass within the railing to the part of the room where an electronic voting system is situated, except for the purpose of voting. Except as provided in IC 3-11-9, they may not permit more than one (1) voter at a time to be in the part of the room where an electronic voting system is situated.
As added by P.L.3-1987, SEC.327.

IC 3-11-14-22
Explanation of manner of voting to voter
Sec. 22. After a voter has signed the poll list, both judges, on request, shall give an explanation of the manner of voting.
As added by P.L.3-1987, SEC.327.

IC 3-11-14-22.5
Voting mark; instructions
Sec. 22.5. Whenever an electronic voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.
As added by P.L.225-2011, SEC.68.

IC 3-11-14-23
Voting procedure; standards to define a vote; rights of a voter in casting ballot
Sec. 23. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.
(b) If a voter is not challenged by a member of the precinct

election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

(1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;

(2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and

(3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. The voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

(d) As provided by 42 U.S.C. 15481, a voter casting a ballot on an electronic voting system must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

As added by P.L.3-1987, SEC.327. Amended by P.L.4-1991, SEC.109; P.L.3-1993, SEC.174; P.L.209-2003, SEC.162; P.L.58-2005, SEC.25; P.L.164-2006, SEC.117.

IC 3-11-14-24

Voting booth arrangement; additional instructions

Sec. 24. (a) Only one (1) voter may occupy a booth 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.

(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 additional instructions to the voter.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-25

Post-vote casting procedure

Sec. 25. After voting, the voter shall immediately leave the booth and announce to the poll clerks that the voter has voted. The poll clerks shall write a voting mark after the voter's name, and the voter shall leave the room.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-26

Time limits in voting booth; primary election

Sec. 26. At a primary election, a voter may not remain in the voting booth longer than three (3) minutes.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-27

Time limits in voting booth; general election

Sec. 27. At a general, municipal, or special election, a voter may not remain in the voting booth longer than two (2) minutes.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-28

Voter refusal to leave voting booth

Sec. 28. If a voter refuses to leave a voting booth after the lapse of time prescribed by section 26 or 27 of this chapter, the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-29

Disclosure of vote by voter before its registration; effect

Sec. 29. If a voter shows or discloses to another person the candidates voted for or how the voter voted on a public question before the vote is registered, the vote may not be registered on the electronic voting system. A record of the occurrence shall be made on the poll list, and the voter may not vote again at the election.

As added by P.L.3-1987, SEC.327. Amended by P.L.10-1988, SEC.122.

IC 3-11-14-30

Securing system at poll closing

Sec. 30. Subject to IC 3-12-2-5, as soon as the polls are closed, the inspector, in the presence of the judges and poll clerks, immediately shall secure each electronic voting system against voting and obtain at least one (1) paper printout of the total votes cast for each candidate and on each public question in that precinct.

As added by P.L.3-1987, SEC.327.

IC 3-11-14-31

Printouts of vote; computer memory pack removal

Sec. 31. As soon as the paper printouts of the vote count are obtained, the inspector shall close the system and remove the

computer memory pack from the system. The inspector and the judge of the opposite political party shall then transport the computer memory packs and each electronic voting system to the county election board.
As added by P.L.3-1987, SEC.327. Amended by P.L.3-1993, SEC.175.

IC 3-11-14-32
Certificate of vote; return of papers to circuit court clerk

Sec. 32. The certificates of the number of votes cast for each person shall be made and signed as required by IC 3-12, and the precinct election officers shall make and sign all statements of the number of votes required by law in duplicate, triplicate, or otherwise. The certificates and other papers shall be returned to the circuit court clerk in the same manner and with the same penalties that are prescribed in IC 3-12 for election returns from precincts in which electronic voting systems are not used.
As added by P.L.3-1987, SEC.327.

IC 3-11-14-33
Municipal election use of system

Sec. 33. If a county has procured electronic voting systems for use, the systems may be used at a municipal election. If there are not sufficient systems on hand for each precinct of the municipality, the county election board shall determine in what precincts systems will be used at the election.
As added by P.L.3-1987, SEC.327.

IC 3-11-14-34
Municipal elections; supplies furnished; expenses

Sec. 34. (a) If electronic voting systems are used in a municipal election, the county election board shall furnish to the municipality:

(1) the requisite number of systems; and

(2) all the furniture and appliances that go with the systems.

(b) However, the municipality shall pay the expenses of moving the systems and furniture to and from the polls and also for any damage or loss to the systems or furniture.
As added by P.L.3-1987, SEC.327.

IC 3-11-14.5

Chapter 14.5. Public Tests of Electronic Voting Systems

IC 3-11-14.5-1

System test; random selection of precincts

Sec. 1. At least fourteen (14) days before election day, the county election board of each county planning to use an electronic voting system at the next election shall randomly select at least three (3) precincts within the county and test the voting system units to be used at those precincts on election day. Each voting system shall be tested to ascertain that the system will correctly count the votes cast for all candidates and on all public questions in that precinct.

As added by P.L.221-2005, SEC.91.

IC 3-11-14.5-2

Public notice of test

Sec. 2. 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.

As added by P.L.221-2005, SEC.91.

IC 3-11-14.5-3

Certification of test by election board

Sec. 3. The two (2) appointed members of the county election board shall observe the test required by this chapter and, if they so determine, shall certify the test as meeting the requirements of this chapter.

As added by P.L.221-2005, SEC.91.

IC 3-11-14.5-4

Test open to public

Sec. 4. The test must be open to representatives of political parties, candidates, the media, and the public.

As added by P.L.221-2005, SEC.91.

IC 3-11-14.5-5

Requirements for test

Sec. 5. The test required by this chapter must include the following:

(1) The visual inspection of the voting system and ballot labels.

(2) The manual entry of a preaudited group of ballots marked so as to record a predetermined number of valid votes for each candidate and on each public question.

(3) At least one (1) ballot for each office that has votes in excess of the number allowed by law in order to test the ability of the electronic voting system to reject the overvotes.

As added by P.L.221-2005, SEC.91.

IC 3-11-14.5-6

Errors; determination of causes; correction; errorless retest

Sec. 6. If an error is detected during the test required by section 5 of this chapter, the cause of the error shall be determined and corrected, and an errorless count must be made before the use of the electronic voting system at the election is approved.
As added by P.L.221-2005, SEC.91.

IC 3-11-14.5-7
Sealing voting system and test materials after completion
Sec. 7. After completion of the count, the voting system shall be sealed. The ballots used to conduct the test and all other election materials shall be sealed, retained, and disposed of as provided for paper ballots.
As added by P.L.221-2005, SEC.91.

IC 3-11-14.5-8
Test of vote tabulation component from tested voting systems
Sec. 8. Immediately following the completion of the voting system test under section 5 of this chapter, the county election board shall enter the vote totals from the voting systems tested under this chapter into the component of the voting system used by the county election board to tabulate election results under IC 3-12-3.5. The board shall determine whether this component of the voting system properly tabulates the votes cast in each of the precincts tested under this chapter.
As added by P.L.221-2005, SEC.91.

IC 3-11-14.5-9
Certification of test results to election division
Sec. 9. Not later than seven (7) days after conducting the tests required under this chapter, the county election board shall certify to the election division that the tests have been conducted in conformity with this chapter.
As added by P.L.221-2005, SEC.91.

IC 3-11-14.5-10
Copy of certification kept with election returns
Sec. 10. A copy of the certification of the tests conducted under this chapter shall be filed with the election returns.
As added by P.L.221-2005, SEC.91.

IC 3-11-15

Chapter 15. Ballot Card and Electronic Voting Systems; Additional Standards and Procedures for Approving System Changes

IC 3-11-15-1

Applicability of chapter

Sec. 1. Except as otherwise provided, this chapter applies to any election in Indiana where voting is by means of a ballot card or electronic voting system.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-2

Applicability of performance and test standards and fees

Sec. 2. The performance and test standards and fees under this chapter apply to an optical scan voting system or an electronic voting system described in IC 3-11-7 or IC 3-11-7.5.

As added by P.L.3-1997, SEC.332. Amended by P.L.221-2005, SEC.92.

IC 3-11-15-3

Vendors; application to examine voting system

Sec. 3. A vendor may apply to the election division to examine a voting system and report on its accuracy, efficiency, and capacity.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-4

Application for certification; fee; disposition of fee

Sec. 4. Each application for certification of a voting system shall be accompanied by a fee of one thousand five hundred dollars ($1,500). All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.

As added by P.L.3-1997, SEC.332. Amended by P.L.120-2009, SEC.9.

IC 3-11-15-5

Vendors; reimbursement to election division for cost of examination

Sec. 5. Each vendor shall reimburse the election division an amount equal to the total cost of examining the system.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-6

Approval of system dependent on payment of fees and expenses

Sec. 6. The commission shall not approve any system until the fee and the expenses incurred by the election division (or the person designated under IC 3-11-16) in making the examination are paid by the person making the application.

As added by P.L.3-1997, SEC.332. Amended by P.L.221-2005,

SEC.93.

IC 3-11-15-7
Applications; contents

Sec. 7. (a) Each application must be in writing, sworn to or affirmed by the applicant, under the penalties of perjury, on a form prescribed by the commission, and must satisfy the following requirements:

(1) Provide the name and address of the vendor submitting the application.

(2) Provide the telephone number of the vendor.

(3) Provide the name, address, and telephone number of the individual representing the vendor regarding the application.

(4) Provide the model name and number of the submitted voting system, stating the hardware, firmware, and software version numbers of the system.

(5) State whether the voting system is a direct record electronic voting system or an optical scan ballot card voting system.

(6) Provide a description of the voting system and its capabilities, including the following:

(A) Photographs.

(B) Engineering drawings.

(C) Technical documentation.

(D) Fail-safe and emergency backup information.

(E) Environmental requirements for storage, transportation, and operation.

(7) Include an agreement to pay for the total costs of the examination.

(8) Provide documentation of the escrow of the voting system's software, firmware, source codes, and executable images with an escrow agent approved by the election division.

(9) Provide a functional description of any software components.

(10) Provide schematics or flowcharts identifying software and data file relationships.

(11) Describe the type of maintenance offered by the vendor.

(12) Provide the names, addresses, and telephone numbers of the vendor's maintenance providers.

(13) Provide a description of the training courses offered by the vendor for the voting system.

(14) Provide user manuals, operator and system manuals, and problem solving manuals.

(15) Provide a statement of the current and future interchangeability of all subcomponents of the voting system.

(16) Provide documentation from all independent testing authorities that have examined the system.

(17) Provide documentation from all election jurisdictions that have previously approved the system.

(18) Pay the application fee required under section 4 of this chapter.

(b) If an application does not include any of the applicable requirements listed in subsection (a), those requirements must be filed with the election division before the application may be considered by the commission.
As added by P.L.3-1997, SEC.332. Amended by P.L.14-2004, SEC.133.

IC 3-11-15-8
Applications; length of validity
Sec. 8. An application under this chapter is valid for one (1) year after the date that the application is filed with the election division and for any additional time that the commission considers necessary to act upon the application.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-9
Prompt response to inquiries by applicant required
Sec. 9. An applicant must vigorously and continuously seek approval of an application by promptly responding to inquiries from the commission and the election division. The commission may, following a hearing under IC 4-21.5, dismiss an application if the commission determines that the applicant has not complied with this requirement.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-10
Repealed
(Repealed by P.L.221-2005, SEC.144.)

IC 3-11-15-11
Repealed
(Repealed by P.L.221-2005, SEC.144.)

IC 3-11-15-12
Applications; form
Sec. 12. Each application under this chapter must be in writing on a form prescribed by the commission and must comply with the requirements of this chapter.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-13
Repealed
(Repealed by P.L.164-2006, SEC.143.)

IC 3-11-15-13.1
Voting system display of candidate name; optional display of candidate designations
Sec. 13.1. (a) If a voting system has the capability, the voting system must display on the medium used by the voter to cast the voter's ballot the name of each candidate.

(b) A county election board (or a board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4) may require a voting system to display on the medium used by the voter to cast the voter's ballot a ballot number or other candidate designation uniquely associated with the candidate.

As added by P.L.66-2003, SEC.43. Amended by P.L.190-2011, SEC.12.

IC 3-11-15-13.3

Federal voting system standards; use of voting system with expired certification

Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet:

(1) the Voting System Standards adopted by the Federal Election Commission on April 30, 2002; or

(2) the Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.

(b) A county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, 2013, if the voting system:

(1) was:

(A) approved by the commission for use in elections in Indiana before October 1, 2013; and

(B) purchased by the county before October 1, 2013; and

(2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) As provided by 42 U.S.C. 15481, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(d) As provided by 42 U.S.C. 15481, an election board conducting an election satisfies the requirements of subsection (c) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(e) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (d), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities.

As added by P.L.209-2003, SEC.164. Amended by P.L.221-2005, SEC.94; P.L.164-2006, SEC.118; P.L.120-2009, SEC.10; P.L.219-2013, SEC.51.

IC 3-11-15-13.4
Voting system and voters with disabilities

Sec. 13.4. (a) This section does not apply to the purchase, lease, or lease-purchase of additional or replacement components of a voting system in use in a county before January 1, 2005.

(b) The commission shall determine whether a voting system provides a practical and effective means for voters with disabilities to cast ballots in private.

(c) If the commission determines that any voting system meets the criteria described in subsection (b), a county may not purchase, lease, or lease-purchase any other voting system that does not meet the criteria described in subsection (b).

As added by P.L.97-2004, SEC.10.

IC 3-11-15-13.5
Repealed

(Repealed by P.L.97-2004, SEC.133.)

IC 3-11-15-13.6
Compliance with standards for disability access

Sec. 13.6. (a) This section applies only to a voting system purchased with funds made available under Title II of HAVA (42 U.S.C. 15321 through 15472) after December 31, 2006.

(b) As required by 42 U.S.C. 15481, the voting system must comply with the Voting System Standards for disability access referred to in section 13.3 of this chapter and 42 U.S.C. 15481(a)(3) to be used in an election.

As added by P.L.97-2004, SEC.11.

IC 3-11-15-13.7
Requirements of voting systems to indicate overvotes

Sec. 13.7. (a) If a voting system has any of the following functions, the functions must be operable in the voting system's equipment actually in use in a precinct:

(1) The voting system can demonstrate to the voter that the voter has cast votes for too many candidates for an office.

(2) The voting system can demonstrate to the voter that the voter has cast votes both in favor of and in opposition to a public question.

(b) Except as provided in subsection (c), a voting system described in subsection (a) must be able to inform the voter how the voter may correct errors on the voter's ballot.

(c) A voting system is not required to provide the information required by subsection (b) if the information is provided in writing conspicuously on or near the components of the voting system where the voter casts the voter's votes.

As added by P.L.126-2002, SEC.76.

IC 3-11-15-14
Ballot counting devices and equipment; verification

Sec. 14. In ballot card voting systems, each precinct ballot counting device, and all central counting equipment, must contain provisions for verifying:

(1) its proper preparation for an election; and

(2) that both the hardware and the software are functioning correctly.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-15

Ballot counting devices and equipment; tests and diagnostic procedures

Sec. 15. The tests and diagnostic procedures described in section 14 of this chapter:

(1) may be executed manually or automatically; and

(2) must allow for operator intervention to validate the proper execution of individually selected equipment functions.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-16

Electronic voting system; verification

Sec. 16. Each electronic voting system or vote recording and data processing device shall contain hardware and software provisions for verifying:

(1) its proper preparation for an election; and

(2) that both the hardware and the software are functioning correctly.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-17

Electronic voting system; tests and diagnostic procedures

Sec. 17. The tests and diagnostic procedures described in section 16 of this chapter:

(1) may be carried out manually or automatically; and

(2) must allow for operator intervention to validate the proper execution of individually selected equipment functions.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-18

Repealed

(Repealed by P.L.26-2000, SEC.46.)

IC 3-11-15-19

Repealed

(Repealed by P.L.26-2000, SEC.46.)

IC 3-11-15-20

Voting system; accuracy

Sec. 20. (a) A voting system must be able to record accurately each vote and be able to produce an accurate report of all votes cast.

(b) As used in this subsection, "error rate" refers to the error rate

of the voting system in counting ballots (determined by taking into account only those errors that are attributable to the voting system and not attributable to an act of the voter). As required by 42 U.S.C. 15481, a voting system must comply with the error rate standards established under section 3.2.1. of the Voting System Standards approved by the Federal Election Commission on April 30, 2002, as those standards were in effect on October 29, 2002.

(c) The inclusion of control logic and data processing methods incorporating parity and check-sums (or equivalent error detection and correction methods) must demonstrate that the system has been designed for accuracy.

As added by P.L.3-1997, SEC.332. Amended by P.L.209-2003, SEC.166.

IC 3-11-15-21

Voting system; software

Sec. 21. Software used in a voting system must monitor the overall quality of data read-write and transfer quality status, checking the number and types of errors that occur in any of the relevant operations on data and how they were corrected.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-22

Ballot card voting system; verification and accuracy

Sec. 22. Ballot card voting systems must rely on the retention of ballots as a redundant means of verifying or auditing election results. As a means of assuring accuracy in electronic voting systems, the unit must incorporate multiple memories in the machine itself and in its programmable memory devices.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-23

Electronic voting system; preservation of electronic images of ballots

Sec. 23. To attain a measure of integrity over the process, the electronic voting systems must also maintain an image of each ballot that is cast, such that records of individual ballots are maintained by a subsystem independent and distinct from the main vote detection, interpretation, processing, and reporting path. The electronic images of each ballot must protect the integrity of the data and the anonymity of each voter, for example, by means of storage location scrambling. The ballot image records may be either machine-readable or manually transcribed, or both, at the discretion of the vendor.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-24

Voting system; status and degree of operability

Sec. 24. Ballot card voting and electronic voting systems must include built-in test, measurement, and diagnostic software, and

hardware for detecting and reporting the system's status and degree of operability.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-25
Voting system; recording and reporting capabilities

Sec. 25. A voting system must include capabilities of recording and reporting the date and time of normal and abnormal events and of maintaining a permanent record of audit information that cannot be turned off. A voting system must include provisions to detect and record significant events, such as casting a ballot, error conditions that cannot be disposed of by the system itself, or time-dependent or programmed events that occur without the intervention of the voter or a polling place operator.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-26
Ballot counting software

Sec. 26. The ballot counting software must be designed in a modular fashion and not be self-modifying. Modular programs must consist of code written in relatively small and easily identifiable sections, with each unit having a single entry point and a single exit point. Each module must have a specific function that can be tested and verified more or less independently of the remainder of the code.
As added by P.L.3-1997, SEC.332. Amended by P.L.219-2013, SEC.52.

IC 3-11-15-27
Repealed

(Repealed by P.L.26-2000, SEC.46.)

IC 3-11-15-28
Repealed

(Repealed by P.L.26-2000, SEC.46.)

IC 3-11-15-29
Repealed

(Repealed by P.L.26-2000, SEC.46.)

IC 3-11-15-30
Repealed

(Repealed by P.L.26-2000, SEC.46.)

IC 3-11-15-31
Repealed

(Repealed by P.L.26-2000, SEC.46.)

IC 3-11-15-32
Repealed

(Repealed by P.L.219-2013, SEC.53.)

IC 3-11-15-33
Real-time monitoring of system status and data quality

Sec. 33. The vendor shall provide for the real-time monitoring of system status and data quality. The election division (or the competent person designated by the commission to act on behalf of the election division) shall determine methods of assessment with the advice of a test authority. Implementation options include the following:

(1) Hardware monitoring of redundant processing functions which are carried out in parallel or serially.

(2) Statistical assessment and measures of system operation.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-34
Quality assessment

Sec. 34. Measurement of the relative frequency of entry to program units and the frequency of exception conditions must be included as part of the quality assessment.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-35
Repealed

(Repealed by P.L.176-1999, SEC.134.)

IC 3-11-15-36
Errors in operations; corrections

Sec. 36. Software used in all systems must monitor the overall quality of data read-write and transfer quality status, checking the number and types of errors that occur in any of the relevant operations on data and how the errors were corrected. If the total number of corrected errors exceeds a predetermined threshold, or if errors on any one (1) type occur repeatedly, then the operation of the affected device must be suspended until the condition generating the errors has been corrected. Any uncorrectable error must result in an immediate halt and provide an appropriate message to the voter or polling place official.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-37
Retention of ballots for verification of election results

Sec. 37. Ballot card voting systems must rely on the retention of ballots as a redundant means of verifying election results. As a means of assuring accuracy in electronic voting systems, the unit must incorporate multiple memories in the machine itself and in the unit's programmable memory devices. To attain a measure of integrity over the process, an electronic voting system must also maintain images of each ballot that is cast so that records of individual ballots are maintained by a subsystem independent and distinct from the main vote detection, diagnostic, processing, and

reporting path.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-38
Stored images of ballots

Sec. 38. The stored images of each ballot must protect the integrity of the data and the anonymity of each voter by such means as storage location scrambling. The ballot image records may be either machine readable or manually transcribed, or both, at the discretion of the vendor.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-39
Firmware instructions; undervoting permitted

Sec. 39. The electronic voting system firmware instructions must contain necessary logical instructions to determine correct recording of each and every candidate or public question selection made by the voter to the appropriate memory registers and tables. In the case of a partially voted ballot, deliberate undervoting by a voter must be permitted. This undervoting must be validated by machine determination that particular candidate or public question selections have not been made. In cases where a selected candidate or vote on a public question is not recording correctly upon casting of the ballot, the electronic voting system equipment must generate an error signal and automatically stop operation of the machine until the problem is resolved.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-40
Reconciliation of sum of selections and undervotes

Sec. 40. After every ballot is cast, a reconciliation of the sum of selections and undervotes must occur. The undervotes may not be generated as a default but must be generated as the result of scanning the ballot as the ballot is cast.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-41
Status messages

Sec. 41. Status messages must become part of the real-time audit record. Latitude in software design is necessary so that consideration can be given to various user processing and reporting needs. The user shall require status and information messages to be displayed and reported in real-time.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-42
Status messages; display

Sec. 42. Depending on the critical nature of the message, and the particular jurisdiction's needs, status messages shall preferably be displayed and reported by suitable, unambiguous indicators or

English language text. Noncritical status messages may be displayed if the message does not require operator intervention by means of numerical codes, for subsequent interpretation and reporting as ambiguous text.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-43
Audit record; ability of voter to change vote before ballot cast

Sec. 43. (a) The audit record provisions in this chapter are essential to the complete recording of election operations and reporting of the vote tally. This list of audit records must reflect all of the idiosyncrasies of a system.

(b) As required by 42 U.S.C. 15481, the voting system must:

(1) produce a permanent paper record with a manual audit capacity for the system; and

(2) provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(c) The paper record produced under subsection (b) must be made available as an official record for a recount or contest conducted with respect to any election in which the voting system was used.
As added by P.L.3-1997, SEC.332. Amended by P.L.209-2003, SEC.168.

IC 3-11-15-44
In-process audit records; contents

Sec. 44. In-process audit records consist of data documenting precinct and central count system operation during diagnostic routines and the casting and tallying of ballots. At a minimum, the in-process audit records for all systems must contain the following items, except as otherwise noted:

(1) Machine generated error and exception messages to ensure that successful recovery has been accomplished. Examples include the following:

(A) The source and disposition of system interrupts resulting in entry into exception handling routines.

(B) All messages generated by exception handlers.

(C) The identification code and number of occurrences for each hardware and software error or failure.

(D) Notification of system log-in or access errors, file access errors, and physical violations of security as they occur, and a summary record of these events after processing.

(E) For ballot card voting systems, an event log of any ballot-related exceptions, such as the following:

(i) Quantity of ballots that are not processable.

(ii) Quantity of ballots requiring special handling.

(iii) In a central count environment, quantity identification number of aborted precincts.

(F) Other exceptional events such as power failures, failure of critical hardware components, data transmission errors, or

other types of operating anomalies.

(2) Critical system status messages other than informational messages displayed by the system during the course of normal operations. These items include the following:

(A) Diagnostic and status messages upon startup.

(B) The "zero totals" check conducted before opening the polling place or counting a precinct centrally.

(C) For ballot card voting systems, the initiation or termination of card reader and communications equipment operations.

(D) For electronic voting system machines, the event (and time, if available) of enabling/casting each ballot that is each voter's transaction as an event. This data can be compared with the public counter for reconciliation purposes.

(3) Status messages that are generated by the machine's data quality monitor or by software and hardware condition monitors. For example, a cumulative or summary record of data read-write-verify, parity, or check-sum errors and retries is required. The intent is to gauge the accuracy of the ballot data and adequacy of the system in monitoring and detecting system processing errors.

(4) System generated log of all normal process activity and system events that require operator intervention so that each operator access can be monitored and access sequence can be constructed.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-45

General features and capabilities of access policy; disclosure

Sec. 45. The vendor shall disclose the general features and capabilities of the access policy. The generic capabilities should include the following:

(1) Software access controls.

(2) Hardware access controls.

(3) Effective password management.

(4) The protection abilities of a particular operating system.

(5) The general characteristics of supervisory access privileges.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-46

Access policies defined by using jurisdiction

Sec. 46. The using jurisdiction in charge of voting system operations is responsible for defining the specific access policies applying to each election and for defining any variations of these resulting from use of the system in more than one (1) environment.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-47

Access control policy; limitations on access

Sec. 47. The access control policy must identify all persons to

whom access is granted and the specific functions and data to which each holds authorized access. If an authorization is limited to a specific time, time interval, or phase of the voting or counting operations, this limitation must also be specified.
As added by P.L.3-1997, SEC.332.

IC 3-11-15-48
Access control policy; requirements

Sec. 48. The access control policy:

(1) may not affect the ability of a voter to record votes and submit a ballot; and

(2) must preclude voter access to all other physical facilities of the vote-counting processes.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-49
Approval required before voting system is marketed, sold, leased, installed, or implemented; exception for display or demonstration, conditions

Sec. 49. (a) Except as provided in subsection (b), before a vendor markets, sells, leases, installs, or permits the implementation of a voting system in Indiana, the commission must have approved the vendor's application for the approval of the voting system.

(b) A vendor may display or demonstrate a voting system that has not been approved by the commission for use in Indiana, if the vendor complies with all the following requirements:

(1) The display or demonstration occurs at a conference of election officials sponsored by:

(A) a state agency; or

(B) an association of circuit court clerks or voter registration officers.

(2) The vendor files a notice with the election division at least seven (7) days before the scheduled starting date of a conference referred to in subdivision (1) setting forth the following:

(A) The name of the vendor and each vendor representative scheduled to display or demonstrate the voting system.

(B) The address and telephone number of the vendor.

(C) The model name and number of the voting system, including the hardware, firmware, and software version number for the voting system.

(D) The name and manufacturer of the voting system.

(E) The date and location of the display or demonstration of the voting system.

(3) The vendor displays the voting system with a notice that:

(A) is in at least 16 point type size;

(B) is posted on the face of the voting system; and

(C) states that the voting system is "Not Approved for Use in Indiana".

(4) The vendor ensures that each communication concerning the

voting system that is available or made at a conference referred to in subdivision (1) includes a statement that the voting system is "Not Approved for Use in Indiana". A printed communication must include the statement in a type size that is at least as large as the largest type size used in the communication.

As added by P.L.3-1997, SEC.332. Amended by P.L.14-2004, SEC.135; P.L.219-2013, SEC.54.

IC 3-11-15-50
Repealed

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

IC 3-11-15-51
Repealed

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

IC 3-11-15-52
Repealed

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

IC 3-11-15-53
Repealed

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

IC 3-11-15-54
Software or source code changes

Sec. 54. Notwithstanding any other provision of this chapter, the software or source code of a voting system may not be changed while an election is being conducted or during the canvassing of the election's results.

As added by P.L.3-1997, SEC.332.

IC 3-11-15-55
Repealed

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

IC 3-11-15-56
Repealed

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

IC 3-11-15-57
Repealed

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

IC 3-11-15-58
Repealed

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

IC 3-11-16

Chapter 16. Voting System Technical Oversight Program

IC 3-11-16-1

"Program"

Sec. 1. As used in this chapter, "program" refers to the voting system technical oversight program established by section 2 of this chapter.

As added by P.L.221-2005, SEC.95.

IC 3-11-16-2

Program established

Sec. 2. The voting system technical oversight program is established.

As added by P.L.221-2005, SEC.95.

IC 3-11-16-3

Secretary of state to contract for operation of program

Sec. 3. The secretary of state shall contract with a person or an entity to conduct the program for a term specified in the contract.

As added by P.L.221-2005, SEC.95.

IC 3-11-16-4

Requirements of contractor

Sec. 4. The person or entity designated under this chapter to conduct the program shall do the following:

(1) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for voting systems used to conduct elections in Indiana.

(2) Compile and maintain an inventory of all voting systems used to conduct elections in Indiana.

(3) Review reports concerning voting systems prepared by independent laboratories and submitted by applicants for voting system certification.

(4) Recommend to the commission whether an application for voting system certification should be approved and, if so, whether the approval should be subject to any restrictions or conditions to ensure compliance with Indiana law.

(5) Perform any additional testing of a voting system necessary to determine whether the voting system complies with state law.

(6) Each year perform random audits of voting systems used to conduct Indiana elections and prepare reports indicating whether the voting systems have been certified, programmed, and used in compliance with Indiana law.

(7) Review contracts, leases, purchase orders, and amendments to those documents concerning the acquisition or maintenance of voting systems.

(8) Assist with the development of quantity purchase agreements and other contracts for the lease or purchase of voting systems.

(9) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for electronic poll books used to conduct elections in Indiana.

(10) Perform any other duties related to the approval or use of voting systems as provided in:

(A) state law; or

(B) the contract described in section 3 of this chapter.

As added by P.L.221-2005, SEC.95. Amended by P.L.271-2013, SEC.22.

IC 3-11-17

Chapter 17. Voting System Violations

IC 3-11-17-1

Application

Sec. 1. This chapter applies to a voting system or an electronic poll book vendor who markets, sells, leases, installs, implements, or permits the use of a voting system or an electronic poll book in an election conducted in Indiana.

As added by P.L.221-2005, SEC.96. Amended by P.L.271-2013, SEC.23; P.L.258-2013, SEC.79.

IC 3-11-17-2

Marketing, sale, lease, installation, implementation, or permission for use of voting system in violation of election law; civil penalty

Sec. 2. In addition to any other penalty imposed, a vendor who knowingly, recklessly, or negligently markets, sells, leases, installs, implements, or permits the use of a voting system or an electronic poll book in an election conducted in Indiana in violation of this title is subject to a civil penalty under this chapter.

As added by P.L.221-2005, SEC.96. Amended by P.L.219-2013, SEC.57.

IC 3-11-17-3

Civil penalty assessed by secretary of state; maximum penalty

Sec. 3. If the secretary of state determines that a vendor is subject to a civil penalty under section 2 of this chapter, the secretary of state may assess a civil penalty. The civil penalty assessed under this section may not exceed three hundred thousand dollars ($300,000), plus any investigative costs incurred and documented by the secretary of state.

As added by P.L.221-2005, SEC.96.

IC 3-11-17-4

Imposition of civil penalty requires administrative adjudication

Sec. 4. The secretary of state is subject to IC 4-21.5 in imposing a civil penalty under this chapter.

As added by P.L.221-2005, SEC.96.

IC 3-11-17-5

Deposit of civil penalties

Sec. 5. All civil penalties collected under this chapter shall be deposited with the treasurer of state in the voting system technical oversight program account established by section 6 of this chapter.

As added by P.L.221-2005, SEC.96.

IC 3-11-17-6

Voting system technical oversight program account; source and use of money; expenses

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.

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

As added by P.L.221-2005, SEC.96. Amended by P.L.3-2008, SEC.3; P.L.120-2009, SEC.11.

IC 3-11-18

Chapter 18. Expired

(Expired 12-31-2010 by P.L.108-2008, SEC.3.)

IC 3-11-18.1
Chapter 18.1. Vote Centers

IC 3-11-18.1-1
Application of chapter; pilot counties automatically redesignated

Sec. 1. (a) This chapter applies to a county designated as a vote center county under this chapter.

(b) On January 1, 2011, a county designated as a vote center pilot county under:

(1) IC 3-11-18 (before its expiration);
(2) P.L.164-2006, SECTION 148 (before its expiration); or
(3) P.L.108-2008, SECTION 4 (before its expiration);

is automatically redesignated as a vote center county under this chapter.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-2
"Active voter"

Sec. 2. As used in this chapter, "active voter" means a voter who is not an inactive voter under IC 3-7-38.2.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-3
Designation of county as vote center county; adoption of vote center order and plan

Sec. 3. (a) A county must comply with this section to become a vote center county.

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

(1) The county election board.
(2) The board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

(c) The board shall hold a public hearing to present a draft plan for administration of vote centers in the county.

(d) After presentation of the draft plan under subsection (c), the board shall accept written public comments on the draft plan.

(e) At least thirty (30) days after the hearing held under subsection (c), the board shall hold a public hearing to consider the following:

(1) The draft plan.
(2) The written public comments.
(3) Any other public comment that the board may permit on the draft plan.

(f) After consideration of the draft plan and the public comments, the board may do the following:

(1) Adopt an order approving the draft plan.
(2) Amend the draft plan and adopt an order approving the amended draft plan.

The board may adopt the order to approve a plan only by unanimous vote of the entire membership of the board.

(g) All members of the board must sign the order adopting the

plan.

(h) The order and the adopted plan must be filed with the election division and must include a copy of:

(1) a resolution adopted by the county executive; and

(2) a resolution adopted by the county fiscal body;

approving the designation of the county as a vote center county.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-4 Version a

Vote center plan; requirements

Note: This version of section effective until 4-1-2014. See also following version of this section, effective 4-1-2014.

Sec. 4. The plan required by section 3 of this chapter must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center.

(3) The effective date of the order.

(4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:

(A) The total number of voters within the county.

(B) The number of active voters within the county.

(C) The number of inactive voters within the county.

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials

administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) This subdivision applies to a county in which ballot cards are used at a vote center. For each vote center designated under subdivision (2), whether each ballot card printed will have the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system printed on the back of the ballot card immediately before the ballot card is delivered to a voter.

(14) The security and contingency plans to be implemented by the county to do all of the following:

(A) Prevent a disruption of the vote center process.

(B) Ensure that the election is properly conducted if a disruption occurs.

(C) Prevent access to an electronic poll list without the coordinated action of two (2) precinct election officers who are not members of the same political party.

(15) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(16) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(17) The total number and locations of satellite offices to be established under IC 3-11-10-26.3 at vote center locations designated under subdivision (2) to allow voters to cast absentee ballots in accordance with IC 3-11. However, a plan must provide for at least one (1) vote center to be established as a satellite office under IC 3-11-10-26.3 on the two (2) Saturdays immediately preceding an election day.

(18) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data shall be provided to all persons entitled to the data without unreasonable delay.

(19) That the county election board shall adopt a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of absentee ballots applicable to the county (if the board has not already done so).

As added by P.L.1-2011, SEC.3. Amended by P.L.225-2011, SEC.69; P.L.258-2013, SEC.81; P.L.55-2014, SEC.9.

IC 3-11-18.1-4 Version b
Vote center plan; requirements

Note: This version of section effective 4-1-2014. See also preceding version of this section, effective until 4-1-2014.

Sec. 4. The plan required by section 3 of this chapter must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center.

(3) The effective date of the order.

(4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:

(A) The total number of voters within the county.

(B) The number of active voters within the county.

(C) The number of inactive voters within the county.

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to manage data in an electronic poll book through a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll book used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll books used by precinct election

officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll books to be provided for the precinct.

(13) This subdivision applies to a county in which ballot cards are used at a vote center. For each vote center designated under subdivision (2), whether each ballot card printed will have the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system printed on the back of the ballot card immediately before the ballot card is delivered to a voter.

(14) The security and contingency plans to be implemented by the county to do all of the following:

(A) Prevent a disruption of the vote center process.

(B) Ensure that the election is properly conducted if a disruption occurs.

(C) Prevent access to an electronic poll book without the coordinated action of two (2) precinct election officers who are not members of the same political party.

(15) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(16) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(17) The total number and locations of satellite offices to be established under IC 3-11-10-26.3 at vote center locations designated under subdivision (2) to allow voters to cast absentee ballots in accordance with IC 3-11. However, a plan must provide for at least one (1) vote center to be established as a satellite office under IC 3-11-10-26.3 on the two (2) Saturdays immediately preceding an election day.

(18) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data shall be provided to all persons entitled to the data without unreasonable delay.

(19) That the county election board shall adopt a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of absentee ballots applicable to the county (if the board has not already done so).

(20) For a plan adopted after July 1, 2014, in a county in which a majority of votes are cast on optical scan ballot cards, any additional procedures to provide for efficient and secure voting at each vote center, including ballot on demand printing.

As added by P.L.1-2011, SEC.3. Amended by P.L.225-2011, SEC.69; P.L.258-2013, SEC.81; P.L.55-2014, SEC.9; P.L.64-2014, SEC.59; P.L.76-2014, SEC.44.

IC 3-11-18.1-5

Use of vote centers; exceptions

Sec. 5. (a) Except as provided in subsection (b), a plan must provide a vote center for use by voters residing within the county for use in a primary election, general election, special election, municipal primary, or municipal election conducted on or after the effective date of the county election board's order.

(b) A plan may provide that a vote center will not be used in a municipal election conducted in 2015 and every four (4) years thereafter for some or all of the towns:

(1) located within the county; and

(2) having a population of less than three thousand five hundred (3,500).

As added by P.L.1-2011, SEC.3. Amended by P.L.64-2014, SEC.60.

IC 3-11-18.1-6

Number of vote centers required

Sec. 6. When the total number of active voters in the county equals at least twenty-five thousand (25,000), the following apply:

(1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.

(2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-7

Designation of vote center county; criteria

Sec. 7. Before adopting an order designating a county as a vote center county under this chapter, the county election board must determine the following:

(1) That the secure electronic connection as described under section 4(10)(B) of this chapter is sufficient to prevent:

(A) any voter from voting more than once; and

(B) unauthorized access by any person to:

(i) the electronic poll lists for a precinct whose polls are to be located at the vote center; or

(ii) the computerized list of voters of the county.

(2) That the planned design and location of the equipment and precinct officers will provide the most efficient access for:

(A) voters to enter the polls, cast their ballots, and leave the vote center; and

(B) precinct election officials, watchers, challengers, and pollbook holders to exercise their rights and perform their duties within the vote center.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-8

Effective date of designation; rescission of designation

Sec. 8. (a) Except as provided in subsection (b), the designation of a county as a vote center county takes effect immediately upon the

filing of the order with the election division, unless otherwise specified by the county election board.

(b) An order filed with the election division during the final sixty (60) days before an election becomes effective on the day following the election.

(c) The designation of a county as a vote center county remains in effect until the county election board, by unanimous vote of its entire membership:

(1) rescinds the order designating the county as a vote center county; and

(2) files a copy of the document rescinding the order with the election division.

As added by P.L.1-2011, SEC.3. Amended by P.L.258-2013, SEC.82.

IC 3-11-18.1-9

Notice of vote center locations

Sec. 9. The county executive shall publish notice of the location of each vote center in accordance with IC 3-11-8-3.2.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-10

Administration of election according to laws and plan

Sec. 10. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan adopted with the county election board's order under section 3 of this chapter.

As added by P.L.1-2011, SEC.3. Amended by P.L.225-2011, SEC.70.

IC 3-11-18.1-11

Casting absentee ballots at vote centers located at satellite offices

Sec. 11. Notwithstanding any other law, a voter who resides in a vote center county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under IC 3-11-10-26.3 in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-12

Applicability; electronic poll lists at vote centers; application for certification; examination by VSTOP; report; approval of certification; expiration of certification

Sec. 12. (a) Notwithstanding section 1 of this chapter, this section applies to an electronic poll book to be used in:

(1) a precinct polling place, office of the circuit court clerk, or a satellite office in accordance with IC 3-7-29-6; or

(2) a vote center under this chapter.

(b) Notwithstanding any other law, the electronic poll list used at each vote center must:

(1) comply with IC 3-11-8-10.3; and

(2) be approved by the secretary of state in accordance with this section.

(c) A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state.

(d) The secretary of state shall refer the application to the person or entity conducting the voting system technical oversight program (VSTOP) established by IC 3-11-16-2.

(e) The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating:

(1) whether the electronic poll book would operate in compliance with this title;

(2) any recommendations regarding the acquisition or use of the electronic poll book; and

(3) whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including any recommended restrictions that should be placed on the secretary of state's approval.

(f) After the report required by subsection (e) is filed, the secretary of state may approve the application for certification permitting the electronic poll book to be used in an election in Indiana.

(g) A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation.

As added by P.L.1-2011, SEC.3. Amended by P.L.271-2013, SEC.25; P.L.64-2014, SEC.61.

IC 3-11-18.1-13

Voter right to cast vote at any vote center in county

Sec. 13. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-14

Separation of ballots at vote center by precinct

Sec. 14. The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct separate from the ballots cast in any other precinct whose election is administered at the vote center, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined and included on the statement required by IC 3-12-4-9.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-14.5
Repealed

(Repealed by P.L.219-2013, SEC.58.)

IC 3-11-18.1-15
Amendment of county vote center plan

Sec. 15. (a) A county may amend a plan adopted with a county election board's order under section 3 of this chapter.

(b) For a county to amend its plan:

(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the plan amendment;

(2) all members of the board must sign the amendment; and

(3) the amendment must be filed with the election division.

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county election board.

As added by P.L.1-2011, SEC.3. Amended by P.L.225-2011, SEC.71.

IC 3-11.5

ARTICLE 11.5. COUNTING ABSENTEE BALLOTS AT A CENTRAL LOCATION

IC 3-11.5-1

Chapter 1. County Option for Counting Absentee Ballots at a Central Location

IC 3-11.5-1-1

Repealed

(Repealed by P.L.8-1995, SEC.70.)

IC 3-11.5-1-1.1

Applicability of article

Sec. 1.1. This article applies to:

(1) a county subject to IC 3-11.5-4-0.5; or

(2) a county whose county election board, by unanimous vote of the board's entire membership, has adopted a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1.

As added by P.L.8-1995, SEC.53. Amended by P.L.3-1997, SEC.333; P.L.266-2013, SEC.3.

IC 3-11.5-1-2

Repealed

(Repealed by P.L.3-1997, SEC.476.)

IC 3-11.5-1-2.1

Repealed

(Repealed by P.L.3-1997, SEC.476.)

IC 3-11.5-1-3

Repealed

(Repealed by P.L.3-1997, SEC.476.)

IC 3-11.5-1-4

Statutes in conflict with article; applicability

Sec. 4. To the extent that they are in conflict with this article, the following statutes do not apply to a county that has adopted a resolution described by section 1 of this chapter (before its repeal) or section 1.1 of this chapter:

(1) IC 3-11-4-22.
(2) IC 3-11-10-1.5.
(3) IC 3-11-10-3.
(4) IC 3-11-10-5.
(5) IC 3-11-10-6.
(6) IC 3-11-10-7.
(7) IC 3-11-10-8.
(8) IC 3-11-10-9.
(9) IC 3-11-10-11.
(10) IC 3-11-10-12.

(11) IC 3-11-10-12.5.
(12) IC 3-11-10-13.
(13) IC 3-11-10-14.
(14) IC 3-11-10-15.
(15) IC 3-11-10-16.
(16) IC 3-11-10-17.
(17) IC 3-11-10-18.
(18) IC 3-11-10-20.
(19) IC 3-11-10-21.
(20) IC 3-11-10-22.
(21) IC 3-11-10-23.
(22) IC 3-11-10-31.
(23) IC 3-11-10-32.
(24) IC 3-11-10-34.
(25) IC 3-11-10-35.
(26) IC 3-11-10-36.
(27) IC 3-11-10-37.
(28) IC 3-12-2.
(29) IC 3-12-3-12.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.3-1997, SEC.334; P.L.66-2010, SEC.26; P.L.225-2011, SEC.72; P.L.219-2013, SEC.59.

IC 3-11.5-2
Chapter 2. Definitions

IC 3-11.5-2-1
Absentee ballot counter
Sec. 1. As used in this article, "absentee ballot counter" refers to a person designated under IC 3-11.5-4-22.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-2-2
Central location for counting absentee ballots
Sec. 2. As used in this article, "central location for counting absentee ballots" refers to a location for counting absentee ballots that a county election board must establish under this article.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.14-2004, SEC.138.

IC 3-11.5-2-3
Repealed
(Repealed by P.L.3-1997, SEC.476.)

IC 3-11.5-2-4
Repealed
(Repealed by P.L.3-1997, SEC.476.)

IC 3-11.5-2-5
When an absentee ballot application or absentee ballot is considered sent
Sec. 5. An absentee ballot application or an absentee ballot is considered "sent" to a voter if the application or ballot is:
(1) sent by United States mail addressed to the voter;
(2) transmitted by fax to a number provided by the voter; or
(3) personally given to the voter.
As added by P.L.126-2002, SEC.77.

IC 3-11.5-3

Chapter 3. Watchers for Political Parties, Candidates, and the Media

IC 3-11.5-3-1

Statutes governing watchers; applicability

Sec. 1. The following apply for the purposes of IC 3-6-8, IC 3-6-9, and IC 3-6-10:

(1) A central location for counting absentee ballots shall be treated the same as a precinct poll.

(2) An absentee ballot counter shall be treated the same as a precinct election official.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-3-2

Rights and requirements of appointed watchers

Sec. 2. (a) Political parties or independent candidates described in IC 3-6-8-1 may appoint watchers at a central location for counting absentee ballots.

(b) A watcher appointed under this section:

(1) has the rights; and

(2) must follow the requirements;

set forth in IC 3-6-8.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.3-1995, SEC.116.

IC 3-11.5-3-3

Candidate appointed watchers; rights and requirements

Sec. 3. (a) A candidate entitled to appoint a watcher under IC 3-6-9 may appoint a watcher at a central location for counting absentee ballots.

(b) A watcher appointed under this section:

(1) has the rights; and

(2) must follow the requirements;

set forth in IC 3-6-9.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-3-4

Media appointed watchers; rights and requirements

Sec. 4. (a) Media entitled to appoint a watcher under IC 3-6-10 may appoint a watcher at a central location for counting absentee ballots.

(b) A watcher appointed under this section:

(1) has the rights; and

(2) must follow the requirements;

set forth in IC 3-6-10.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-4

Chapter 4. General Procedures for Counties

IC 3-11.5-4-0.5

County having a consolidated city

Sec. 0.5. (a) This section applies only to a county having a consolidated city.

(b) Except as provided in subsection (c), a county shall count absentee ballots at a central location. Notwithstanding IC 3-11.5-6-1(a), the provisions of IC 3-11.5-6 apply in the county unless the county election board adopts a resolution under IC 3-11.5-5-1 making IC 3-11.5-5 applicable in the county.

(c) If the county election board adopts a resolution, by the unanimous vote of the entire membership of the board, that:

(1) requires absentee ballots to be counted at individual precincts instead of at a central location; and

(2) states the board's basis for adopting the requirement described in subdivision (1);

all absentee ballots shall be counted at individual precincts instead of at a central location.

(d) A copy of the resolution adopted under subsection (c) shall be filed with the election division.

As added by P.L.266-2013, SEC.4.

IC 3-11.5-4-1

Circuit court clerk records and certifications

Sec. 1. Each circuit court clerk shall do the following:

(1) Keep a separate absentee ballot record for each precinct in the county.

(2) This subdivision applies to a county in which the county voter registration office prepares a certified list of all voters registered to vote in each precinct in the county under IC 3-7-29-1. Certify to each inspector or the inspector's representative, at the time that the ballots and supplies are delivered under IC 3-11-3, the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

(3) This subdivision applies to a county that has adopted an order to use an electronic poll book under IC 3-7-29-6 or is a voter center county under IC 3-11-18.1. Certify at the time the county voter registration office downloads information to an electronic poll book under IC 3-7-29-6(c), the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended

by P.L.126-2002, SEC.78; P.L.271-2013, SEC.26; P.L.76-2014, SEC.45.

IC 3-11.5-4-2
Recast of certain ballots

Sec. 2. (a) This section applies to a voter voting by an absentee ballot that is defective and ordered corrected under IC 3-11-2-16 or 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) Through the last day before the election day, an absentee voter may recast the ballot during the period specified by IC 3-11-10-26. To obtain another set of ballots, the absentee voter must present a written request for another set of ballots from the circuit court clerk.

(c) Upon receiving a written request under subsection (b), the circuit court clerk shall do the following:

(1) Place the written request with the absentee voter's original ballots.

(2) Mark "canceled" on the original set of ballots.

(3) Preserve the original ballots with other defective ballots.

(4) Deliver a new set of ballots to the absentee voter.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.3-1995, SEC.117.

IC 3-11.5-4-3
Time for receipt of ballots

Sec. 3. A county election board must receive an absentee ballot before noon on election day.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-4-4
Refusal of ballots without genuine signature

Sec. 4. If a county election board finds that the signature on a ballot envelope or transmitted affidavit is not genuine, the board shall write upon the ballot envelope the words "The county election board has rejected this ballot because the signature of this voter is not genuine.".

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.126-2002, SEC.79.

IC 3-11.5-4-5
Treatment of submitted ballot found genuine

Sec. 5. (a) If a county election board unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope, together with the voter's application for the absentee ballot, in a large or carrier envelope. The board may enclose in the same carrier envelope all absentee ballot envelopes and applications.

(b) The envelope shall be securely sealed and endorsed with the

name and official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only on election day under IC 3-11.5.".
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.126-2002, SEC.80; P.L.64-2014, SEC.62.

IC 3-11.5-4-6
Secure keeping of ballots
Sec. 6. Each circuit court clerk shall keep all accepted ballot envelopes securely in the clerk's office until the ballot envelopes are opened by absentee ballot counters in accordance with this chapter.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-4-7
Acceptance of posted absentee ballots
Sec. 7. Not later than noon on election day each circuit court clerk, or an agent of the clerk, shall visit the appropriate post office to accept delivery of absentee envelopes.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-4-8
Applicability; certification of voter names; delivery of certificates
Sec. 8. (a) This section does not apply to a county that:
(1) has adopted an order to use an electronic poll book under IC 3-7-29-6; or
(2) is a vote center county under IC 3-11-18.1;
if the electronic poll book used at a polling place or vote center is immediately updated to indicate the county received, not later than noon on election day, an absentee ballot from a voter.
(b) Each county election board shall certify the names of voters:
(1) to whom absentee ballots were sent or who marked ballots in person; and
(2) whose ballots have been received by the board under this chapter;
after the certification under section 1 of this chapter and not later than noon on election day.
(c) The county election board shall have:
(1) the certificates described in subsection (b); and
(2) the circuit court clerk's certificates for voters who have registered and voted under IC 3-7-36-14;
delivered to the precinct election boards at their respective polls on election day by couriers appointed under section 22 of this chapter.
(d) The certificates shall be delivered not later than 3 p.m. on election day.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.126-2002, SEC.81; P.L.271-2013, SEC.27; P.L.76-2014, SEC.46.

IC 3-11.5-4-9
Applicability; marking of poll list indication of absentee voters;

disposition of certificate materials

Sec. 9. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll book under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll book used at a polling place or vote center is immediately updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter.

(b) Upon delivery of the certificates under section 8 of this chapter to a precinct election board, the inspector shall do the following in the presence of the poll clerks:

(1) Mark the poll list.

(2) Attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list.

The poll clerks shall sign the statement printed on the certificate indicating that the inspector marked the poll list and attached the certificates under this section in the presence of both poll clerks to indicate that the absentee ballot of the voter has been received by the county election board.

(c) The inspector shall then deposit:

(1) the certificate prepared under section 1 of this chapter;

(2) the certificate prepared under section 8 of this chapter; and

(3) any challenge affidavit executed by a qualified person under section 15 of this chapter;

in an envelope in the presence of both poll clerks.

(d) The inspector shall seal the envelope. The inspector and each poll clerk shall then sign a statement printed on the envelope indicating that the inspector or poll clerk has complied with the requirements of this chapter governing the marking of the poll list and certificates.

(e) The couriers shall immediately return the envelope described in subsection (c) to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.126-2002, SEC.82; P.L.225-2011, SEC.73; P.L.271-2013, SEC.28; P.L.76-2014, SEC.47.

IC 3-11.5-4-10

Late receipt of ballots

Sec. 10. Subject to IC 3-10-8-7.5, IC 3-12-1-17, and section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after noon on election day are considered as arriving too late and may not be counted.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.126-2002, SEC.83; P.L.198-2005, SEC.12; P.L.64-2014, SEC.63.

IC 3-11.5-4-11

Opening absentee ballots; rejected ballots; exceptions to rejection; procedure in county with electronic poll books

Sec. 11. (a) Except as provided in subsection (b), at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

(1) open the outer or carrier envelope containing an absentee ballot envelope and application;

(2) announce the absentee voter's name; and

(3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

(b) This subsection applies to a county that:

(1) has adopted an order to use an electronic poll book under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.126-2002, SEC.84; P.L.258-2013, SEC.84; P.L.76-2014, SEC.48.

IC 3-11.5-4-12

Acceptance of initially rejected ballot; procedure; treatment of certain ballots as provisional ballots

Sec. 12. (a) If the absentee ballot counters find under section 11 of this chapter that:

(1) the affidavit is properly executed;

(2) the signatures correspond;

(3) the absentee voter is a qualified voter of the precinct;

(4) the absentee voter is registered and is not required to file additional information with the county voter registration office under IC 3-7-33-4.5; and

(5) in case of a primary election, if the absentee voter has not previously voted, the absentee voter has executed the proper declaration relative to age and qualifications and the political party with which the absentee voter intends to affiliate;

the absentee ballot counters shall open the envelope containing the absentee ballots so as not to deface or destroy the affidavit and take out each ballot enclosed without unfolding or permitting a ballot to be unfolded or examined.

(b) If the absentee ballot counters find under subsection (a) that the voter has not filed the additional information required to be filed

with the county voter registration office under IC 3-7-33-4.5, but that all of the other findings listed under subsection (a) apply, the absentee ballot shall be processed as a provisional ballot under IC 3-11.7.

(c) The absentee ballot counters shall then deposit the ballots in a secure envelope with the name of the precinct set forth on the outside of the envelope. After the absentee ballot counters or the county election board has made the findings described in subsection (a) or section 13 of this chapter for all absentee ballots of the precinct, the absentee ballot counters shall remove all the ballots deposited in the envelope under this section for counting under IC 3-11.5-5 or IC 3-11.5-6.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.209-2003, SEC.169; P.L.221-2005, SEC.97; P.L.225-2011, SEC.74.

IC 3-11.5-4-13

Rejection of absentee ballots

Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be rejected:

(1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;

(B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) The signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and there is no absentee ballot application from the voter to support the absentee ballot.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by any of the following:

(1) The absentee voter board under section 22 of this chapter.

(2) A member of the voter's household.

(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.38-1999, SEC.53; P.L.126-2002, SEC.85; P.L.1-2003, SEC.6; P.L.14-2004, SEC.139; P.L.198-2005, SEC.13; P.L.194-2013, SEC.73.

IC 3-11.5-4-14

Rejected ballots; endorsement; processing and return

Sec. 14. (a) Each ballot rejected for any of the reasons prescribed by section 13 of this chapter shall, without being unfolded to disclose how the ballot is marked, be endorsed with the words: "Rejected (giving the reason or reasons for the rejection).".

(b) All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the absentee ballot counters shall write the words: "Rejected absentee ballots". The absentee ballot counters shall also identify the precinct and the date of the election on the envelope containing the rejected ballots.

(c) The rejected absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the election.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-4-15

Challenge of absentee ballot at polls; procedure

Sec. 15. (a) Except as provided in subsection (c), the vote of an absentee voter may be challenged at the polls for the reason that the

absentee voter is not a legal voter of the precinct where the ballot is being cast.

(b) Before the inspector prepares to mark the poll list to indicate that an absentee ballot cast by the voter has been received by the county election board according to a certificate delivered to the polls under section 1 or section 8 of this chapter, the inspector shall notify the challengers and the pollbook holders that the inspector is about to mark the poll list under this section. The inspector shall provide the challengers and pollbook holders with the name and address of each voter listed in the certificate so that the voter may be challenged under this article.

(c) This section applies to a county that:

(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

The vote of an absentee ballot may be challenged for the reason that the absentee voter is not a legal voter of the precinct for which the absentee ballot was issued. Before the absentee ballot counters process an absentee ballot, the absentee ballot counters shall notify the county election board. A county election board member, or a representative designated by a county election board member, may challenge the absentee ballot under section 16 of this chapter.

(d) The challenge under this section must be determined using the procedures for counting a provisional ballot under IC 3-11.7.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.14-2004, SEC.140; P.L.271-2013, SEC.29; P.L.64-2014, SEC.64.

IC 3-11.5-4-16

Absentee voter's application as affidavit; challenge procedure

Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under IC 3-11.7-5.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.109-2005, SEC.10; P.L.164-2006, SEC.120; P.L.271-2013, SEC.30; P.L.76-2014, SEC.49.

IC 3-11.5-4-17

Absentee ballot of deceased voter

Sec. 17. (a) If proof is given to the absentee ballot counters that an absentee voter marked and forwarded an absentee ballot but died

before election day, the ballot of the deceased voter shall be rejected under section 13 of this chapter and retained with the other rejected ballots under section 14 of this chapter.

(b) The casting of an absentee ballot by a deceased voter does not invalidate an election.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-4-18

Unreturned absentee ballot of voter voting in person

Sec. 18. If a voter has not returned an absentee ballot, the voter may vote in person. However, if the voter has received an absentee ballot, before the voter may vote, the voter must return the ballot to the county election board. The absentee ballot shall be marked "canceled" and preserved with the rejected ballots.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.194-2013, SEC.74.

IC 3-11.5-4-19

Repealed

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

IC 3-11.5-4-20

Absentee voter wishing to vote in person after poll list is marked

Sec. 20. If the inspector has marked the poll list to indicate that the absentee ballot cast by the voter has been received by the county election board, the voter may not vote in person except as provided in section 21 of this chapter.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-4-21

Voter appearing in person who has cast rejected absentee ballot

Sec. 21. If an envelope containing an absentee ballot has been marked "Rejected" and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person if the voter presents the precinct election board with the certificate issued under section 13(f) of this chapter.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.1-2009, SEC.4.

IC 3-11.5-4-22

County election board appointments for absentee vote processing; eligibility; service by candidate or candidate's relative

Sec. 22. (a) Except as provided in subsection (b), each county election board shall appoint:

(1) absentee voter boards;

(2) teams of absentee ballot counters; and

(3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

(b) Notwithstanding subsection (a), a county election board:

(1) may appoint, by a unanimous vote of the board's members, only one (1) absentee ballot courier if the person appointed is a voter of the county; and

(2) shall not appoint teams of couriers, if the county:

(A) has adopted an order to use an electronic poll book under IC 3-7-29-6; or

(B) is a vote center county under IC 3-11-18.1.

(c) An otherwise qualified person is eligible to serve on an absentee voter board or as an absentee ballot counter or a courier unless the person:

(1) is unable to read, write, and speak the English language;

(2) has any property bet or wagered on the result of the election;

(3) is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:

(1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and

(2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.38-1999, SEC.54; P.L.176-1999, SEC.92; P.L.14-2000, SEC.6; P.L.14-2004, SEC.141; P.L.271-2013, SEC.31; P.L.76-2014, SEC.50.

IC 3-11.5-4-23

Political party notice of number of appointees; recommendations for appointments

Sec. 23. (a) Not later than noon ten (10) days before absentee voting begins under IC 3-11-10-26, 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) days before absentee voting begins under IC 3-11-10-26. 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.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.3-1995, SEC.118; P.L.38-1999, SEC.55; P.L.14-2004, SEC.142.

IC 3-11.5-4-24
Applicability; poll list; inspector duties

Sec. 24. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll book under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

(b) In addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

(1) mark the poll list; and

(2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;

in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board according to the certificate supplied under section 1 of this chapter.

(c) The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

(1) marked the poll list; and

(2) attached the certificates described in subsection (b)(2);

under this section in the presence of both poll clerks.

(d) The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.126-2002, SEC.86; P.L.221-2005, SEC.98; P.L.271-2013, SEC.32; P.L.76-2014, SEC.51.

IC 3-11.5-4-25
Repealed

(Repealed by P.L.126-2002, SEC.93.)

IC 3-11.5-4-26
Repealed

(Repealed by P.L.126-2002, SEC.93.)

IC 3-11.5-4-27
Repealed

(Repealed by P.L.126-2002, SEC.93.)

IC 3-11.5-4-28
Report of vote count; certificate

Sec. 28. When all votes have been counted, the precinct election board shall prepare a certificate stating the number of votes that each candidate received for each office and the number of votes cast on each public question. The number of votes that each candidate and public question received shall be written in words and numbers. The board shall also prepare a memorandum of the total vote cast for each candidate and ensure that each member of the board receives a copy of the memorandum.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5

Chapter 5. Counting of Absentee Ballots Cast on Paper Ballots

IC 3-11.5-5-1

Applicability of chapter; counties of application

Sec. 1. (a) This chapter applies in a county only if the county election board adopts a resolution making this chapter applicable in the county.

(b) A copy of a resolution adopted under this section shall be filed with the election division.

(c) A county election board may not adopt a resolution under this section less than:

(1) sixty (60) days before an election is to be conducted; or

(2) fourteen (14) days after an election has been conducted.

(d) A resolution adopted under this section takes effect immediately and may only be rescinded by the unanimous vote of the entire membership of the county election board.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.2-1996, SEC.202; P.L.3-1997, SEC.335.

IC 3-11.5-5-2

Applicability of chapter; paper ballot cast votes

Sec. 2. This chapter applies to the counting of absentee ballots cast on paper ballots.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-3

Time for counting ballots

Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board have made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct.

(b) This section applies to a county that:

(1) has adopted an order to use an electronic poll book under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location

designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.271-2013, SEC.33; P.L.76-2014, SEC.52.

IC 3-11.5-5-4
Repealed
(Repealed by P.L.230-2005, SEC.91.)

IC 3-11.5-5-5
Uninterrupted vote count procedures
Sec. 5. To minimize delay, the absentee ballot counters shall continue the count without interruption until all absentee ballots for the precinct are canvassed and the certificates required by this chapter are prepared and delivered to the person entitled to receive the certificates.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-6
Manner and order of counting ballots
Sec. 6. The ballots shall be counted by laying each ballot upon a table in the order in which the ballot was opened under IC 3-11.5-4-12.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-7
Ballot count; reading of names
Sec. 7. During the counting of the votes, one (1) of the absentee ballot counters shall read the name of the candidates voted for from the ballots. A:
(1) member of the county election board who is not a member of the same political party as the absentee ballot counter; or
(2) representative designated by the member;
reading the names shall view the ballots as the names are read.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-8
Vote counting; protest of ballot
Sec. 8. During the counting of the votes:
(1) an absentee ballot counter performing the counting;
(2) a member of the county election board; or
(3) a representative designated by the members;
may protest the counting of any ballot or any part of a ballot.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-9
Marking of protested ballot
Sec. 9. If a ballot or any part of a ballot is protested, an absentee ballot counter immediately shall write on the back of the protested

ballot the word "counted" or "not counted", as appropriate.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-10
Protested votes referred to county election board

Sec. 10. If the absentee ballot counters cannot agree whether to count a ballot following a protest under section 8 of this chapter, the question shall be referred to the county election board for a decision.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-11
Absentee counters signing of protested ballots

Sec. 11. Following a decision by the absentee ballot counters or the county election board, the absentee ballot counters shall officially sign each protested ballot.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-12
Separate counting of ballots from other precincts

Sec. 12. An absentee ballot counter may not count absentee ballots for a precinct under this chapter while counting absentee ballots for any other precinct.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-13
Counting of ballots by two sets of vote counters

Sec. 13. (a) This section applies if at least two (2) sets of absentee ballot counters in a county are counting absentee ballots under this chapter.

(b) A set of absentee ballot counters may count absentee ballots from a precinct while another set of absentee ballot counters is counting absentee ballots from another precinct in the county if each set of counters counts the ballots in compliance with section 7 of this chapter.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-14
Counting federal write-in absentee ballots; minor errors on ballot; partial ballot invalidity and ballots not to be counted

Sec. 14. (a) This section applies to the counting of federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

(1) certified a list of electors under IC 3-10-4-5; or

(2) included a list of electors on the declaration of intent to be a write-in candidate filed by a write-in candidate under

IC 3-8-2-2.5;

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

(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided in this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

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

(f) As required under 42 U.S.C. 1973ff-2(b), a ballot subject to this section may not be counted if:

(1) the ballot was submitted:

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

(B) from within the United States;

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

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

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

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

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

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

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.198-2005, SEC.14; P.L.66-2010, SEC.27; P.L.219-2013, SEC.60.

IC 3-11.5-5-15

Certificate of absentee vote count

Sec. 15. When all the votes have been counted, the absentee ballot counters shall prepare a certificate stating the number of votes that each candidate received for each office and the number of votes cast on each public question.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-16

Entry and memorandum of vote count

Sec. 16. The number of votes that each candidate and public

question received shall be written in words and numbers. The absentee ballot counters shall prepare a memorandum of the total votes cast for each candidate and on each public question and ensure that each member of the county election board receives a copy of the memorandum.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-17
Delivery of certificates and tally papers
Sec. 17. The absentee ballot counters shall deliver the certificates prepared under section 15 of this chapter and the tally papers to the county election board immediately upon the tabulation of the vote in each precinct.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-18
Securing ballots, certificates, and tally papers; delivery
Sec. 18. As soon as the ballots have been counted, the absentee ballot counters shall in the presence of the county election board do the following:
(1) Place in a strong paper envelope or bag the following:
(A) All ballots, voted and not voted, together with all protested and uncounted ballots.
(B) One (1) copy of each of the certificates prepared under IC 3-11.5-4-1 and IC 3-11.5-4-8.
(C) The tally papers.
(2) Securely seal the envelope or bag.
(3) Have both absentee ballot counters initial the envelope or bag.
(4) Plainly mark on the outside of the envelope or bag, in ink, the precinct for which the absentee ballots were cast.
(5) Deliver the envelope or bag to the circuit court clerk.
(6) Notify the circuit court clerk of the number of ballots placed in the envelope or bag.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-19
Oath of ballot counters
Sec. 19. Upon delivery of the envelope or bag to the circuit court clerk, each absentee ballot counter shall take and subscribe an oath before the clerk stating that the counter:
(1) securely kept the ballots and papers in the envelope or bag;
(2) did not permit any person to open the envelope or bag or to otherwise touch or tamper with the ballots; and
(3) had no knowledge of any other person opening the envelope or bag.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-20
Filing of ballot counter's oath

Sec. 20. The circuit court clerk shall file the oath taken under section 19 of this chapter with the clerk's other election documents.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-21
Secure storage of ballots

Sec. 21. The circuit court clerk shall place the envelope or bag in a receptacle provided by the county executive with two (2) different locks.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-22
Locks on stored ballots

Sec. 22. The circuit court clerk shall do the following:

(1) Lock the receptacle provided under section 21 of this chapter.

(2) Retain one (1) key to one (1) lock of the receptacle.

(3) Give one (1) key to the other lock of the receptacle to the member of the county election board who is not a member of the same political party as the clerk.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-23
Time of ballot storage

Sec. 23. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under IC 3-10-1-31 or IC 3-10-1-31.1.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.14-2004, SEC.143.

IC 3-11.5-5-24
Time for retention of stored ballots when election contested

Sec. 24. If the election is contested, the clerk shall preserve the receptacle containing the envelope or bag as long as the contest is undetermined. During those periods the clerk shall keep the receptacle securely locked, subject only to an order of the court trying a contest.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-25
Destruction of stored ballots

Sec. 25. When permitted under IC 3-10-1-31 or IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.14-2004, SEC.144.

IC 3-11.5-5-26
Contract with educational institution for disposal of ballots

Sec. 26. A county election board may contract with a state educational institution to dispose of the ballots. The contract must provide that:

(1) the ballots will be used by the state educational institution to conduct election research; and

(2) the state educational institution may not receive any ballots under this subsection until the period for retention under IC 3-10-1-31 or IC 3-10-1-31.1 has expired.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.14-2004, SEC.145; P.L.2-2007, SEC.12.

IC 3-11.5-5-27

News media certificate of election results

Sec. 27. Immediately upon completion of the vote count, the absentee ballot counters shall make and sign a certificate for the news media showing the total number of absentee ballot votes received by each candidate and on each public question in the precinct.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-28

Delivery of news media certificate

Sec. 28. The absentee ballot counters shall deliver the certificate to the circuit court clerk as soon as the certificate is completed. The circuit court clerk shall deliver the certificate made for the news media to any person designated to receive the certificate by the editors of the newspapers published in the county or by the managers of the radio and television stations operating in the county immediately upon the completion of the certificate, but not before the closing of the polls.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-5-29

Release of information concerning absentee ballot counts before close of polls other than as provided by chapter

Sec. 29. (a) This section applies to a person who observes or performs any of the following under this chapter:

(1) The counting of absentee ballots.

(2) The proceedings of absentee ballot counters or the county election board regarding a protested ballot.

(3) The preparation of a certificate by absentee ballot counters.

(4) The delivery of a certificate to the circuit court clerk or county election board.

(b) Except as prescribed by this chapter, a person shall not provide any other person with information concerning the number of votes:

(1) a candidate received for an office; or

(2) cast to approve or reject a public question;

on absentee ballots counted under this chapter before the closing of the polls.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6

Chapter 6. Counting of Absentee Ballots Cast on Ballot Cards

IC 3-11.5-6-1

Conditions for applicability of chapter; resolution

Sec. 1. (a) This chapter applies in a county only if the county election board adopts a resolution making this chapter applicable in the county.

(b) A copy of a resolution adopted under this section shall be sent to the election division.

(c) A county election board may not adopt a resolution under this section less than:

(1) sixty (60) days before an election is to be conducted; or

(2) fourteen (14) days after an election has been conducted.

(d) A resolution adopted under this section takes effect immediately and may only be rescinded by the unanimous vote of the entire membership of the county election board.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.2-1996, SEC.204; P.L.3-1997, SEC.337.

IC 3-11.5-6-2

Conditions for applicability of chapter; ballot cards

Sec. 2. This chapter applies to the counting of absentee ballots cast on ballot cards.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-3

Time for counting ballots; personnel

Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

(b) This subsection applies to a county that:

(1) has adopted an order to use an electronic poll book under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location

designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.271-2013, SEC.34; P.L.76-2014, SEC.53.

IC 3-11.5-6-4
Count of ballots without interruption
Sec. 4. To minimize delay, the absentee ballot counters shall continue to count without interruption until all absentee ballots for the precinct are canvassed and the certificates required by this chapter are prepared and delivered to the person entitled to receive the certificates.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-5
Grouping of ballot cards
Sec. 5. The absentee ballot counters shall determine if the ballot cards are properly grouped and arranged so that all similar cards from a precinct are together before the ballots are counted on an automatic tabulating machine.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-6
Persons who may protest ballot
Sec. 6. During the tabulation of votes at a central counting location, an absentee ballot counter performing the count, a member of the county election board, or a representative designated by the member of the board may protest the counting of a ballot or part of a ballot cast by a voter of a precinct.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-7
Referring protested ballot to county election board
Sec. 7. If the absentee ballot counters cannot agree whether to count a ballot following a protest under section 6 of this chapter, the question shall be referred to the county election board for a decision.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-8
Notations on contested ballots
Sec. 8. Following a decision by the absentee ballot counters or the county election board:

(1) the absentee ballot counters immediately shall write on the back of the protested ballot card the word "counted" or "not counted", as appropriate; and

(2) the person protesting the ballot under section 6 of this chapter shall officially sign the protested ballot card.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-9
Damaged ballots unable to be machine processed

Sec. 9. If an absentee ballot is damaged or defective so that the ballot cannot properly be counted by an automatic tabulating machine, a remake team composed of one (1) person from each of the major political parties of the county shall have the card prepared for processing so as to record accurately the intent of the voter insofar as the intent can be ascertained.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-10
Duplicate copy of damaged ballot; witnesses

Sec. 10. If necessary, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged card.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-11
Duplicate copy of defective card

Sec. 11. A duplicate ballot card shall be made of a defective card, not including the uncounted votes.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-12
Duplicate cards; identification information

Sec. 12. All duplicate cards must:

(1) be clearly labeled "duplicate"; and

(2) bear a serial number that shall be recorded on the damaged or defective card.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-13
Counting of duplicate instead of defective card

Sec. 13. Each duplicate ballot card shall be counted instead of the damaged or defective card.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-14
Failure to test tabulating machines for particular office or question; manual tabulation

Sec. 14. If a test of automatic tabulating machines required by IC 3-11-13-22 or IC 3-11-13-26 is not conducted for a particular office or public question, the absentee ballot votes for that office shall be counted manually.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-15
Direction to manually count ballots

Sec. 15. If for any reason the county election board determines that it is impracticable to count all or some of the absentee ballots

under this chapter with an automatic tabulating machine, the board may direct that the ballot cards be counted manually.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-16
Standards for manually tabulated vote count
Sec. 16. If ballot cards are counted manually, the tabulation of votes must comply with the standards prescribed by IC 3-11-7.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-17
Counting write-in votes for federal office
Sec. 17. IC 3-11.5-5-14 applies to the counting of write-in absentee ballots for a federal office cast on a ballot card received under 42 U.S.C. 1973ff.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-18
Certification of vote count; time
Sec. 18. When all the votes have been counted, the absentee ballot counters shall prepare a certificate stating the number of votes that each candidate received for each office and the number of votes cast on each public question.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-19
Certification of vote count; formal requirements; memorandum
Sec. 19. The number of votes that each candidate and each public question received shall be written in words and numbers. The absentee ballot counters shall prepare a memorandum of the total votes cast for each candidate and on each public question and ensure that each member of the county election board receives a copy of the memorandum.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-20
Delivery of certificate of vote count; return of equipment
Sec. 20. The absentee ballot counters shall deliver the certificates prepared under section 18 of this chapter and the return printed by the automatic tabulating machine to the county election board immediately upon the tabulation of the vote in each precinct.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-21
Packaging counted ballots for storage
Sec. 21. As soon as the ballots have been counted, the absentee ballot counters shall in the presence of the county election board do the following:
(1) Place in a strong paper envelope or bag the following:
(A) All ballots, voted and not voted, together with all

protested and uncounted ballots.

(B) One (1) copy of each of the certificates prepared under IC 3-11.5-4-1 and IC 3-11.5-4-8.

(C) The tally papers.

(2) Securely seal the envelope or bag.

(3) Have both absentee ballot counters initial the envelope or bag.

(4) Plainly mark on the outside of the envelope or bag, in ink, the precinct for which the absentee ballots were cast.

(5) Deliver the envelope or bag to the circuit court clerk.

(6) Notify the circuit court clerk of the number of ballots placed in the envelope or bag.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-22
Oath of ballot counters

Sec. 22. Upon delivery of the envelope or bag to the circuit court clerk, each absentee ballot counter shall take and subscribe an oath before the clerk stating that the counter:

(1) securely kept the ballots and papers in the envelope or bag;

(2) did not permit any person to open the envelope or bag or to otherwise touch or tamper with the ballots; and

(3) had no knowledge of any other person opening the envelope or bag.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-23
Filing of oath of ballot counters

Sec. 23. The circuit court clerk shall file the oath taken under section 22 of this chapter with the clerk's other election documents.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-24
Locks for ballot storage containers

Sec. 24. The circuit court clerk shall place the envelope or bag in a receptacle provided by the county executive with two (2) different locks.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-25
Keys to locks for ballot storage containers

Sec. 25. The circuit court clerk shall do the following:

(1) Lock the receptacle provided under section 24 of this chapter.

(2) Retain one (1) key to one (1) lock of the receptacle.

(3) Give one (1) key to the other lock of the receptacle to the member of the county election board who is not a member of the same political party as the clerk.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-26
Preservation of ballots; time requirements

Sec. 26. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under IC 3-10-1-31 or IC 3-10-1-31.1.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.14-2004, SEC.146.

IC 3-11.5-6-27
Preservation of ballots; time requirements of contested elections

Sec. 27. If the election is contested, the clerk shall preserve the receptacle containing the envelope or bag as long as the contest is undetermined. During those periods the clerk shall keep the receptacle securely locked, subject only to an order of the court trying a contest.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-28
Destruction of stored ballots

Sec. 28. When permitted under IC 3-10-1-31 or IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.14-2004, SEC.147.

IC 3-11.5-6-29
Contracts with educational institutions for destruction of ballots

Sec. 29. A county election board may contract with a state educational institution to dispose of the ballots. The contract must provide that:

(1) the ballots will be used by the state educational institution to conduct election research; and

(2) the state educational institution may not receive any ballots under this subsection until the period for retention under IC 3-10-1-31 or IC 3-10-1-31.1 has expired.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.14-2004, SEC.148; P.L.2-2007, SEC.13.

IC 3-11.5-6-30
News media certificate; preparation

Sec. 30. Immediately upon completion of the vote count, the absentee ballot counters shall make and sign a certificate for the news media showing the total number of absentee ballot votes received by each candidate and on each public question in the precinct.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-31
News media certificate; time and manner of release

Sec. 31. The absentee ballot counters shall deliver the certificate to the circuit court clerk as soon as the certificate is completed. The circuit court clerk shall deliver the certificate made for the news media to any person designated to receive the certificate by the editors of the newspapers published in the county or by the managers of the radio and television stations operating in the county immediately upon the completion of the certificate, but not before the closing of the polls.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-32
Release of voting information before closing of polls

Sec. 32. (a) This section applies to a person who observes or performs any of the following under this chapter:

(1) The counting of absentee ballots.

(2) The proceedings of absentee ballot counters or the county election board regarding a protested ballot.

(3) The preparation of a certificate by absentee ballot counters.

(4) The delivery of a certificate to the circuit court clerk or county election board.

(b) Except as prescribed by this chapter, a person shall not provide any other person with information concerning the number of votes:

(1) a candidate received for an office; or

(2) cast to approve or reject a public question;

on absentee ballots counted under this chapter before the closing of the polls.
As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-6-33
Conduct of recount

Sec. 33. In case of a recount, all ballot cards shall be recounted in the manner prescribed by this chapter unless:

(1) the court ordering the recount or the state recount commission directs that the ballots be counted manually; or

(2) a request for a manual recount is made under IC 3-12-6 or IC 3-12-11.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-7

Chapter 7. Additional Provisions Relating to Counting Absentee Ballots at a Central Location

IC 3-11.5-7-1

Canvassing of returns

Sec. 1. (a) Absentee ballot counters shall conduct the activities conducted by precinct election officials in submitting returns to the county election board under IC 3-12-4.

(b) The returns of absentee ballot counters shall be treated the same as the returns of a precinct election board under IC 3-12-4.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.64-2014, SEC.65.

IC 3-11.5-7-2

Compensation of couriers and counters

Sec. 2. The voters appointed as couriers or absentee ballot counters under this article shall be compensated in the following manner:

(1) Couriers assigned to deliver absentee ballots certifications to the precincts on election day under IC 3-11.5-4-8, are entitled to a per diem established by the county executive and a sum for mileage established by the county fiscal body.

(2) The absentee ballot counters who are assigned to perform duties regarding absentee ballots on election day are entitled to a per diem established by the county executive.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2. Amended by P.L.38-1999, SEC.56.

IC 3-11.5-7-3

Recounts; precinct of voter residence

Sec. 3. An absentee ballot is considered to be cast in the precinct in which the voter who cast the ballot resides for the purpose of the following chapters:

(1) IC 3-12-6.

(2) IC 3-12-11.

(3) IC 3-12-12.

As added by P.L.3-1993, SEC.176 and P.L.19-1993, SEC.2.

IC 3-11.5-7-4

Repealed

(Repealed by P.L.3-1995, SEC.155.)

IC 3-11.7

ARTICLE 11.7. PROVISIONAL VOTING

IC 3-11.7-1

Chapter 1. Application and General Provisions

IC 3-11.7-1-1

Repealed

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

IC 3-11.7-1-2

Form of provisional ballot

Sec. 2. (a) Except as provided in subsection (b), a provisional ballot must have the same form as an absentee ballot for:

(1) the election for which the ballot is cast; and

(2) the precinct in which the ballot is cast.

(b) A provisional ballot must indicate that the ballot is a provisional ballot and not an absentee ballot.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-3

Procedures relating to provisional ballots

Sec. 3. Except as otherwise provided in this article, the procedures described in this title for paper ballots apply to provisional ballots.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-4

Clerk to estimate number of provisional ballots required for an election

Sec. 4. Each circuit court clerk shall:

(1) not less than sixty (60) days before the date on which a general, primary, or municipal election is held; or

(2) not more than three (3) days after the date on which a special election is ordered;

estimate the number of provisional ballots that will be required in the county for the election.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-5

Repealed

(Repealed by P.L.14-2004, SEC.196.)

IC 3-11.7-1-6

Provisional ballots prepared by county election board

Sec. 6. (a) All provisional ballots shall be prepared and printed under the direction of each county election board.

(b) After completing the estimate required by section 4 of this chapter, the county election board shall immediately prepare the ballots and have the ballots printed.

(c) Except as provided in subsection (e), ballots prepared by the

county election board under this section must provide space for the voter to cast a write-in ballot.

(d) The provisional ballots that are prepared and printed under this section shall be delivered to the circuit court clerk not later than:

(1) forty-five (45) days before a general, primary, or municipal election; or

(2) thirty-two (32) days before a special election.

(e) Space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(f) This subsection applies to the printing of provisional ballots for a general election in which the names of the nominees for President and Vice President of the United States are to be printed on the ballot. The provisional ballots that are prepared and printed under this section must be delivered to the circuit court clerk or the clerk's authorized deputy not later than thirty-eight (38) days before the general election.

As added by P.L.126-2002, SEC.87. Amended by P.L.14-2004, SEC.150.

IC 3-11.7-1-7

Clerk's signature and seal on provisional ballots

Sec. 7. Each provisional ballot must be signed by the circuit court clerk or an individual authorized by the circuit court clerk and have the circuit court clerk's seal affixed.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-8

Provisional ballot envelopes

Sec. 8. The county election board shall provide to each precinct election board envelopes marked "Provisional Ballot" in which a provisional voter places the voter's provisional ballot.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-1-9

Marking provisional ballot packages

Sec. 9. Each package of provisional ballots delivered to a circuit court clerk shall be plainly marked on an appropriate attached label with the words: "This package contains _____ (giving number of ballots) provisional ballots.". The clerk shall securely keep all ballots in the clerk's office and shall distribute them to applicants as provided in this article.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-2

Chapter 2. Casting a Provisional Ballot

IC 3-11.7-2-1

Requirements; notice to voter

Sec. 1. (a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:

(1) An individual:

(A) whose name does not appear on the registration list; and

(B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or

(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10; and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

As added by P.L.126-2002, SEC.87. Amended by P.L.209-2003, SEC.171; P.L.164-2006, SEC.121; P.L.219-2013, SEC.61.

IC 3-11.7-2-2

Duties of voter; instructions to voter

Sec. 2. (a) A provisional voter shall do the following:

(1) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.

(2) Fold each ballot separately.

(3) Fold each ballot so as to conceal the marking.

(4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under

IC 3-11.7-1-8.

(5) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 42 U.S.C. 15482, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

As added by P.L.126-2002, SEC.87. Amended by P.L.209-2003, SEC.172.

IC 3-11.7-2-3

Duties of precinct election board; affidavits and envelopes; provisional ballots; ballots cast after regular polling hours

Sec. 3. (a) The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) The form of the envelope is prescribed under IC 3-6-4.1-14. The envelope must permit a member of a precinct election board to indicate whether the voter has been issued a provisional ballot as the result of a challenge based on the voter's inability or declination to provide proof of identification.

(c) Except as provided in subsection (d) and in accordance with 42 U.S.C. 15482, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

(d) This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct election board shall keep the sealed envelope or container separate from the envelope or container described in subsection (c). The envelope or container described in this subsection must be labeled "Provisional Ballots Issued After Regular Poll Closing Hours".

As added by P.L.126-2002, SEC.87. Amended by P.L.209-2003, SEC.173; P.L.109-2005, SEC.11.

IC 3-11.7-2-4

Handling provisional ballots at close of polls

Sec. 4. As required by 42 U.S.C. 15482, at the close of the polls, the precinct election board shall do the following:

(1) Seal:

(A) all the provisional ballots; and

(B) any spoiled provisional ballots;

of provisional voters other than provisional voters described in section 1(a)(3) of this chapter in the container described in section 3(b) of this chapter and mark on the container the number of provisional ballots contained.

(2) Seal:

(A) all the provisional ballots; and

(B) any spoiled provisional ballots;

of provisional voters described in section 1(a)(3) of this chapter in the container described in section 1(a)(3) of this chapter and mark on the container the number of provisional ballots contained.

The inspector shall return the container with all the provisional ballots to the circuit court clerk after the close of the polls.

As added by P.L.126-2002, SEC.87. Amended by P.L.209-2003, SEC.174.

IC 3-11.7-3

Chapter 3. Provisional Ballot Counters

IC 3-11.7-3-1

Appointment of provisional ballot counter teams

Sec. 1. Each county election board shall appoint teams of provisional ballot counters consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-3-2

Qualifications for provisional ballot counters

Sec. 2. An otherwise qualified person is eligible to serve as a counter unless the person:

(1) is unable to read, write, and speak the English language;

(2) has any property bet or wagered on the result of the election;

(3) is a candidate to be voted for at the election in any part of the county, except as an unopposed candidate for precinct committeeman or state convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election in any part of the county, except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

As added by P.L.126-2002, SEC.87. Amended by P.L.14-2004, SEC.151.

IC 3-11.7-3-3

Recommendation of provisional ballot counters by county chairmen

Sec. 3. Not later than noon ten (10) days before an election, 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 teams of counters to be appointed under this section.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-3-4

Deadline for recommendation by county chairmen

Sec. 4. The county chairmen shall make written recommendations for the appointments to the county election board not later than noon three (3) days before the election. The county election board shall make the appointments as recommended.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-3-5

Failure of county chairman to recommend; appointment of provisional ballot counters by county election board

Sec. 5. If a county chairman fails to make any recommendations not later than the deadline specified under section 4 of this chapter, the county election board may appoint any voters of the county who comply with section 2 of this chapter.

As added by P.L.126-2002, SEC.87. Amended by P.L.209-2003, SEC.175; P.L.14-2004, SEC.152.

IC 3-11.7-3-6

Absentee ballot counters at central location may serve as provisional ballot counters

Sec. 6. An individual serving as an absentee ballot counter under IC 3-11.5-4-12 may also serve as a provisional ballot counter under this chapter.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-4

Chapter 4. Watchers for Political Parties, Candidates, and the Media

IC 3-11.7-4-1

Applicability of statutes governing watchers

Sec. 1. The following apply for the purposes of IC 3-6-8, IC 3-6-9, and IC 3-6-10:

(1) The location for counting provisional ballots shall be treated the same as a precinct poll.

(2) A provisional ballot counter shall be treated the same as a precinct election official.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-4-2

Rights and requirements of watchers appointed by parties or independent candidates

Sec. 2. (a) Political parties or independent candidates described in IC 3-6-8-1 may appoint watchers at the location for counting provisional ballots.

(b) A watcher appointed under this section:

(1) has the rights; and

(2) must follow the requirements;

set forth in IC 3-6-8.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-4-3

Rights and requirements of watchers appointed by candidates

Sec. 3. (a) A candidate entitled to appoint a watcher under IC 3-6-9 may appoint a watcher at the location for counting provisional ballots.

(b) A watcher appointed under this section:

(1) has the rights; and

(2) must follow the requirements;

set forth in IC 3-6-9.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-4-4

Rights and requirements of watchers appointed by media

Sec. 4. (a) Media entitled to appoint a watcher under IC 3-6-10 may appoint a watcher at the location for counting provisional ballots.

(b) A watcher appointed under this section:

(1) has the rights; and

(2) must follow the requirements;

set forth in IC 3-6-10.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5

Chapter 5. Counting Provisional Ballots

IC 3-11.7-5-1

Requirements and deadlines for counting ballots

Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than 3 p.m. ten (10) days following the election.

As added by P.L.126-2002, SEC.87. Amended by P.L.14-2004, SEC.153; P.L.221-2005, SEC.56; P.L.164-2006, SEC.122; P.L.225-2011, SEC.75.

IC 3-11.7-5-1.5

Provisional ballot; counting when ballot made invalid by mistake or inadvertence of election officer; when election board may determine not to count; effect of affidavit evidence

Sec. 1.5. (a) Subsection (c) applies to a provisional ballot that the county election board determines, by a majority vote of its members and in accordance with this title:

(1) has been marked and cast by a voter in compliance with this title; but

(2) may not otherwise be counted solely as the result of the act or failure to act of an election officer.

(b) Subsection (c) does not apply to either of the following:

(1) A provisional ballot cast by an individual who seeks to vote in an election as the result of a court or other order extending the time established for closing the polls under IC 3-11-8-8 if the county election board determines or is directed under a court or other order that all provisional ballots issued after regular poll closing hours are not to be counted.

(2) A provisional ballot that is required to be rejected by a county election board under section 2(b) of this chapter as the result of information or lack of information provided by a voter registration agency.

(c) The sealed envelope containing a provisional ballot described in subsection (a) shall nevertheless be opened under section 4 of this chapter and the provisional ballot counted unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is demonstrated. The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

(d) Notwithstanding subsection (c), if the county election board, by a majority vote of its members, determines that there is evidence presented to the board demonstrating that the individual who cast the provisional ballot was ineligible to cast a regular ballot in that precinct, or evidence has been presented to the board demonstrating any other reason set forth in HAVA or this title not to count a provisional ballot, the provisional ballot may not be counted.

(e) This subsection applies to a provisional ballot cast by a voter after the voter was challenged solely because the voter was unable or declined to provide proof of identification and not for any other reason. If the voter later complies with the requirements of this title for proof of identification, the provisional ballot cast by the voter shall be counted in accordance with sections 2 and 2.5 of this chapter.

(f) This subsection applies to a provisional ballot cast by a voter after the voter was challenged for any reason except the voter's inability or declination to provide proof of identification. If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

(1) the affidavit of the voter who cast the provisional ballot; and

(2) the affidavit of a challenger challenging the voter who cast the provisional ballot;

the provisional ballot shall be counted.

As added by P.L.221-2005, SEC.99. Amended by P.L.164-2006, SEC.123.

IC 3-11.7-5-2

Criteria for determining validity of ballots

Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

(1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.

(2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26.

(3) Based on all the information available to the county election board, including:

(A) information provided by the provisional voter;

(B) information contained in the county's voter registration records; and

(C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) Except as provided in section 5 of this chapter, a provisional

ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.
As added by P.L.126-2002, SEC.87. Amended by P.L.209-2003, SEC.176; P.L.109-2005, SEC.12; P.L.103-2005, SEC.15.

IC 3-11.7-5-2.5
Determining validity of provisional ballot

Sec. 2.5. (a) A voter who:

(1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and

(2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than noon ten (10) days following the election.

(b) Except as provided in subsection (c) or (e), if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

(1) the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day; and

(2) the voter:

(A) is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee; or

(B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board.

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification,

the county election board shall:

(1) find that the voter's provisional ballot is valid; and

(2) direct that the provisional ballot be:

(A) opened under section 4 of this chapter; and

(B) processed in accordance with this chapter.

(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

(1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and

(2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

(1) appear before the county election board; and

(2) execute an affidavit in the manner prescribed by subsection (b) or (c);

the county election board shall find that the voter's provisional ballot is invalid.

As added by P.L.109-2005, SEC.13. Amended by P.L.103-2005, SEC.16; P.L.225-2011, SEC.76.

IC 3-11.7-5-2.7

Determination of validity of provisional ballot; nondisclosure of identifying information

Sec. 2.7. During the county election board's consideration of the validity of a provisional ballot, the board shall not publicly identify the individual who cast the ballot by name or any identifying number, but shall refer to the ballot in terms sufficient to preserve the record regarding the board's determination regarding the validity of the provisional ballot.

As added by P.L.64-2014, SEC.66.

IC 3-11.7-5-3

Consequence for ballots not satisfying criteria

Sec. 3. (a) If the board determines that the affidavit executed by the provisional voter has not been properly executed, that the provisional voter is not a qualified voter of the precinct, that the voter failed to provide proof of identification when required under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26, or that the provisional voter did not register to vote at a registration agency under this article on a date within the registration period, the board shall make the following findings:

(1) The provisional ballot is invalid.

(2) The provisional ballot may not be counted.

(3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.

(b) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".
As added by P.L.126-2002, SEC.87. Amended by P.L.209-2003, SEC.177; P.L.109-2005, SEC.14; P.L.103-2005, SEC.17.

IC 3-11.7-5-4
Valid ballots; opening and marking
Sec. 4. If the board determines that a provisional ballot is valid under section 2 of this chapter, the provisional ballot envelope shall be opened. The outside of each provisional ballot shall also be marked to identify the precinct and the date of the election of the ballots.
As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-5
Ballots rejected; absence of poll clerks' initials
Sec. 5. (a) If any ballot cast by a provisional voter does not contain the initials of the poll clerks, the ballot shall, without being unfolded to disclose how the ballot is marked, be endorsed with the word "Rejected".
(b) All rejected provisional ballots shall be enclosed and securely sealed in an envelope on which is written "Rejected provisional ballots.".
As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-6
Repealed
(Repealed by P.L.230-2005, SEC.91.)

IC 3-11.7-5-7
Counting ballots by laying on table
Sec. 7. The provisional ballots shall be counted by laying each ballot upon a table in the order in which the ballots were opened.
As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-8
Reading names of candidates; ballot questions
Sec. 8. (a) During the counting of the ballots, one (1) counter shall read the name of the candidates and ballot questions voted for from the ballots.
(b) A:
(1) member of the county election board who is not a member of the same political party as the counter; or
(2) representative designated by the member;
shall view the ballots as the names and ballot questions are read.
As added by P.L.126-2002, SEC.87. Amended by P.L.209-2003, SEC.178.

IC 3-11.7-5-9

Protest counting of ballots

Sec. 9. During the counting of the ballots:

(1) the counter counting the ballots;

(2) a member of the county election board; or

(3) a representative designated by the member;

may protest the counting of any ballot or any part of a ballot.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-10

Referral of protested ballot to county election board

Sec. 10. If the counters cannot agree whether to count a ballot following a protest under section 9 of this chapter, the question shall be referred to the county election board for a decision.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-11

Counters signing protested ballots

Sec. 11. Following a decision by the counters or the county election board, the counters shall sign each protested ballot.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-12

Noting whether protested ballot counted

Sec. 12. If a ballot or any part of a ballot is protested and the protest is resolved, the counter immediately shall write on the back of the protested ballot the word "counted" or "not counted", as appropriate.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-13

Separate counting of ballots from other precincts

Sec. 13. A counter may not count provisional ballots for a precinct under this chapter while counting provisional ballots for any other precinct.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-14

Counting of ballots by more than one set of counters

Sec. 14. (a) This section applies if at least two (2) sets of counters in a county are counting provisional ballots under this chapter.

(b) A set of counters may count provisional ballots from a precinct while another set of counters is counting provisional ballots from another precinct in the county if each set of counters counts the ballots in compliance with section 8 of this chapter.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-15

Counting write-in ballots

Sec. 15. (a) This section applies to the counting of write-in provisional ballots.

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

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

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

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-16

Certificate of provisional vote count

Sec. 16. When all the votes have been counted, the counters shall prepare a certificate stating the number of votes that each candidate received for each office and the number of votes cast on each public question.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-17

Entry and memorandum of vote count

Sec. 17. The number of votes that each candidate and public question received shall be written in words and numbers. The counters shall prepare a memorandum of the total votes cast for each candidate and on each public question and ensure that each member of the county election board receives a copy of the memorandum.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-18

Delivery of certificates and tally papers to county election board

Sec. 18. The counters shall deliver the certificates prepared under section 16 of this chapter and the tally papers to the county election board immediately upon the tabulation of the vote in each precinct.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-19

Securing ballots, certificates, and tally papers; delivery

Sec. 19. As soon as the ballots have been counted, the counters shall do the following in the presence of the county election board:

(1) Place in a strong paper envelope or bag the following:
  (A) All provisional ballots, voted and spoiled.
  (B) All provisional ballots:
    (i) determined invalid under section 3 of this chapter; or
    (ii) rejected under section 5 of this chapter.
  (C) All protested and uncounted provisional ballots.
  (D) All provisional ballot envelopes.
  (E) All executed affidavits relating to the provisional ballots.
  (F) The tally papers.
(2) Securely seal the envelope or bag.
(3) Have both counters initial the envelope or bag.

(4) Plainly mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast.
(5) Deliver the envelope or bag to the circuit court clerk.
(6) Notify the circuit court clerk of the number of ballots placed in the envelope or bag.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-20
Oath of ballot counters

Sec. 20. Upon delivery of the envelope or bag to the circuit court clerk, each counter shall take and subscribe an oath before the clerk stating that the counter:

(1) securely kept the ballots and papers in the envelope or bag;
(2) did not permit any person to open the envelope or bag or to otherwise touch or tamper with the ballots; and
(3) has no knowledge of any other person opening the envelope or bag.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-21
Filing ballot counters' oaths

Sec. 21. The circuit court clerk shall file the oath taken under section 20 of this chapter with the clerk's other election documents.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-22
Secure storage of ballots and papers

Sec. 22. The circuit court clerk shall place the envelope or bag in a receptacle provided by the county executive with two (2) different locks.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-23
Locks on stored ballots and papers

Sec. 23. The circuit court clerk shall do the following:

(1) Lock the receptacle provided under section 22 of this chapter.
(2) Retain one (1) key to one (1) lock of the receptacle.
(3) Give one (1) key to the other lock of the receptacle to the member of the county election board who is not a member of the same political party as the clerk.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-24
Time for storage of ballots and papers

Sec. 24. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under IC 3-10-1-31 or IC 3-10-1-31.1.

As added by P.L.126-2002, SEC.87. Amended by P.L.14-2004, SEC.154.

IC 3-11.7-5-25
Time for retention of ballots and papers when election contested

Sec. 25. If the election is contested, the clerk shall preserve the receptacle containing the envelope or bag as long as the contest is undetermined. During that period, the clerk shall keep the receptacle securely locked, subject only to an order of the court trying a contest.
As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-26
Destruction of stored ballots and papers

Sec. 26. When permitted under IC 3-10-1-31 or IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.
As added by P.L.126-2002, SEC.87. Amended by P.L.14-2004, SEC.155.

IC 3-11.7-5-27
Contract with state educational institution for disposal of ballots

Sec. 27. A county election board may contract with a state educational institution to dispose of the ballots. The contract must provide that:

(1) the ballots will be used by the state educational institution to conduct election research; and

(2) the state educational institution may not receive any ballots under this section until the period for retention under IC 3-10-1-31 or IC 3-10-1-31.1 has expired.

As added by P.L.126-2002, SEC.87. Amended by P.L.14-2004, SEC.156; P.L.2-2007, SEC.14.

IC 3-11.7-5-28
News media certificate of provisional ballot totals

Sec. 28. Immediately upon completion of the vote count, the counters shall make and sign a certificate for the news media showing the total number of provisional ballot votes received by each candidate and on each public question in the precinct.
As added by P.L.126-2002, SEC.87.

IC 3-11.7-5-29
Delivery of news media certificate

Sec. 29. The counters shall deliver the certificate to the circuit court clerk as soon as the certificate is completed. The circuit court clerk shall deliver the certificate made for the news media to any person designated to receive the certificate by the editors of the newspapers published in the county or by the managers of the radio and television stations operating in the county immediately upon the completion of the certificate, but not before the closing of the polls.
As added by P.L.126-2002, SEC.87.

IC 3-11.7-6

Chapter 6. Additional Provisions Relating to Provisional Ballots

IC 3-11.7-6-1

Canvassing returns

Sec. 1. (a) Provisional ballot counters shall conduct the activities conducted by precinct election officials under IC 3-12-4.

(b) The returns of provisional ballot counters shall be treated the same as the returns of a precinct election board under IC 3-12-4.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-6-2

Recounts; precinct of voter residence

Sec. 2. A provisional ballot is considered to be cast in the precinct in which the voter who cast the ballot resides for the purpose of the following:

(1) IC 3-12-6.

(2) IC 3-12-11.

(3) IC 3-12-12.

As added by P.L.126-2002, SEC.87.

IC 3-11.7-6-3

Establishment of free access system for provisional voter to determine whether vote is counted; entry of information into computerized list; confidentiality; written instructions

Sec. 3. (a) As required by 42 U.S.C. 15482, a county election board shall establish a free access system such as a toll-free telephone number or an Internet web site that enables a provisional voter to determine:

(1) whether the individual's provisional ballot was counted; and

(2) if the provisional ballot was not counted, the reason the provisional ballot was not counted.

(b) After December 31, 2014, the county election board shall enter the following into the computerized list:

(1) The name of the individual.

(2) The address of the individual.

(3) Whether the individual's provisional ballot was counted.

(4) If the individual's provisional ballot was not counted, the reason the provisional ballot was not counted.

(c) As required by 42 U.S.C. 15482, the county election board shall establish and maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the free access system established by the board under subsection (a).

(d) As required by 42 U.S.C. 15482, the county election board shall restrict access to the free access system established under subsection (a) to the individual voter who cast the provisional ballot. This subsection does not restrict access to election materials available under IC 3-10-1-31.1.

(e) The county election board shall prescribe written instructions to inform a provisional voter how the provisional voter can determine whether the provisional voter's ballot has been counted.

As added by P.L.209-2003, SEC.179. Amended by P.L.141-2011, SEC.2; P.L.64-2014, SEC.67.

IC 3-12

ARTICLE 12. ASCERTAINING RESULTS OF ELECTIONS

IC 3-12-1

Chapter 1. Rules for Counting Ballots

IC 3-12-1-1

Intent of voter primary factor to consider in determining voter's choice on ballot

Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and 13 of this chapter, the primary factor to be considered in determining a voter's choice on a ballot is the intent of the voter. If the voter's intent can be determined on the ballot or on part of the ballot, the vote shall be counted for the affected candidate or candidates or on the public question. However, if it is impossible to determine a voter's choice of candidates on a part of a ballot or vote on a public question, then the voter's vote concerning those candidates or public questions may not be counted.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.328; P.L.64-2014, SEC.68.

IC 3-12-1-1.2

Chapter establishes standards to define vote

Sec. 1.2. (a) This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, optical scan voting system, or electronic voting system.

(b) The standards in this chapter apply to counting votes on every voting system, except where specific standards applicable only:

(1) to a type of voting system are provided under IC 3-12-2, IC 3-12-3, or IC 3-12-3.5; and

(2) in a recount or contest proceeding are provided under IC 3-12-6, IC 3-12-8, IC 3-12-11, or IC 3-12-12.

As added by P.L.209-2003, SEC.180.

IC 3-12-1-1.5

"Election officer" defined

Sec. 1.5. As used in this chapter, "election officer" means a person employed or appointed by the state, a political subdivision, or a political party to perform a duty under this title.

As added by P.L.3-1987, SEC.329.

IC 3-12-1-1.7

Write-in votes

Sec. 1.7. (a) The following provisions govern the counting of write-in votes:

(1) Except as provided in subsection (b), only votes cast for declared write-in candidates shall be counted and certified.

(2) The name of a candidate, written on the space reserved for

write-in voting, is not considered a distinguishing mark that would invalidate a ballot under section 3 of this chapter. However, the name or office of a candidate written in a place on the ballot other than the place reserved for write-in voting may not be counted for that office.

(3) A write-in vote for an office is void if the voter attempts to cast the vote by a means other than printing the name of the candidate in ink or lead pencil. The use of stickers, labels, rubber stamps, or other similar device is not permitted.

(4) An abbreviation, a misspelling, or other minor variation in the form of the name of a candidate or an office shall be disregarded in determining the validity of the ballot if the intention of the voter can be ascertained.

(5) Write-in votes for each write-in candidate shall be counted separately using the tally sheets provided by the county election board.

(b) This subsection does not apply to an office for which more than one (1) individual may be nominated or elected within the same election district. A write-in vote cast for an individual whose name appears on the ballot as a candidate for that office shall be counted as a vote for the candidate.

As added by P.L.4-1991, SEC.110. Amended by P.L.3-1993, SEC.177; P.L.3-1997, SEC.338.

IC 3-12-1-2

Ballot void if not properly endorsed; not applicable to absentee ballots

Sec. 2. (a) This section does not apply to absentee ballots.

(b) The whole ballot may not be counted, subject to section 12 of this chapter, if the ballot is not endorsed or printed with the initials of the poll clerks in accordance with state law.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.330; P.L.55-2014, SEC.10.

IC 3-12-1-3

Ballot void if it bears distinguishing mark or mutilation

Sec. 3. The whole ballot is void if the ballot bears any distinguishing mark (other than a voting mark) or a mutilation made by the voter or an election officer with the intent to enable a person to determine who cast the marked or mutilated ballot.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.331.

IC 3-12-1-4

Ballot void for extrinsic act; erasures

Sec. 4. (a) The whole ballot is void if a voter does any act extrinsic to the ballot, such as enclosing any paper or other article in the folded ballot, with the intent to enable a person to determine that the voter cast the ballot.

(b) An erasure by a voter does not make the whole ballot void unless made with the intent to enable a person to determine who cast

the ballot, but it does not register a vote for the elected office, political party office, or public question for which it is made.
As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.34; P.L.3-1987, SEC.332.

IC 3-12-1-5
Counting voting marks

Sec. 5. (a) This subsection does not apply to a ballot card voting system or an electronic voting system. A voting mark made by a voter on or in a voting square at the left of a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

(b) This subsection applies to a ballot card voting system. A voting mark made by a voter:

(1) on or in a circle, oval, or square; or

(2) to connect a connectable arrow;

immediately below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

(c) This subsection applies to a direct record electronic voting system. A voting mark made by a voter touching a touch sensitive point or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.
As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.35; P.L.219-2013, SEC.62.

IC 3-12-1-6
Voting mark on or in voting square; public questions

Sec. 6. A voting mark made by a voter on or in a voting square following the word "Yes" or the word "No" before a public question shall be counted as indicated.
As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.36.

IC 3-12-1-7
Straight party ticket voting; counting multiple votes

Sec. 7. (a) This subsection applies whenever a voter:

(1) votes a straight party ticket; and

(2) votes only for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

The straight ticket vote shall be counted and the individual candidate votes may not be counted.

(b) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) only one (1) person may be elected to an office; and

(3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:

(A) a candidate of a political party other than the party for which the voter voted a straight ticket; or

(B) an independent candidate for the office.

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(c) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party; and

(2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office.

The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(d) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) more than one (1) person may be elected to an office; and

(3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates;

(B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or

(C) a combination of candidates described in clauses (A) and (B).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket votes for the office, is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for the office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(e) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) more than one (1) person may be elected to an office; and

(3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and

(B) candidates of the same political party for which the voter

cast a straight party ticket under subdivision (1).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The individual votes cast by the voter for the office for the candidates of the same political party for which the voter cast a straight party ticket may not be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket vote for the office is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for that office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(f) If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party or designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

(g) If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or equal to the number of openings for that office, the individual candidates votes shall be counted.

(h) If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.37; P.L.3-1993, SEC.178; P.L.3-1997, SEC.339; P.L.164-2006, SEC.124.

IC 3-12-1-7.5

Write-in votes; straight party ticket or multiple votes

Sec. 7.5. (a) If a voter votes a straight party ticket for at least one (1) office for which only one (1) person may be elected and writes in the name of a candidate, the straight party ticket vote shall be counted for all offices except the offices for which a write-in vote was cast. The write-in vote shall be counted if the voter's intent can be determined.

(b) If a voter votes a straight party ticket for an office for which at least two (2) people may be elected and writes in the name of a candidate, the straight party vote for that office may not be counted unless:

(1) fewer candidates appear on the party's ticket than may be elected; and

(2) the voter has not written in a number of names that, when added to the straight party candidate's name, would be greater

than the number of seats available for that office.

(c) If a voter votes for one (1) individual candidate for an office for which only one (1) person may be elected and also writes in the name of another candidate for the same office, neither vote may be counted.

(d) If a voter votes for at least one (1) individual candidate for an office for which at least two (2) people may be elected and also writes in the name of at least one (1) candidate, the vote for that office may not be counted unless the number of individual votes cast for the office, when added to the number of write-in votes cast for that office, is less than or equal to the number of seats available for that office.

(e) If a voter votes an individual or a straight party vote for a candidate for an office and also writes in the name of the same candidate for the same office, only one (1) vote for that candidate may be counted.

As added by P.L.4-1991, SEC.111.

IC 3-12-1-8

Voting mark on political party device circle

Sec. 8. A voting mark made by a voter on or in a circle containing a political party device shall be counted as a vote for each candidate of that political party on that ballot.

As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.38; P.L.3-1987, SEC.333.

IC 3-12-1-9

Counting voting marks; voting marks not counted; certification of voting systems that can detect voting marks

Sec. 9. (a) A voting mark that touches a circle, an oval, or a square shall be counted as if it were on or in the circle, oval, or square. A voting mark that partially connects a connectable arrow shall be counted as if the voting mark completed the connection of the arrow.

(b) A voting mark that:

(1) does not touch a circle, oval, or square; and

(2) is not on or in the circle, oval, or square;

may not be counted.

(c) For purposes of the certification of voting systems under IC 3-11, a ballot card voting system complies with this section if the system can detect a voting mark within the circle, oval, or square, even if manual inspection of the ballot is required to detect a voting mark that touches only the outside edge of the circle, oval, or square.

As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.39; P.L.3-1987, SEC.334; P.L.219-2013, SEC.63.

IC 3-12-1-9.5

Remake of damaged or defective ballot card; conditions

Sec. 9.5. (a) This section applies to counting votes cast on ballot cards.

(b) This subsection applies to a ballot card that:

(1) has been cast in a precinct whose votes are being recounted by a local recount commission or the state recount commission;
(2) is damaged or defective so that it cannot properly be counted by automated tabulating machines; and
(3) cannot be counted for the office subject to the recount due to the damage or defect.

The ballot card shall be remade only if the conditions in subdivisions (1) through (3) exist.

As added by P.L.3-1987, SEC.335. Amended by P.L.58-2005, SEC.26; P.L.221-2005, SEC.100.

IC 3-12-1-10
Void ballot

Sec. 10. A ballot on which a voter writes:
(1) the voter's name;
(2) the voter's initials;
(3) a number; or
(4) a symbol (such as a star, circle, parallel lines, dots, or any combination of such symbols), if written with the intent to enable a person to determine who cast the ballot;

is void.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.336.

IC 3-12-1-11
Primary election; application of chapter

Sec. 11. In applying this chapter to a primary election, the voting square includes the voting space at the left of the name of a candidate on the primary ballot.

As added by P.L.5-1986, SEC.8.

IC 3-12-1-12
Application to votes cast by any method; counting vote made invalid by mistake or inadvertence of election officer

Sec. 12. (a) This section applies to votes cast by any method.

(b) Except as provided in section 13 of this chapter, a ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer may nevertheless be counted in a proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11 unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented by a party to the proceeding.

(c) The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

As added by P.L.7-1986, SEC.3. Amended by P.L.3-1987, SEC.337; P.L.8-1992, SEC.29.

IC 3-12-1-13
Absentee ballots; necessary endorsements

Sec. 13. (a) This section applies only to absentee ballots.

(b) The whole ballot may not be counted unless the ballot is endorsed with the initials of:

(1) the two (2) members of the absentee voter board under IC 3-11-4-19, IC 3-11-10-25, IC 3-11-10-26, IC 3-11-10-26.3, or IC 3-11-18.1-11; or

(2) the two (2) appointed members of the county election board (or their designated representatives) under IC 3-11-4-19.

As added by P.L.3-1987, SEC.338. Amended by P.L.64-2014, SEC.69.

IC 3-12-1-14

Counting of vote cast for candidate who ceases to be candidate

Sec. 14. (a) This section does not apply to a vote:

(1) cast for president or vice president of the United States under IC 3-10-4-6; or

(2) described by section 15 of this chapter.

(b) A vote cast for a candidate who ceases to be a candidate may not be counted as a vote for a successor candidate selected under IC 3-13-1 or IC 3-13-2.

As added by P.L.5-1989, SEC.63.

IC 3-12-1-15

Vote cast for one straight party ticket

Sec. 15. (a) 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) A vote cast in the election for the original nominee is considered a vote cast for the successor.

As added by P.L.5-1989, SEC.64.

IC 3-12-1-16

Vote cast for "no candidate" or "candidate deceased"

Sec. 16. (a) This section applies when:

(1) a ballot is reprinted under IC 3-11-3-29.5(d) to omit the name of an individual who is no longer a candidate; and

(2) the candidate vacancy is filled following the reprinting of the ballots.

(b) A vote cast on the ballot where the statement "NO CANDIDATE" or "CANDIDATE DECEASED" appears is considered a vote cast for the successor candidate.

As added by P.L.38-1999, SEC.57. Amended by P.L.219-2013, SEC.64.

IC 3-12-1-17 Version a

Absentee ballot received from overseas voter by mail; arrival time; when to count

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 17. (a) This section applies only to an absentee ballot sent by mail.

(b) Notwithstanding IC 3-11-10-14 and IC 3-11.5-4-10, an absentee ballot received from an overseas voter is not considered as arriving too late if both of the following apply:

(1) The absentee ballot envelope is postmarked not later than the date of the election.

(2) The absentee ballot is received not later than noon ten (10) days following the election.

(c) If the postmark on the absentee ballot envelope is unclear, the county election board, by unanimous vote of the entire membership of the board, determines the postmark date. If the board is unable to determine the postmark date, the absentee ballot may not be counted. *As added by P.L.164-2006, SEC.125. Amended by P.L.64-2014, SEC.70.*

IC 3-12-1-17 Version b

Absentee ballot received from overseas voter by mail; arrival time; when to count

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 17. (a) This section applies only to an absentee ballot sent by mail.

(b) Notwithstanding IC 3-11-10-14 and IC 3-11.5-4-7, an absentee ballot received from an overseas voter is not considered as arriving too late if both of the following apply:

(1) The absentee ballot envelope is postmarked not later than the date of the election.

(2) The absentee ballot is received not later than noon ten (10) days following the election.

(c) If the postmark on the absentee ballot envelope is unclear, the county election board, by unanimous vote of the entire membership of the board, determines the postmark date. If the board is unable to determine the postmark date, the absentee ballot may not be counted. *As added by P.L.164-2006, SEC.125. Amended by P.L.64-2014, SEC.70; P.L.76-2014, SEC.54.*

IC 3-12-1-18

Federal write-in absentee ballot cast in primary election by absent uniformed services voter or overseas voter; voter actions that void ballot

Sec. 18. (a) This section applies to a federal write-in absentee ballot cast in a primary election as provided in IC 3-11-4-12.5(b)(1) by an absent uniformed services voter or overseas voter.

(b) If a voter does any of the following, the voter's vote is void:

(1) The voter votes for more than one (1) candidate, and the candidates are not on the official primary ballot of the same political party.

(2) The voter votes for a candidate who is not on the official primary ballot of any political party.

(3) The voter votes for a candidate who is on the official primary ballot of a political party, but the voter does not indicate the office for which the candidate seeks to be nominated.

(c) If the voter votes for a political party, but the voter does not vote for any individual candidates who are on that political party's official primary ballot, the voter's vote is void.

As added by P.L.66-2010, SEC.28.

IC 3-12-1-19

Federal write-in absentee ballot cast in general, municipal, or special election by absent uniformed services voter or overseas voter; counting votes

Sec. 19. (a) This section applies to a federal write-in absentee ballot cast in a general election, municipal election, or special election as provided in IC 3-11-4-12.5(b)(2) by an absent uniformed services voter or overseas voter.

(b) If a voter designates a candidate by writing in the name of a political party on the ballot, the voter's vote shall be counted for all candidates of that political party on the ballot.

(c) If a voter writes an abbreviation, misspelling, or other minor variation instead of the correct name of a candidate or a political party, the voter's vote shall be counted if the intent of the voter can be determined.

As added by P.L.66-2010, SEC.29.

IC 3-12-2

Chapter 2. Counting of Paper Ballot Votes

IC 3-12-2-1

Chapter establishes standards to define vote; ballot counting procedures

Sec. 1. (a) This chapter:

(1) is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot; and

(2) applies to each precinct where voting is by paper ballot.

(b) After the polls have closed, each precinct election board shall count the paper ballot votes for each candidate for each office and on each public question. The ballots shall be counted by laying each ballot upon a table in the order in which it is taken from the ballot box.

(c) Notwithstanding subsection (b), the precinct election board may count absentee ballots before the polls have closed. If the precinct election board counts absentee ballots under this subsection, a member of the precinct election board may not, before the polls have closed, provide any person other than a member of the precinct election board with information concerning the number of votes:

(1) a candidate received for an office; or

(2) cast to approve or reject a public question;

on absentee ballots counted under this subsection.

(d) If a precinct election board administers more than one (1) precinct, the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.339; P.L.10-1988, SEC.123; P.L.3-1995, SEC.119; P.L.209-2003, SEC.181; P.L.230-2005, SEC.56.

IC 3-12-2-2

Viewing of counting of votes by inspector and judge of opposite political party

Sec. 2. During the counting of the votes, the inspector and the judge of the opposite political party from the inspector shall view the ballots as the names of the candidates voted for are read from the ballots.

As added by P.L.5-1986, SEC.8.

IC 3-12-2-3

Protest of ballot by member of precinct election board

Sec. 3. During the counting of the votes, any member of the precinct election board may protest the counting of any ballot or any part of a ballot.

As added by P.L.5-1986, SEC.8.

IC 3-12-2-4
Protest of ballot; duties of poll clerks

Sec. 4. If a ballot or any part of a ballot is protested, the poll clerks immediately shall write on the back of each protested ballot the word "counted" or the words "not counted", as appropriate. The clerks then shall officially sign each protested ballot.

As added by P.L.5-1986, SEC.8.

IC 3-12-2-5
Vote count procedure where more than one precinct located in same room

Sec. 5. Except as provided in section 1(c) of this chapter, if the polls for more than one (1) precinct are located in the same room, the inspector of a precinct using the room may not begin the vote count procedure until all the polls in the room are officially closed and no more persons are waiting in line to vote.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.340; P.L.3-1995, SEC.120.

IC 3-12-2-6
Certificate and memorandum of votes cast

Sec. 6. When all votes have been counted, the precinct election board shall prepare a certificate stating the number of votes that each candidate received for each office and the number of votes cast on each public question. The number of votes that each candidate and public question received shall be written in words and numbers. The board shall also prepare a memorandum of the total vote cast for each candidate and ensure that each member of the board receives a copy of the memorandum.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.341; P.L.221-2005, SEC.101.

IC 3-12-2-7
Delivery of certificates, list of voters, and tally papers upon vote tabulation

Sec. 7. The inspector and the judge of the opposite political party shall deliver the certificates prepared under section 6 of this chapter, the list of voters, and the tally papers to the county election board immediately upon the tabulation of the vote.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.342; P.L.3-1993, SEC.179.

IC 3-12-2-7.5
Counting certain federal write-in absentee ballots

Sec. 7.5. (a) This section applies to the counting of federal write-in absentee ballots described in IC 3-11-4-12.5.

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

(c) If a voter casts a ballot under this section for President or Vice

President of the United States and writes in the name of a candidate or political party that has not:

(1) certified a list of electors under IC 3-10-4-5; or

(2) included a list of electors on the declaration for candidacy filed by a write-in candidate under IC 3-8-2-2.5;

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

(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided in this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

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

(f) As required by 42 U.S.C. 1973ff-2(b), a ballot subject to this section may not be counted if:

(1) the ballot was submitted:

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

(B) from within the United States;

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

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

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

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

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

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

As added by P.L.3-1987, SEC.343. Amended by P.L.10-1992, SEC.23; P.L.3-1993, SEC.180; P.L.198-2005, SEC.15; P.L.66-2010, SEC.30; P.L.219-2013, SEC.65.

IC 3-12-2-8

Inspector's duty after ballots have been counted

Sec. 8. As soon as the ballots have been counted, the inspector shall, in the presence of the judges and poll clerks:

(1) place in a strong and stout paper envelope or bag:

(A) all ballots, voted and not voted, together with all protested, disputed, and uncounted ballots;

(B) the seals of the ballot packages; and

(C) one (1) copy of each of the certificates, list of voters, and tally papers;

(2) securely seal the envelope or bag;

(3) have both clerks initial the envelope or bag; and

(4) plainly mark on the outside of the envelope or bag, in ink, the precinct where the ballots were cast.

As added by P.L.5-1986, SEC.8.

IC 3-12-2-9

Delivery of envelope or bag containing ballots to circuit court clerk; notification of number of ballots in bag and condition of seals of ballot packages

Sec. 9. The inspector and the judge of the opposite political party shall deliver the envelope or bag prepared under section 8 of this chapter to the circuit court clerk immediately upon tabulation of the votes. The inspector shall notify the clerk of the number of ballots placed in the envelope or bag and the condition of the seals of the ballot packages.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.344.

IC 3-12-2-10

Oath of inspector upon delivery of envelope or bag; contents

Sec. 10. Upon delivery of the envelope or bag to the circuit court clerk under section 9 of this chapter, the inspector shall take and subscribe an oath before the clerk stating that the inspector:

(1) closed and sealed the envelope or bag in the presence of the judges and poll clerks;

(2) securely kept the ballots and papers in the envelope or bag;

(3) did not permit any person to open the envelope or bag or to otherwise touch or tamper with the ballots; and

(4) has no knowledge of any other person opening the envelope or bag.

The oath shall be filed in the circuit court clerk's office with other election papers.

As added by P.L.5-1986, SEC.8.

IC 3-12-2-11

Envelope or bag to be placed in receptacle having two locks; disposition of keys

Sec. 11. Upon receipt of the envelope or bag under section 9 of this chapter, the envelope or bag shall be placed in a receptacle having two (2) different locks provided by the county executive. The receptacle shall be locked, and one (1) key shall be given to the circuit court clerk and the other key shall be given to the county election board member of the other political party.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.181.

IC 3-12-2-12

Preservation of receptacle containing envelope or bag; contest of election; disposition of envelope or bag; use of ballots for election

research

Sec. 12. (a) The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under IC 3-10-1-31 or IC 3-10-1-31.1. However, if the election is contested, then the clerk shall preserve the receptacle containing the envelope or bag as long as the contest is undetermined. During those periods the clerk shall keep the receptacle securely locked, subject only to an order of the court trying a contest.

(b) When permitted under IC 3-10-1-31 or IC 3-10-1-31.1, the clerk and county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

(c) A county election board may contract with a state educational institution to dispose of ballots. The contract must provide that:

(1) the ballots will be used by the state educational institution to conduct election research; and

(2) the state educational institution may not receive any ballots under this subsection until the period for retention under IC 3-10-1-31 or IC 3-10-1-31.1 has expired.

As added by P.L.5-1986, SEC.8. Amended by P.L.7-1986, SEC.4; P.L.3-1987, SEC.345; P.L.3-1993, SEC.182; P.L.14-2004, SEC.157; P.L.2-2007, SEC.15.

IC 3-12-2-13
Repealed

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

IC 3-12-2-14
Repealed

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

IC 3-12-2-15
Certificate for news media of results; delivery to circuit court clerk and news media

Sec. 15. Immediately upon completion of the vote count, each precinct election board shall make and sign a certificate for the news media showing the total number of votes received by each candidate and on each public question in the precinct. The inspector and judge of the opposite political party shall deliver the certificate to the circuit court clerk at the same time that the certificates, lists of voters, and tally papers are delivered under section 7 of this chapter. The circuit court clerk immediately shall deliver the certificate made for the news media to any person designated to receive the certificate by the editors of the newspapers published in the county or by the managers of the radio and television stations operating in the county. The county election board shall furnish each precinct election board with the forms on which the certificates are to be prepared.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.346.

IC 3-12-2-16

Canvass to continue to completion

Sec. 16. To minimize the delay in the counting of the vote, canvassing must begin immediately upon the closing of the polls and continue without interruption until all votes are canvassed and all certificates of the vote required by section 6 of this chapter are completed and delivered to the persons entitled to receive the certificates.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.347; P.L.3-1989, SEC.11.

IC 3-12-2.5
Repealed

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

IC 3-12-3

Chapter 3. Counting Ballot Card Votes

IC 3-12-3-1

Counting of ballot cards

Sec. 1. (a) Subject to IC 3-12-2-5, after the marking devices have been secured against further voting under IC 3-11-13-36, the inspector shall open the ballot box and count the number of ballot cards or envelopes containing ballot cards that have been cast to determine whether the number of cards cast exceeds the number of voters shown on the poll lists. If the number of ballot cards cast exceeds the total number of voters, this fact shall be reported in writing to the appropriate election officer together with the reasons for the discrepancy, if known. The total number of voters shall be entered on the tally sheets.

(b) A ballot card may not be removed from a secrecy envelope containing a write-in vote under this section.

As added by P.L.5-1986, SEC.8. Amended by P.L.4-1991, SEC.112.

IC 3-12-3-1.1

Chapter establishes standards to define vote

Sec. 1.1. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on an optical scan voting system.

As added by P.L.209-2003, SEC.183.

IC 3-12-3-1.2

Closing of all polls located in one room before vote count

Sec. 1.2. This section applies to a precinct where votes have been cast on a ballot card system that is designed to allow the counting and tabulation of votes by the precinct election board. Except as provided in section 14 of this chapter, if the polls for more than one (1) precinct are located in the same room, the inspector of a precinct using the room may not begin the vote counting procedure until all the polls in the room are officially closed and no more persons are waiting in line to vote.

As added by P.L.10-1988, SEC.125. Amended by P.L.1-1993, SEC.8; P.L.3-1995, SEC.123.

IC 3-12-3-1.5

Protest; marking and signing of protested ballots

Sec. 1.5. (a) During the tabulation of the votes, any member of the precinct election board in a precinct where votes have been cast on a ballot card system that is designed to allow the counting and tabulation of votes by the precinct election board may protest the counting of any ballot or any part of a ballot cast in that precinct.

(b) During the tabulation of votes at a central counting location under section 3 of this chapter:

(1) a member of the precinct election board in a precinct where votes were cast on a ballot card system; or

(2) a member of the county election board, if a member of the precinct election board is not present during the tabulation of the votes of the precinct;

may protest the counting of any ballot or part of a ballot cast in that precinct.

(c) If a ballot or any part of a ballot is protested, the poll clerks in the precinct where votes have been cast or the member of the county election board, if the poll clerks are not present during the tabulation of votes at a central counting location, immediately shall write on the back of the protested ballot card the word "counted" or "not counted" as appropriate. The clerks or county election board member then shall officially sign each protested ballot card.

As added by P.L.10-1988, SEC.126. Amended by P.L.5-1989, SEC.65; P.L.1-1993, SEC.9; P.L.3-1993, SEC.184.

IC 3-12-3-2

Counted ballot cards; processing

Sec. 2. (a) After the ballot cards have been counted under section 1 of this chapter, the precinct election board shall comply with this section.

(b) This subsection applies if the votes have been cast on a ballot card voting system that is not designed to allow the counting and tabulation of votes by the precinct election board. The inspector shall place all cards that have been cast in the container provided for that purpose and the container shall be sealed by the inspector in the presence of the precinct election board. The inspector and the judge of the opposite political party shall immediately deliver the container, together with the unused, uncounted, and defective cards and returns, to the central counting location or other designated place.

(c) This subsection applies if the votes have been cast on a ballot card voting system that is designed to allow the counting and tabulation of votes by the precinct election board. The precinct election board shall:

(1) process the ballot cards with the automatic tabulating machine provided to the precinct, if the vote is not automatically registered by the ballot card voting system;

(2) take the vote as tabulated under subdivision (1) or as automatically registered by the ballot card voting system; and

(3) certify the totals and the ballot count as required under section 1 of this chapter on forms supplied to the precinct for that purpose.

Copies of the totals shall be delivered to each member of the precinct election board. One (1) copy of the vote totals shall be prepared and signed for the news media on the form furnished by the county election board.

As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.40; P.L.3-1987, SEC.349; P.L.1-1993, SEC.10.

IC 3-12-3-2.5

Central counting location

Sec. 2.5. (a) Not later than ten (10) days before any election at which ballot cards will be tabulated at a central counting location, the county election board shall designate the counting location to be used for the processing or counting of ballots.

(b) This counting location must be located within the county or within an adjoining county in Indiana. If the counting location is within the county, the board shall also determine whether the precinct officials are to make their returns directly to the counting location or to the office of the clerk of the circuit court. If the counting location is outside the county, all precinct returns shall be made directly to the office of the clerk of the circuit court or to the chief deputy of a combined election board established under IC 3-6-5.2.

(c) No counting location shall be used by more than one (1) county at an election without the approval of the commission.

(d) Whenever the precinct returns are made directly to the office of the clerk of the circuit court and the counting location is not performed in that office, the county election board is responsible for arranging adequate security during the transfer of all ballot cards to the counting location. This security shall include the following:

(1) All ballot cards must at all times be under the supervision of at least two (2) persons, one (1) from each of two (2) political parties entitled to have a member on the county election board.

(2) At least one (1) member of the county sheriff's department shall accompany the ballot cards from the clerk's office to the counting location. This assistance shall be rendered under IC 3-6-5-33.

As added by P.L.3-1997, SEC.340.

IC 3-12-3-3

Proceedings at central counting location; direction and observation; open to public

Sec. 3. All proceedings at a central counting location shall be directed by the appropriate election officers under the observation of at least two (2) precinct judges or other appropriate election officers who are not of the same political party. The proceedings must be open to the public, but no persons except those employed and authorized for that purpose may touch a ballot card, ballot container, or return.

As added by P.L.5-1986, SEC.8.

IC 3-12-3-4

Opening of ballot cards container and removal of contents

Sec. 4. At a central counting location each container of ballot cards shall be opened and its contents removed. The ballot cards shall be:

(1) checked to determine if the cards are properly grouped; and

(2) arranged so that all similar cards from a precinct are together.

As added by P.L.5-1986, SEC.8.

IC 3-12-3-5

Damaged or defective ballot card; absentee ballot of absent uniformed services voter or overseas voter; failure of tabulating machine

Sec. 5. (a) If a ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating machines, then a remake team composed of one (1) person from each of the major political parties of the county shall have the card prepared for processing so as to record accurately the intention of the voter insofar as it can be ascertained.

(b) If the ballot card voting system is designed to allow the counting and tabulation of votes by the precinct election board, the members of the remake team must be members of the precinct election board in which the ballot was cast. If a county provides for the counting and tabulation of ballot card voting systems in a central location, the members of the remake team shall be appointed by the county election board.

(c) If necessary, a true, duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged card. Similarly, a duplicate ballot card shall be made of a defective card, not including the uncounted votes.

(d) This subsection applies to an absent uniformed services voter or overseas voter permitted to transmit an absentee ballot by fax or electronic mail under IC 3-11-4-6. To facilitate the transmittal and return of the voter's absentee ballot by fax or electronic mail, the county election board may provide the voter with a paper ballot rather than a ballot card. The paper ballot must conform with the requirements for paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns the ballot by fax or electronic mail, a remake team appointed by the county election board under this section shall prepare a ballot card for processing that accurately records the intention of the voter as indicated on the paper ballot. The ballot card created under this subsection must be marked and counted as a duplicate ballot under sections 6 through 7 of this chapter.

(e) If an automatic tabulating machine fails during the counting and tabulation of votes following the close of the polls, the county election board shall immediately arrange for the repair and proper functioning of the system. The county election board may, by unanimous vote of its entire membership, authorize the counting and tabulation of votes for this election on an automatic tabulating machine approved for use in Indiana by the commission:

(1) until the repair and retesting of the malfunctioning machine; and

(2) whether or not the machine was tested under IC 3-11-13-22.

As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.41; P.L.3-1987, SEC.350; P.L.1-1993, SEC.11; P.L.3-1997, SEC.341; P.L.263-2003, SEC.4; P.L.97-2004, SEC.12; P.L.198-2005, SEC.16; P.L.194-2013, SEC.75.

IC 3-12-3-6
Duplicate ballot card to be clearly labeled and bear serial number

Sec. 6. All duplicate ballot cards must:

(1) be clearly labeled "duplicate"; and

(2) bear a serial number, which shall be recorded on the damaged or defective card.

As added by P.L.5-1986, SEC.8.

IC 3-12-3-7
Duplicate ballot card to be counted

Sec. 7. Each duplicate ballot card shall be counted instead of the damaged or defective card.

As added by P.L.5-1986, SEC.8.

IC 3-12-3-8
Votes to be counted manually if automatic tabulating machines test not conducted

Sec. 8. If either test of automatic tabulating machines required by IC 3-11-13-22 and IC 3-11-13-26 is not conducted for a particular office or public question, the votes for that office or question shall be counted manually. If for any reason it becomes impracticable to count all or some of the ballot cards with automatic tabulating machines:

(1) the precinct election board in which the machine is located, if the ballot card voting system is designed to allow the counting and tabulation of votes by the precinct election board; or

(2) the county election board, if the ballot card voting system is not designed to allow the counting and tabulation of votes by the precinct election board;

may direct that they be counted manually.

As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.42; P.L.3-1987, SEC.351; P.L.1-1993, SEC.12.

IC 3-12-3-9
Manual counting of ballot cards; compliance with tabulating standards

Sec. 9. If ballot cards are counted manually, the tabulation of votes must comply with the standards prescribed by IC 3-11-7.

As added by P.L.5-1986, SEC.8.

IC 3-12-3-10
Procedures after vote totals have been taken and certified; ballot cards and automatic tabulating machines; disposition; inspector's oath

Sec. 10. (a) After the voting totals have been taken and certified by a precinct election board under section 2(c) of this chapter, the inspector shall:

(1) seal each automatic tabulating machine used in the precinct;

(2) place all ballot cards that have been counted in the container

provided for that purpose; and

(3) seal the container into which the ballot cards have been placed;

in the presence of the precinct election board. The automatic tabulating machine may not be moved from the polls after the polls are closed until collected.

(b) The inspector and judge of the opposite political party shall deliver:

(1) the certification of the vote totals and one (1) copy of the certificate prepared under section 2(c) of this chapter for the circuit court clerk;

(2) the certificate of the vote totals prepared under section 2(c) of this chapter for the news media;

(3) the container in which ballot cards have been placed under subsection (a); and

(4) the unused, uncounted, and defective ballot cards and returns;

to the circuit court clerk.

(c) The inspector and judge of the opposite political party shall deliver the certificates and the list of voters to the county election board by midnight on election day. However, if:

(1) a ballot card voting system failed;

(2) the failure of the system was reported as required by this title;

(3) paper ballots were used in place of the system; and

(4) the use of the paper ballots caused a substantial delay in the vote counting process;

then the certificates, the list of voters, and the tally papers shall be delivered as soon as possible.

(d) Upon delivery of the container to the circuit court clerk under subsection (c), the inspector shall take and subscribe an oath before the clerk stating that the inspector:

(1) closed and sealed the container in the presence of the judges and poll clerks;

(2) securely kept the ballot cards in the container;

(3) did not permit any person to open the container or to otherwise touch or tamper with the ballot cards; and

(4) has no knowledge of any other person opening the container.

(e) Each oath taken under subsection (d) shall be filed in the circuit court clerk's office with other election papers.

(f) Upon completion of the counting of the votes by a precinct election board under section 2(c) of this chapter or at a central location, all ballot cards shall be arranged by precincts and kept by the circuit court clerk for the period required by IC 3-10-1-31 or IC 3-10-1-31.1. The clerk shall determine the final disposition of all voted ballot cards.

As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.43; P.L.3-1987, SEC.352; P.L.3-1993, SEC.185; P.L.14-2004, SEC.158.

IC 3-12-3-11
Official return of precinct; publication

Sec. 11. (a) The return printed by the automatic tabulating machines, along with the return of votes by absentee and provisional voters, constitutes the official return of each precinct. Upon completion of the count, the return is open to the public.

(b) This subsection applies if the votes have been cast on a ballot card voting system that is not designed to allow the counting and tabulation of votes by the precinct election board. The circuit court clerk shall, upon request, furnish to the media in the area the results of the tabulation.

(c) This subsection applies if the votes have been cast on a ballot card voting system that is designed to allow the counting and tabulation of votes by the precinct election board. Upon receiving the certificate for the media prepared under section 2(c) of this chapter, the circuit court clerk shall deliver the certificate to any person designated to receive the certificate by the editors of the newspapers published in the county or by the managers of the radio and television stations operating in the county.

(d) If a precinct election board administers more than one (1) precinct, the precinct election board or circuit court clerk shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.44; P.L.3-1987, SEC.353; P.L.1-1993, SEC.13; P.L.126-2002, SEC.88; P.L.230-2005, SEC.57.

IC 3-12-3-12
Casting of votes by absentee voters; counting

Sec. 12. Votes by absentee voters may be cast on paper ballots or ballot cards, or both methods may be used. The ballots may be counted by an automatic tabulating machine or by special canvassing boards appointed by and under the direction of the county election board. A true copy of each paper absentee ballot may be made on a ballot card, which, after being verified in the presence of witnesses, shall be counted in the same manner as other ballot cards.

As added by P.L.5-1986, SEC.8. Amended by P.L.6-1986, SEC.45.

IC 3-12-3-12.5
Vote count to continue to completion

Sec. 12.5. To minimize the delay in the counting of the vote, the count must begin immediately upon delivery of the cards to the central counting location under section 2(b) of this chapter or upon the closing of the polls under section 2(c) of this chapter. The tabulation must continue without interruption until all votes are canvassed and all certificates of the vote totals required under section 10(b) of this chapter or totals required under section 11(b) of this chapter are completed and delivered to the persons entitled to receive

the certificates or totals.
As added by P.L.3-1987, SEC.354.

IC 3-12-3-13
Recount; procedure

Sec. 13. In case of a recount, all ballot cards shall be recounted in the manner prescribed by this chapter unless:

(1) the court ordering the recount or the state recount commission directs that they be counted manually; or

(2) a request for a manual recount is made under IC 3-12-6 or IC 3-12-11.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.355.

IC 3-12-3-14
Absentee ballots

Sec. 14. (a) The precinct election board may count absentee ballots before the polls have closed.

(b) If the precinct election board counts absentee ballots under this section, a member of the precinct election board may not, before the polls have closed, provide any person other than a member of the precinct election board with information concerning the number of votes:

(1) a candidate received for an office; or

(2) cast to approve or reject a public question;

on absentee ballots counted under this section.
As added by P.L.3-1995, SEC.124.

IC 3-12-3.5

Chapter 3.5. Counting of Electronic Voting System Votes

IC 3-12-3.5-1

Application of chapter

Sec. 1. This chapter applies to each precinct where voting is by electronic voting system.

As added by P.L.3-1987, SEC.356.

IC 3-12-3.5-1.1

Chapter establishes standards to define vote

Sec. 1.1. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on an electronic voting system.

As added by P.L.209-2003, SEC.184.

IC 3-12-3.5-1.5

Closing of all polls located in one room before vote count

Sec. 1.5. Except as provided in section 7 of this chapter, if the polls for more than one (1) precinct are located in the same room, the inspector of a precinct using the room may not begin the vote counting procedure until all the polls in the room are officially closed and no more persons are waiting in line to vote.

As added by P.L.10-1988, SEC.127. Amended by P.L.3-1995, SEC.125.

IC 3-12-3.5-2

Announcement that printout of vote available for examination

Sec. 2. After each electronic voting system has been secured and the paper vote total printouts obtained, the inspector shall announce in a distinct tone of voice that the printouts are available for inspection by the members of the precinct election board and any watchers present within the polls. The members and watchers are entitled to inspect and copy the printouts to document the votes cast for:

(1) each candidate on each system; and

(2) each public question on each system.

As added by P.L.3-1987, SEC.356. Amended by P.L.221-2005, SEC.102.

IC 3-12-3.5-3

Certificates of vote result

Sec. 3. (a) When paper vote total printouts have been obtained, the precinct election board shall prepare certificates stating the number of votes that each candidate received for each office and the votes on each public question by attaching the paper vote total printouts to certificate forms supplied by the county election board.

(b) Each member of the board shall be given a copy of the certificate.

(c) If a precinct election board administers more than one (1)

precinct, the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.
As added by P.L.3-1987, SEC.356. Amended by P.L.230-2005, SEC.58.

IC 3-12-3.5-4
Delivery of certificates

Sec. 4. The inspector and judge of the opposite political party shall deliver the certificates prepared under section 3 of this chapter and the list of voters to the county election board by midnight on election day. However, if:

(1) an electronic voting system failed;
(2) the failure of the system was reported as required by this title;
(3) paper ballots were used in place of the system; and
(4) the use of the paper ballots caused a substantial delay in the vote counting process;

then the certificates, the list of voters, and the tally papers shall be delivered as soon as possible.
As added by P.L.3-1987, SEC.356. Amended by P.L.3-1993, SEC.186.

IC 3-12-3.5-5
News media certificate

Sec. 5. Immediately upon completion of the vote count, each precinct election board shall make and sign a certificate for the news media showing the total number of votes received by each candidate in the precinct. The inspector and judge of the opposite political party shall deliver the certificate to the circuit court clerk at the same time that the certificates, the list of voters, and the tally papers are delivered under section 4 of this chapter. The circuit court clerk immediately shall deliver the certificate made for the news media to any person designated to receive the certificate by the editors of the newspapers published in the county or by the managers of the radio and television stations operating in the county. The county election board shall furnish each precinct election board with the forms on which the certificates are to be prepared.
As added by P.L.3-1987, SEC.356.

IC 3-12-3.5-6
Vote count to continue to completion

Sec. 6. To minimize the delay in the counting of the vote, canvassing must begin immediately upon the closing of the polls and continue without interruption until all the votes are canvassed and all certificates of the vote required under section 3 of this chapter are completed and delivered to the persons entitled to receive the certificates.
As added by P.L.3-1987, SEC.356.

IC 3-12-3.5-7
Absentee ballots

Sec. 7. (a) The precinct election board may count absentee ballots before the polls have closed.

(b) If the precinct election board counts absentee ballots under this section, a member of the precinct election board may not, before the polls have closed, provide any person other than a member of the precinct election board with information concerning the number of votes:

(1) a candidate received for an office; or

(2) cast to approve or reject a public question;

on absentee ballots counted under this section.

As added by P.L.3-1995, SEC.126.

IC 3-12-3.5-8 Version a
Determination whether disparity between number of votes and number of voters; reason for difference determined; when audit required; notice of audit; certification of audit results

Note: This version of section effective until 4-1-2014. See also following version of this section, effective 4-1-2014.

Sec. 8. (a) After each electronic voting system has been secured and the paper vote total printouts obtained, the inspector shall announce the total number of votes cast on all electronic voting systems located within the polling place, including any absentee ballots cast, to determine if the total number of votes cast on the electronic voting systems is greater than the number of voters shown to have received a ballot at the polls or returned an absentee ballot, according to the poll lists.

(b) If the number of ballots received at the polls and returned as absentee ballots is greater than the total number of voters shown on the poll lists, the inspector and judge of the opposite party shall report this fact in writing to the county election board together with the reasons for the discrepancy, if known, at the time that the inspector and judge return the precinct poll list to the board.

(c) If the total number of votes cast, as determined under subsection (a), is greater than the number of voters who received a ballot at the polls or returned an absentee ballot according to the poll lists, by five (5) votes or more, then the county election board shall order an audit of the votes cast in that precinct under this section.

(d) The county election board shall confirm that the votes cast in an election:

(1) for each candidate and each public question; and

(2) on a direct record electronic voting system in the precinct;

were correctly counted.

(e) The county election board shall conduct an audit by means of tests and procedures that are approved by the commission and independent of the provider of the direct record electronic voting system being audited.

(f) The county election board shall certify the results of the audit not later than noon twelve (12) days after the election. The

certification must be on the form prescribed by the commission. One (1) copy shall be filed with the election returns, and one (1) copy must be delivered to the election division.

(g) Public notice of the time and place of an audit shall be given at least forty-eight (48) hours before the audit. The notice shall be published once in accordance with IC 5-3-1-4. However, if publication in accordance with IC 5-3-1-4 will not allow the county election board to certify the results of the audit within twelve (12) days after the election, notice shall be given by posting at or near the office of the county election board.

As added by P.L.64-2014, SEC.71.

IC 3-12-3.5-8 Version b

Determination whether disparity between number of votes and number of voters; reason for difference determined; when audit required; notice of audit; certification of audit results

Note: This version of section effective 4-1-2014. See also preceding version of this section, effective until 4-1-2014.

Sec. 8. (a) After each electronic voting system has been secured and the paper vote total printouts obtained, the inspector shall announce the total number of votes cast on all electronic voting systems located within the polling place, including any absentee ballots cast, to determine if the total number of votes cast on the electronic voting systems differs from the number of voters shown to have received a ballot at the polls or returned an absentee ballot, according to the poll lists.

(b) If the number of ballots received at the polls and returned as absentee ballots differs from the total number of voters shown on the poll lists, the inspector and judge of the opposite party shall report this fact in writing to the county election board together with the reasons for the discrepancy, if known, at the time that the inspector and judge return the precinct poll list to the board.

(c) If:

(1) the total number of votes cast, as determined under subsection (a); and

(2) the number of voters who received a ballot at the polls or returned an absentee ballot according to the poll lists;

differs by five (5) or more, then the county election board shall order an audit of the votes cast in that precinct under this section.

(d) The county election board shall confirm that the votes cast in an election:

(1) for each candidate and each public question; and

(2) on a direct record electronic voting system in the precinct;

were correctly counted.

(e) The county election board shall conduct an audit by means of tests and procedures that are approved by the commission and independent of the provider of the direct record electronic voting system being audited.

(f) The county election board shall certify the results of the audit not later than noon twelve (12) days after the election. The

certification must be on the form prescribed by the commission. One (1) copy shall be filed with the election returns, and one (1) copy must be delivered to the election division.

(g) Public notice of the time and place of an audit shall be given at least forty-eight (48) hours before the audit. The notice shall be published once in accordance with IC 5-3-1-4. However, if publication in accordance with IC 5-3-1-4 will not allow the county election board to certify the results of the audit within twelve (12) days after the election, notice shall be given by posting at or near the office of the county election board.

As added by P.L.64-2014, SEC.71. Amended by P.L.76-2014, SEC.55.

IC 3-12-4

Chapter 4. Canvassing Returns by County Election Board

IC 3-12-4-1

Members of county election board to canvass votes in county

Sec. 1. The members of each county election board shall canvass the votes cast in the county.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.187.

IC 3-12-4-2

Repealed

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

IC 3-12-4-3

Compensation of members of county election board

Sec. 3. The members of a county election board shall be compensated for their services as canvassers in an amount to be fixed by the county executive.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.188.

IC 3-12-4-4

Employment of clerical assistants and write-in teams; nonpartisan student assistants

Sec. 4. (a) Each county election board may employ clerical assistants if necessary for the proper canvassing and tabulating of the vote. However, except as provided in subsection (d), not more than one-half (1/2) of the assistants employed by the board may be members of the same political party.

(b) The county election board shall appoint the number of two (2) member write-in teams that are necessary to examine and count write-in votes cast on ballot card voting systems on election night. The county chairmen of the two (2) major political parties of a county shall each designate one (1) member of each write-in team. The write-in teams are considered employees of the county canvassing board and must meet the qualifications of canvassing board employees.

(c) Except as provided in subsection (d), a county election board may not employ a person to assist with canvassing unless the person would be eligible to serve as a precinct election officer under IC 3-6-6-7.

(d) The county election board may, by unanimous vote of the entire membership of the board, employ a student to assist the board under this section if the student is:

(1) enrolled at a postsecondary educational institution (including a community college); and

(2) a registered voter of the county.

A student appointed under this subsection must serve the board in a nonpartisan manner.

As added by P.L.5-1986, SEC.8. Amended by P.L.4-1991, SEC.113; P.L.1-1992, SEC.5; P.L.3-1993, SEC.189; P.L.209-2003, SEC.185;

P.L.2-2007, SEC.16.

IC 3-12-4-5
Compensation of clerical assistants

Sec. 5. A county election board shall pay an assistant hired under section 4 of this chapter a reasonable rate of compensation for the assistant's services.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.357; P.L.3-1993, SEC.190.

IC 3-12-4-5.5
Chapter establishes standards to define vote

Sec. 5.5. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system by a county election board.

As added by P.L.209-2003, SEC.186.

IC 3-12-4-6
Canvass of certificates, poll lists, and tally papers returned by inspectors; providing room in courthouse

Sec. 6. (a) At 6 p.m. on each election day, the county election board shall assemble in a room to canvass the certificates, poll lists, and tally papers returned by each inspector in the county and to declare the results of the election as provided in this chapter.

(b) The canvassing must be performed in public under IC 5-14-1.5. However, the board may restrict access to parts of the room where election material is being handled or transported to safeguard the material.

(c) Except as provided in section 7 of this chapter, the county executive shall provide a room in the courthouse that contains adequate space to permit members of the public to witness the canvassing of votes.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.191.

IC 3-12-4-7
Counties over 300,000; providing of assembly room

Sec. 7. In each county having a population of more than three hundred thousand (300,000), the county executive shall, upon the written request and order of the judge of the circuit court of the county and at least ten (10) days before the election, provide a suitable assembly room for the county election board other than a room in the courthouse.

As added by P.L.5-1986, SEC.8. Amended by P.L.12-1992, SEC.12; P.L.3-1993, SEC.192.

IC 3-12-4-8
Examination and comparison of certificates, poll lists, and tally sheets; aggregating and tabulating vote for county and political

subdivision

Sec. 8. The county election board shall:

(1) carefully examine and compare the certificates, poll lists, and tally sheets; and

(2) aggregate and tabulate from the papers entrusted to it the vote for the county and each political subdivision, as appropriate.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.193.

IC 3-12-4-9

Declaration of candidate with highest vote count; tabulation of votes for public question; certification of results

Sec. 9. (a) This subsection applies to:

(1) a local or school board office with an election district located entirely within one (1) county, except for an office for which a declaration of candidacy is filed with the election division under IC 3-8-2; and

(2) a political party office, such as precinct committeeman or state convention delegate, elected at a primary election.

After the county election board has tabulated the vote, the board shall declare the candidate receiving the highest number of votes for each office to be elected.

(b) The county election board shall tabulate the votes cast for and against each local public question placed on the ballot by the county election board under IC 3-10-9-2 and, if the local public question is placed on the ballot only in that county, declare the public question approved or rejected.

(c) The county election board shall tabulate the votes cast for and against each public question voted on by the electorate of the whole state.

(d) The board shall certify the election results in a statement prepared by the circuit court clerk.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.358; P.L.10-1988, SEC.128; P.L.10-1992, SEC.24; P.L.3-1993, SEC.194; P.L.3-1997, SEC.342.

IC 3-12-4-10

Statement prepared by circuit court clerk; contents; copy for candidate

Sec. 10. (a) The statement prepared under section 9 of this chapter must contain:

(1) the name of each candidate;

(2) the elected offices;

(3) the total number of votes received by each candidate;

(4) the total number of votes received by each candidate and cast for and against each public question in each precinct; and

(5) the total number of votes cast at the election.

(b) Notwithstanding IC 33-37-5-1, upon request by a candidate, the circuit court clerk shall prepare a copy of the statement for the candidate at a fee not to exceed twenty-five cents ($0.25) per page.

As added by P.L.5-1986, SEC.8. Amended by P.L.7-1990, SEC.50; P.L.8-1992, SEC.30; P.L.98-2004, SEC.38.

IC 3-12-4-11
Statement prepared by circuit court clerk; signature of county election board

Sec. 11. Each member of the county election board shall sign the statement prepared by the circuit court clerk under section 9 of this chapter.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.195.

IC 3-12-4-12
Statement prepared by circuit court clerk; copies to county chairman of each political party upon request

Sec. 12. After the county election board certifies the election results under section 9 of this chapter, the circuit court clerk shall furnish, upon request, to the county chairman of each political party a copy of the statement.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.196; P.L.3-1995, SEC.127; P.L.221-2005, SEC.103; P.L.76-2014, SEC.56.

IC 3-12-4-13
Delivery of canvass sheets, certificates, poll lists, and tally papers to circuit court clerk

Sec. 13. After the county election board has tabulated the vote:

(1) the canvass sheets used by the board; and

(2) the certificates, poll lists, and tally papers returned by each inspector in the county;

shall be delivered to the circuit court clerk. The clerk shall file and preserve all the material in the clerk's office as provided in IC 3-10-1-31 or IC 3-10-1-31.1.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.197; P.L.199-2001, SEC.26; P.L.14-2004, SEC.159.

IC 3-12-4-14
Tie votes

Sec. 14. If two (2) or more candidates receive the highest and an equal number of votes for a local office, the county election board shall:

(1) declare that no person is elected to fill the office; and

(2) certify the tie vote in the statement prepared by the circuit court clerk under section 9 of this chapter.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.198.

IC 3-12-4-15
Conditions prohibiting rejection of certificates, poll lists, or tally papers; return from precinct election board

Sec. 15. A county election board may not reject the certificates, poll lists, or tally papers returned from a precinct election board:

(1) for lack of form or for not being strictly in accordance with the directions contained in this title if the certificates can be satisfactorily understood; or

(2) if the returns are certified by the precinct election board as required by IC 3-12-2-6, IC 3-12-3-2, and IC 3-12-3.5-6 and returned by the inspector or one (1) of the judges of the board.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.359; P.L.3-1993, SEC.199; P.L.221-2005, SEC.104.

IC 3-12-4-16

Disagreement as to how to count vote of precinct; report to judge of circuit court with written brief stating grounds of disagreement

Sec. 16. If there is a disagreement between the members of a county election board as to how the vote of a precinct should be counted, the board shall:

(1) immediately report the matter in dispute to the judge of the circuit court; and

(2) provide the judge with a written brief stating the grounds of the disagreement and all papers concerning the matter.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.200.

IC 3-12-4-17

Judge's determination on disagreement

Sec. 17. The judge of the circuit court shall summarily determine a dispute presented under section 16 of this chapter and direct the county election board how to count the vote. The judge's determination is final with respect to the action of the board.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.201.

IC 3-12-4-18

Electronic voting systems; inspection of registering counter or other recording device; filing notice of order with secretary of state; time

Sec. 18. If electronic voting systems are used in a precinct, the county election board may, upon the adoption of an order by unanimous vote of the entire membership of the board, inspect the registering counter or other recording device on any electronic voting system showing the number of votes cast for any candidate or public question. The board may conduct an inspection, after filing notice of the order authorizing the inspection with the secretary of state, either before the board proceeds to count and tabulate the vote or within one (1) day after the count and tabulation are finished.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.360; P.L.3-1993, SEC.202; P.L.221-2005, SEC.105; P.L.194-2013, SEC.76.

IC 3-12-4-19

Electronic voting systems; place of inspection; presence of accredited representative of each major political party

Sec. 19. To inspect an electronic voting system under section 18

of this chapter, the county election board may proceed to any place in the county where the system is located, kept, or stored. However, the board shall make the inspection in the presence of an accredited representative of each of the major political parties of the county.
As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.361; P.L.3-1993, SEC.203; P.L.221-2005, SEC.106.

IC 3-12-4-20
Electronic voting systems; comparison of number of votes registered on counter with returns made by precinct election board

Sec. 20. When making an inspection under section 18 of this chapter, a county election board shall compare the number of votes registered on the counter or other recording device on the electronic voting systems with the returns made by the precinct election board of the precinct in which the electronic voting system was used.
As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.362; P.L.3-1993, SEC.204; P.L.221-2005, SEC.107.

IC 3-12-4-21
Electronic voting systems; discrepancy between number of votes registered and returns made by precinct election board; correction

Sec. 21. If there is a discrepancy between the number of votes registered on an electronic voting system and the returns made by the precinct election board, the county election board shall correct the returns made by the precinct election board so that the returns conform to the vote registered on the electronic voting system. The corrected returns shall be considered the true and correct returns of the number of votes cast for each candidate or on each public question in the precinct.
As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.363; P.L.3-1993, SEC.205; P.L.221-2005, SEC.108.

IC 3-12-4-22
Contested election or nomination; recount; corrected returns as prima facie evidence of vote

Sec. 22. If a nomination or election is contested or a recount is conducted, the returns of each precinct election board, as corrected by the county election board under section 21 of this chapter, constitute prima facie evidence of the vote cast for each candidate and on each public question to the same extent as the tabulation and return of the vote in a precinct where electronic voting systems are not used.
As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.364; P.L.10-1988, SEC.129; P.L.3-1993, SEC.206; P.L.221-2005, SEC.109.

IC 3-12-4-23
Tally papers

Sec. 23. The county election board shall have tally papers printed for use in tabulating the vote at each election held under its

jurisdiction. The tally papers must:

(1) contain the name of each office and candidate to be voted for at an election;

(2) provide for tallying the votes on each public question submitted to the voters; and

(3) list political parties and candidates in the same order on the tally sheet as listed on the ballot printed by the county election board under IC 3-11-2-6.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.207; P.L.3-1997, SEC.343.

IC 3-12-5

Chapter 5. Certificates of Election and Commissions

IC 3-12-5-1

Statements to election division as to certain election results; issuance of certificate

Sec. 1. (a) Whenever a candidate is elected to a local office that is commissioned by the governor under IC 4-3-1-5, the circuit court clerk shall prepare a statement under the clerk's seal specifying the number of votes received by each candidate for that office.

(b) The statement prepared under subsection (a) must also include the number of votes cast for and against the following:

(1) The ratification of a state constitutional amendment submitted to the electorate.

(2) The retention of a justice of the supreme court or a judge of the court of appeals or tax court.

(3) Each candidate who was declared elected by the county election board under IC 3-12-4-9.

(c) The clerk shall send or hand deliver the statement to the election division not later than noon on the second Monday following election day.

(d) The election division shall tabulate the votes received under this section. Not later than the third Friday after the election, the secretary of state shall issue a certificate certifying the following:

(1) Each state constitutional amendment ratified or rejected.

(2) Each justice or judge retained or removed.

(e) The election division shall provide a copy of a certificate described by:

(1) subsection (d)(1) to the chief justice of the Indiana supreme court and the director of the office of code revision of the legislative services agency; and

(2) subsection (d)(2) to the chief justice of the state.

(f) The election division shall provide a copy of all statements received under this section to the office.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.365; P.L.5-1988, SEC.10; P.L.4-1991, SEC.114; P.L.3-1993, SEC.208; P.L.3-1997, SEC.344; P.L.212-2001, SEC.22; P.L.221-2005, SEC.110.

IC 3-12-5-1.5

Sending certified or sealed statements electronically

Sec. 1.5. (a) This section applies to a statement required to be sent or delivered to the election division by a circuit court clerk under this chapter.

(b) A statement described in subsection (a) may be sent by using the computerized list established under IC 3-7-26.3. A statement sent under this section complies with any requirement for the statement to be certified or sealed.

As added by P.L.209-2003, SEC.187.

IC 3-12-5-2

Office not commissioned by governor; delivery of certificate of candidate's election on demand

Sec. 2. (a) Whenever a candidate is elected:

(1) to a local or school board office other than:

(A) one for which a town clerk-treasurer issues a certificate of election under IC 3-10-7-34; or

(B) one commissioned by the governor under IC 4-3-1-5; or

(2) a precinct committeeman or state convention delegate;

the circuit court clerk shall, when permitted under section 16 of this chapter, prepare and deliver to the candidate on demand a certificate of the candidate's election.

(b) This subsection applies to a local or school board office described in subsection (a) with an election district located in more than one (1) county and a local public question placed on the ballot in more than one (1) county. The circuit court clerk of the county that contains the greatest percentage of the population of the election district shall, upon demand of the candidate or a person entitled to request a recount of the votes cast on a public question under IC 3-12-12:

(1) obtain the certified statement of the votes cast for that office or on that question that was prepared under IC 3-12-4-9 from the circuit court clerk in each other county in which the election district is located;

(2) tabulate the total votes cast for that office or on that question as shown on the certified statement of each county in the election district; and

(3) issue a certificate of election to the candidate when permitted under section 16 of this chapter or a certificate declaring the local public question approved or rejected.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.366; P.L.10-1988, SEC.130; P.L.3-1989, SEC.12; P.L.10-1992, SEC.25; P.L.38-1999, SEC.58.

IC 3-12-5-3

Unopposed candidate for local office; certification of candidate as if elected

Sec. 3. Whenever a candidate for a local office described in section 2 of this chapter is unopposed, the circuit court clerk shall, upon demand of the candidate, certify the candidate in the same manner as if elected to the office.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.367.

IC 3-12-5-4

Governor not to withhold commission because of defect or informality in election return to election division

Sec. 4. The governor may not withhold a commission because of a defect or informality in an election return to the election division if it can be determined with reasonable certainty from the return what office is intended and who is entitled to the commission.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1997, SEC.345.

IC 3-12-5-5
Governor and lieutenant governor; certified sealed statements; transmission of statements

Sec. 5. (a) Not later than noon on the second Monday following an election for governor and lieutenant governor, each circuit court clerk shall prepare a certified statement under the clerk's seal showing the number of votes each candidate received. The clerk shall transmit the statement to the election division. The election division shall deliver:

(1) the statement to the speaker of the house of representatives before the date described in subsection (b); and

(2) a copy of each statement to the office.

(b) The house of representatives and the senate shall meet in joint convention not later than the date specified in Article 5, Section 9 of the Constitution of the State of Indiana for the commencement of the term of the governor and the lieutenant governor to hear the canvass of votes cast for governor and lieutenant governor.

(c) The joint convention shall act to resolve any:

(1) tie vote, as required under Article 5, Section 5 of the Constitution of the State of Indiana; or

(2) contest under Article 5, Section 6 of the Constitution of the State of Indiana.

(d) The joint rules that governed the house of representatives and senate before the general election govern the joint convention until those rules are amended as provided in those rules.

(e) After resolving any tie or contest, the presiding officer of the joint convention shall certify to the convention that the individuals receiving the most votes according to the canvass have been elected governor and lieutenant governor.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.368; P.L.3-1993, SEC.209; P.L.4-1995, SEC.13; P.L.3-1997, SEC.346; P.L.212-2001, SEC.23; P.L.221-2005, SEC.111.

IC 3-12-5-6
Certified and sealed statement of number of votes for each candidate

Sec. 6. (a) Not later than noon on the second Monday following an election, each circuit court clerk shall prepare a certified statement under the clerk's seal of the number of votes received by each candidate for:

(1) federal office;

(2) state office;

(3) legislative office; and

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

(b) The clerk shall send the statements by certified mail, return receipt requested, or hand deliver the statements to the election division.

(c) The election division shall provide a copy of each statement to the office.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.369; P.L.3-1993, SEC.210; P.L.3-1997, SEC.347; P.L.212-2001, SEC.24; P.L.221-2005, SEC.112.

IC 3-12-5-7

Tabulation of number of votes cast for each candidate

Sec. 7. Upon receipt of the certified statements from the circuit court clerks under section 6 of this chapter and not later than noon of the last Tuesday in November, the election division shall tabulate the number of votes cast for each candidate for:

(1) presidential electors;

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

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

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

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.211; P.L.3-1997, SEC.348.

IC 3-12-5-8

Amendments to certified statements; preparation of commission and transmittal to certified candidates

Sec. 8. (a) If, not later than the final date and hour for filing a recount or contest petition under IC 3-12, a circuit court clerk files a correction with the election division that amends a certified statement under section 6 of this chapter and the amendment results in a different candidate receiving the highest number of votes for an office, the election division shall immediately notify the governor and the office of the amendment.

(b) If no errors are found by the final date and hour for filing a recount or contest under IC 3-12 and not later than noon on the first Tuesday in December following the election, the governor shall prepare the candidate's commission for each candidate certified under section 7 of this chapter.

(c) Immediately upon preparing the commissions under subsection (b), the governor shall deliver the commissions to the election division. Not later than the second Tuesday in December, the election division shall transmit the commission to each candidate at the address set forth in the declaration of candidacy filed with the division, or to any more recent address furnished to the division by the candidate.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1997, SEC.349; P.L.212-2001, SEC.25.

IC 3-12-5-9

Candidates for United States Senator and United States

Representative; tabulation of votes cast for each candidate; certificates of election

Sec. 9. (a) Upon receipt of the certified statements from the circuit court clerks under section 6 of this chapter, the election division shall:

(1) tabulate the number of votes cast for each candidate for United States Senator and United States Representative; and

(2) prepare a certificate of election for the secretary of state to transmit to:

(A) the governor for signature and certification to the secretary of the United States Senate, setting forth the name of the candidate receiving the highest number of votes for the office of United States Senator, in the manner required by 2 U.S.C. 1; and

(B) the clerk of the United States House of Representatives, setting forth the name of each candidate receiving the highest number of votes for United States Representative, in the manner required by 2 U.S.C. 26.

(b) The secretary of state shall promptly execute the certificate prepared under subsection (a)(2)(A) and transmit the certificate to the governor. The governor shall promptly execute the certificate and transmit the certificate to the election division for attestation by the secretary of state and transmission to the secretary of the United States Senate.

(c) The secretary of state shall promptly execute the certificate prepared under subsection (a)(2)(B) and transmit the certificate to the clerk of the United States House of Representatives.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1997, SEC.350; P.L.176-1999, SEC.93.

IC 3-12-5-10

Candidate for United States Senator and United States Representative; transmission of certificate of election; seal and attestation

Sec. 10. The election division shall transmit to each candidate certified under section 9 of this chapter an original copy of the certificate of election. The secretary of state shall seal and attest the certificate of election.

As added by P.L.5-1986, SEC.8. Amended by P.L.176-1999, SEC.94.

IC 3-12-5-11

Preparation of certified and sealed statement of number of votes received by candidate in county; transmittal to election division

Sec. 11. (a) As soon as practical, but no later than noon on the second Monday following an election for a legislative office, each circuit court clerk shall:

(1) prepare a certified statement under the clerk's seal specifying the number of votes received in the county by each candidate for legislative office; and

(2) send the statement by certified mail, return receipt

requested, or hand deliver the statement to the election division.

(b) The election division shall provide a copy of each statement to the office.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.131; P.L.3-1993, SEC.212; P.L.3-1997, SEC.351; P.L.212-2001, SEC.26; P.L.221-2005, SEC.113.

IC 3-12-5-12

Election division to total statements from district and prepare and transmit certificate of election; tie votes

Sec. 12. (a) Upon receipt of the certified statements under section 11 of this chapter, the election division shall:

(1) immediately total all certified statements from each senate and house district; and

(2) promptly prepare and transmit to the candidate receiving the highest number of votes for each legislative office a certificate of the candidate's election.

(b) The secretary of state shall sign the certificates prepared by the election division under subsection (a). However, if two (2) or more candidates receive the highest and an equal number of votes according to the tabulation prepared by the election division, the secretary of state shall immediately certify the tie vote to the governor.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1997, SEC.352.

IC 3-12-5-13

Estimating, aggregating, and tabulating total number of votes evidenced by face of certified statement

Sec. 13. The election division may not reject a certified statement received under seal from a circuit court clerk under section 6 or 11 of this chapter but shall estimate, aggregate, and tabulate the total number of votes as evidenced by the face of each certified statement.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1997, SEC.353.

IC 3-12-5-14

Correction of error in certification of vote

Sec. 14. (a) This section does not apply to the correction of an error under IC 3-12-6-29 or IC 3-12-11-23.

(b) The county election board or the election division shall correct an error in the certification of the vote for a candidate or on a public question if the error is discovered not later than the final date and hour for the filing of a recount or contest under this article.

As added by P.L.5-1986, SEC.8. Amended by P.L.4-1991, SEC.115; P.L.3-1997, SEC.354; P.L.66-2003, SEC.44.

IC 3-12-5-15

Failure or refusal to correct error; civil action to enforce duty to make correction

Sec. 15. If a circuit court clerk or the election division fails or refuses to correct an error as required by section 14 of this chapter,

then any voter may bring a civil action to enforce the duty to make the correction. A civil action under this section must be brought:

(1) not later than noon five (5) days after the expiration of the period allowed for making corrections; and

(2) in the circuit or superior court of Marion County (if the action is brought against the election division) or the county where the public official making the erroneous certification resides (if the action is brought against a circuit court clerk).

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.132; P.L.3-1997, SEC.355.

IC 3-12-5-16
Certificate of election; issuance

Sec. 16. A certificate of election may not be issued until the period allowed under section 14 of this chapter for the discovery and correction of errors has expired.

As added by P.L.5-1986, SEC.8. Amended by P.L.38-1999, SEC.59.

IC 3-12-5-17
Repealed

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

IC 3-12-6

Chapter 6. Recount Procedures for Nomination for and Election to Local and School Board Offices

IC 3-12-6-1

Right of recount; local or school board offices

Sec. 1. (a) Any candidate for nomination or election to a local or school board office is entitled to have the votes cast for that office recounted under this chapter.

(b) If a candidate who is entitled to have the votes recounted under this chapter does not file a petition within the period established by section 2 of this chapter, the county chairman of a political party in the precinct in which the recount is desired may file a petition to have the votes recounted. A county chairman is entitled to have the votes recounted only in a partisan race.

(c) The right of recount may be exercised for one (1) or more of the precincts in which votes were cast for the office.

As added by P.L.5-1986, SEC.8. Amended by P.L.7-1986, SEC.5; P.L.10-1988, SEC.133; P.L.4-1996, SEC.73.

IC 3-12-6-1.2

Chapter establishes standards to define vote

Sec. 1.2. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a recount conducted under this chapter.

As added by P.L.209-2003, SEC.188.

IC 3-12-6-1.5

Chapter applicable to elections for political party offices

Sec. 1.5. A candidate for election to precinct committeeman or state convention delegate is entitled to have the votes cast for that office recounted under this chapter. The political party of the candidate, in accordance with any applicable party rules, determines the winner of an election to a political party office.

As added by P.L.3-1997, SEC.356. Amended by P.L.40-2001, SEC.1.

IC 3-12-6-2

Petition for recount; filing

Sec. 2. (a) A candidate who desires a recount of votes must file a verified petition no later than noon fourteen (14) days after election day.

(b) A county chairman who is entitled to and desires a recount of votes must file a verified petition not later than noon seventeen (17) days after election day.

(c) The petition must be filed in the circuit or superior court of each county in which is located a precinct in which the individual desires a recount.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.370;

P.L.10-1988, SEC.134; P.L.4-1996, SEC.74; P.L.221-2005, SEC.114.

IC 3-12-6-2.5
Petition for recount; filing fee; cause number

Sec. 2.5. Upon the filing of a petition under section 2 of this chapter, the circuit court clerk shall:

(1) require payment of the filing fee under IC 33-37; and

(2) assign the petition a cause number as a miscellaneous civil action.

As added by P.L.3-1997, SEC.357. Amended by P.L.98-2004, SEC.39.

IC 3-12-6-3
Petition for recount; content

Sec. 3. Each petition filed under section 2 of this chapter must state the following:

(1) The office for which the petitioner desires a recount.

(2) The precincts within the county in which the petitioner desires a recount.

(3) That the petitioner is entitled to a recount under section 1 of this chapter.

(4) That the nomination or office was voted upon in the precincts specified.

(5) The name of each candidate for the nomination or office as set forth on the ballot for the election and the address of each candidate for nomination or election to the office as set forth in the records of the county election board or election division.

(6) That the petitioner in good faith believes that the votes cast for nomination or election to the office at the election in the precincts were not correctly counted and returned.

(7) That the petitioner desires a recount of all of the votes cast for nomination or election to the office in the precincts specified.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.135; P.L.4-1996, SEC.75; P.L.176-1999, SEC.95.

IC 3-12-6-4
Cross-petition for recount; filing

Sec. 4. A candidate who is nominated or elected to an office at an election on the face of the election returns may file a verified cross-petition for a recount no later than noon twenty-one (21) days after election day. If a petition for a recount is filed for an office for which voters in more than one (1) county vote, a cross-petition for a recount may be filed in a county other than the one in which the first petition was filed.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.371; P.L.10-1988, SEC.136; P.L.4-1996, SEC.76; P.L.164-2006, SEC.126.

IC 3-12-6-5
Failure to file cross-petition or answer to petition for recount

Sec. 5. The failure to file either a cross-petition or an answer to a petition for a recount does not:

(1) constitute an admission of the truth of the allegations of the petition; or

(2) imply a presumption in favor of the petition.

As added by P.L.5-1986, SEC.8.

IC 3-12-6-6
Cross-petition for recount; contents

Sec. 6. Each cross-petition filed under section 4 of this chapter must state the following:

(1) The office for which the cross-petitioner desires a recount.

(2) The precincts within the county in which the cross-petitioner desires a recount.

(3) That the cross-petitioner was a candidate at the election for nomination or election to the office and that the nomination or office was voted upon in the precincts specified.

(4) The name and address of the cross-petitioner's opposing candidate or candidates.

(5) That the cross-petitioner in good faith believes that the votes cast for nomination or election to the office at the election in the precincts were not correctly counted and returned.

(6) That the cross-petitioner desires a recount of all of the votes cast for nomination or election to the office in the precincts specified.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.137.

IC 3-12-6-7
Amendment of petition or cross-petition

Sec. 7. (a) Except as provided in subsection (b), the court in which a petition or cross-petition is filed may allow the petition or cross-petition to be amended at any time upon the terms and conditions that the court orders.

(b) The court may not allow a petition or cross-petition to be amended following the deadline for filing a petition or cross-petition under this chapter if the petition or cross-petition as originally filed:

(1) failed to comply with this chapter; or

(2) was not filed before the deadline specified in this chapter.

As added by P.L.5-1986, SEC.8. Amended by P.L.176-1999, SEC.96.

IC 3-12-6-8
Petition for recount; joinder; consolidation; exception; transfer

Sec. 8. (a) Two (2) or more candidates for nomination or election to the same or a different office at the same election may join in a petition for a recount.

(b) Except as provided in subsection (d), if more than one (1) petition for a recount is filed in a county no later than noon seven (7) days after election day, whether in the same court of the county or

not, the petitions shall be consolidated under the first petition filed. If a transfer of petitions from one (1) court of the county to another court of the county is necessary to effect the consolidation, then the court in which the subsequent petitions were filed shall order the transfer.

(c) If more than one (1) petition for a recount is filed for an office in more than one (1) county, the circuit court for the county casting, on the face of the election returns, the highest number of votes for the office shall assume jurisdiction over all petitions and cross-petitions concerning the office. If a transfer of petitions or cross-petitions from one (1) court to another is necessary to effect the consolidation in the circuit court, then any other court in which a petition or cross-petition was filed shall order the transfer.

(d) A petition for a recount filed for an election in different municipalities, whether in the same court of the county or not, may not be consolidated.

As added by P.L.5-1986, SEC.8. Amended by P.L.7-1986, SEC.6; P.L.3-1987, SEC.372; P.L.10-1988, SEC.138; P.L.8-1992, SEC.31.

IC 3-12-6-9

Notice of filing of petition for recount and pendency of petition of each candidate named in petition; service of notice; return of service

Sec. 9. (a) Upon the filing of a petition for a recount, the circuit court clerk shall notify the judge. The judge shall:

(1) issue a notice of the filing and pendency of the petition to:
  (A) each candidate named in the petition;
  (B) the county election board; and
  (C) the election division if the petition relates to a recount for the office of judge or prosecuting attorney; and

(2) deliver the notice to the sheriff of each county in which a candidate resides.

(b) Each sheriff shall immediately serve the notice upon candidates in person or by leaving a copy at the last and usual place of residence. The sheriff shall make immediate return of the service.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.139; P.L.4-1996, SEC.77; P.L.66-2003, SEC.45.

IC 3-12-6-9.5

Disqualification of judge where recount involves court assuming jurisdiction

Sec. 9.5. If a recount involves the nomination or election of the judge of the court that assumes jurisdiction over the recount and the regular judge of the court is a party to the proceeding, then the regular judge is disqualified to act in any way in the proceeding except to transfer a petition or cross-petition under section 8 of this chapter. The judge shall, within three (3) days after the court assumes jurisdiction, certify the fact of disqualification to the governor, who shall then appoint a special judge for the proceeding.

As added by P.L.10-1988, SEC.140.

IC 3-12-6-10

Petitioner's cash deposit or bond; filing; amounts; cost of recount; unexpended balance

Sec. 10. (a) Each petitioner shall furnish a cash deposit or file a bond with corporate surety to the approval of the court for the payment of all costs of the recount. The minimum amount of the cash deposit or bond is one hundred dollars ($100). The maximum amount of the cash deposit or bond may not exceed the amount specified in subsection (b) or (c).

(b) This subsection applies if, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is not more than one percent (1%) of the total votes cast for all candidates for the nomination or office. If the number of precincts to be recounted exceeds ten (10), the amount of the deposit or bond shall be increased by ten dollars ($10) for each precinct in excess of ten (10).

(c) This subsection applies if, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is more than one percent (1%) of the total votes cast for all candidates for the nomination or office. If the number of precincts to be recounted exceeds ten (10), the amount of the deposit or bond shall be increased by one hundred dollars ($100) for each precinct in excess of ten (10).

(d) If a petition is joint, a joint bond may be furnished.

(e) The costs of a recount may include the following:

(1) Compensation of recount commissioners.

(2) Compensation of additional employees required to conduct the recount, including overtime payments to regular employees who are eligible to receive such payments.

(3) Postage and telephone charges directly related to the recount.

(f) The costs of a recount may not include the following:

(1) General administrative costs.

(2) Security.

(3) Allowances for meals or lodging.

(g) If the recount results in a reduction of at least fifty percent (50%) but less than one hundred percent (100%) of the margin of the total certified votes, the petitioner shall receive a refund of that percentage of the unexpended balance. If after a recount, it is determined that a petitioner has been nominated or elected, the deposit or the bond furnished by that petitioner shall be returned to that petitioner in full.

(h) Any unexpended balance remaining in a deposit after payment of all costs of the recount and the refund, if a refund is made, shall be deposited in the county general fund.

As added by P.L.5-1986, SEC.8. Amended by P.L.8-1992, SEC.32; P.L.8-1995, SEC.54; P.L.14-2004, SEC.160; P.L.194-2013, SEC.77.

IC 3-12-6-10.5

Petitioner's cash deposit; deposit in county general fund

Sec. 10.5. When a cash deposit is furnished under section 10 of this chapter, the circuit court clerk shall deposit the cash in the county general fund.
As added by P.L.3-1997, SEC.358.

IC 3-12-6-11
Cross-petitioner's cash deposit or bond; cost of recount
Sec. 11. If a cross-petition is filed, each petitioner and cross-petitioner shall either furnish a cash deposit or file a bond with corporate surety to the approval of the court for the payment of each party's proportionate share of the cost of the recount. If a cross-petition is joint, a joint bond may be furnished.
As added by P.L.5-1986, SEC.8.

IC 3-12-6-12
Cost of recount when cash deposit not made
Sec. 12. (a) This section does not apply to a petitioner or a cross-petitioner who is determined to have been nominated or elected after the recount.
(b) If a cash deposit was not made as required by section 10 or 11 of this chapter, the petitioners shall pay to the circuit court clerk within ten (10) days after the recount is completed all of the costs of the recount. However, if a cross-petition was filed, then each cross-petitioner shall pay to the circuit court clerk within ten (10) days after the recount is completed all of the costs of the recount in the precincts designated in the cross-petition. A petitioner is not liable for the costs of a recount allocated to a cross-petitioner.
As added by P.L.5-1986, SEC.8. Amended by P.L.8-1995, SEC.55.

IC 3-12-6-13
Repealed
(Repealed by P.L.7-1986, SEC.20.)

IC 3-12-6-13.5
Repealed
(Repealed by P.L.10-1988, SEC.238.)

IC 3-12-6-14
Order of recount and appointment of recount commission; conditions
Sec. 14. The court shall grant the petitions and cross-petitions that have been filed and order the recount of the votes in the precincts by appointing a recount commission upon:
(1) the filing of a petition and bond under this chapter;
(2) the expiration of the period under section 4 of this chapter for filing a cross-petition; and
(3) proof of service of all notices.
As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.374.

IC 3-12-6-15

Consolidated recount of votes

Sec. 15. If there is a consolidation of petitions and cross-petitions, the court shall by consolidated order grant the consolidated petitions and cross-petitions and order a consolidated recount of all votes in all precincts in the counties requested in the petitions and cross-petitions.

As added by P.L.5-1986, SEC.8. Amended by P.L.7-1986, SEC.7.

IC 3-12-6-16

Recount commission; membership

Sec. 16. (a) A recount commission consists of three (3) persons.

(b) Two (2) members of the commission must be voters who:

(1) are members of different major political parties of the state; and

(2) were qualified to vote at the election in a county in which the election district for the office is located.

(c) This subsection applies to a recount commission conducting a recount of an election in which only paper ballots were used. The third member of the commission must be a person who:

(1) is a member of a major political party of the state; and

(2) was qualified to vote at the election in the election district of the office.

(d) This subsection applies to a recount of an election in which a voting method other than only paper ballots was used. The third member of the commission must be a competent mechanic who is familiar with the ballot card voting systems or electronic voting systems used in that election. The mechanic is not required to be qualified to vote at the election in a county in which the election district for the office is located.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.375; P.L.221-2005, SEC.115; P.L.194-2013, SEC.78.

IC 3-12-6-17

Recount commission; compensation

Sec. 17. Each member of a recount commission is entitled to a per diem not to exceed one hundred dollars ($100) for each day actually engaged in making the recount. The judge of the court having jurisdiction over the recount shall fix the compensation paid under this section.

As added by P.L.5-1986, SEC.8. Amended by P.L.4-1991, SEC.116.

IC 3-12-6-17.5

Recount commission and other recount costs; payment from county general fund

Sec. 17.5. (a) If the amount of the cash deposit or bond available under section 10 of this chapter is not adequate to pay the compensation of the recount commission under section 17 of this chapter, a member of the recount commission is entitled to compensation from the county general fund without appropriation, and upon submission of a claim for compensation to the county

executive.

(b) Any other cost of the recount that remains unpaid following the determination of the recount commission and which cannot be recovered from the cash deposit or bond shall be paid from the county general fund without appropriation.

As added by P.L.3-1997, SEC.359.

IC 3-12-6-18

Certified copy of order to candidates; cost of mailing

Sec. 18. On the day when the order of a recount is made and entered by the court, the circuit court clerk shall send a certified copy of the order by certified mail to each candidate named in the petition at the address stated in the petition. The clerk shall charge the cost of mailing the order to the petitioner.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.376; P.L.4-1996, SEC.78.

IC 3-12-6-19

Impoundment of election materials by court; recount commission orders; copying election materials

Sec. 19. (a) A court ordering a recount under this chapter shall by order impound and provide for the protection of the following:

(1) All ballots and electronic voting systems used at the election for casting votes in the precincts.

(2) All tally sheets relating to the votes cast for nomination or election to the office.

(3) All poll lists of persons registered by the poll clerks as having voted for nomination or election to the office.

(b) An order issued by the state recount commission under IC 3-12-10 supersedes an order issued by a court under this section to the extent that the orders conflict. The state recount commission shall assist a court acting under this section to the extent that the ability of the state recount commission to preserve the integrity of election records or equipment is not hindered.

(c) An impoundment order issued under subsection (a) may not prevent a circuit court clerk or board of registration from copying election material other than ballots if the clerk or board copies the material under the supervision of a person designated by the court.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.377; P.L.10-1988, SEC.141; P.L.221-2005, SEC.116.

IC 3-12-6-19.5

Impounded materials; use of copies instead of originals

Sec. 19.5. A circuit court clerk or board of registration may use a copy made under section 19 of this chapter instead of an original subject to an impoundment order under that section until the court orders the release of the original.

As added by P.L.3-1987, SEC.378.

IC 3-12-6-20

Court making impounded materials available to recount commission

Sec. 20. A court acting under section 19 of this chapter shall make the ballots, electronic voting systems, tally sheets, and poll lists available to the recount commission appointed under this chapter.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.379; P.L.221-2005, SEC.117.

IC 3-12-6-21

Recount; place; expeditious completion; watchers; representatives; news media; powers and duties of state recount commission

Sec. 21. (a) After a recount is ordered under section 14 of this chapter, the recount commission shall convene at a place fixed by order of the court.

(b) Whenever a motion to dismiss a petition or cross-petition for a recount is filed with the court, the court shall rule on the motion to dismiss before the recount commission conducts the recount. The motion to dismiss must:

(1) state that the petitioner or cross-petitioner has failed to comply with this chapter; and

(2) specifically identify the requirement that the petitioner or cross-petitioner has failed to comply with.

(c) As the first item of business, the recount commission shall adopt procedures for conducting the recount, based as closely as is practical on the procedures adopted by the state recount commission. After adopting these procedures, the recount commission shall expeditiously complete the recount of all votes ordered recounted.

(d) The proceedings of the recount commission shall be performed in public under IC 5-14-1.5 (the Open Door Law). However, the commission may restrict access to parts of a room where the recount is being conducted to safeguard the election material or to permit the material to be handled or transported by the commission. Each candidate affected by the recount may have a watcher present at the recount and may also be present in person. A watcher for a candidate under this subsection has the same rights as a watcher appointed under IC 3-6-8-4. Representatives of the media may also attend the recount and have the same rights as media watchers appointed under IC 3-6-10.

(e) An order issued by the state recount commission under IC 3-12-10 supersedes an order issued by the recount commission appointed under this chapter to the extent that the orders conflict. The state recount commission shall assist a recount commission appointed under this chapter to the extent that the ability of the state recount commission to preserve the integrity of election records or equipment is not hindered.

(f) During the period:

(1) beginning when a recount is ordered under section 14 of this chapter; and

(2) ending when the recount commission certifies the recount results under section 22 of this chapter;

the recount commission may petition the court that acquired jurisdiction over the recount under section 8 of this chapter to rule on questions raised by the recount commission.
As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.380; P.L.3-1993, SEC.213; P.L.3-1997, SEC.360; P.L.176-1999, SEC.97.

IC 3-12-6-21.5
Ballot card voting systems; petition for manual count and tabulation of votes

Sec. 21.5. (a) A petition or cross-petition filed under this chapter may request that ballot cards in specified precincts that used a ballot card voting system be counted manually. If a petition or cross-petition includes such a request, the recount commission may not use automatic tabulating machines to count ballot cards in the specified precincts. Ballot cards in those precincts shall be counted manually, and the tabulation of votes must comply with IC 3-11-7.

(b) A petitioner or cross-petitioner may withdraw a request for a manual recount of ballot cards at any time after the recount commission conducts a test of the automatic tabulating machines to ascertain that the machines will correctly count the votes cast for the office that is the subject of the recount.
As added by P.L.3-1987, SEC.381. Amended by P.L.10-1988, SEC.142.

IC 3-12-6-21.7
Duties of recount commission

Sec. 21.7. (a) Unless the recount commission makes a finding under subsection (b), the recount commission shall:

(1) count ballots in accordance with this article; and

(2) not order that all ballots in a precinct not be counted.

(b) If:

(1) a party to the recount presents evidence of fraud, tampering, or misconduct affecting the integrity of the ballot within a precinct; and

(2) the commission determines that the fraud, tampering, or misconduct within that precinct was so pervasive that it is impossible for the commission to determine the approximate number of votes that each candidate received in that precinct;

the commission may order that none of the ballots from that precinct be counted.
As added by P.L.3-1995, SEC.128.

IC 3-12-6-21.9
Recount; date of completion; extension of deadline

Sec. 21.9. (a) Except as provided in subsection (c), a recount for nomination to an office conducted under this chapter shall be completed not later than the final Friday in June following the primary.

(b) Except as provided in subsection (c), a recount for election to an office conducted under this chapter shall be completed not later

than December 20 following the election.

(c) The court that appointed the commission may issue an order to extend the deadline under this section to a specific date if the court finds that there is good cause to do so.

As added by P.L.3-1997, SEC.361. Amended by P.L.176-1999, SEC.98; P.L.103-2005, SEC.18.

IC 3-12-6-22

Recount; completion; certificate

Sec. 22. (a) When a recount is completed by a commission appointed under this chapter, the commission shall:

(1) make and sign a certificate showing the total number of votes received in the precincts by each candidate for nomination or election to the office;

(2) state in its certificate the candidate who received the highest number of votes in the precincts for nomination or election to the office and by what plurality; and

(3) file its certificate with the circuit court clerk.

(b) The circuit court clerk shall:

(1) enter the certificate in the order book of the court;

(2) file a copy of the certificate in the minutes of the county election board; and

(3) if the recount concerned an office for which a declaration of candidacy must be filed with the election division under IC 3-8-2, file a copy of the certificate with the election division not later than seven (7) days after the date the recount commission filed the certificate with the clerk of the circuit court.

(c) If a certificate is filed with the election division under subsection (b), the election division shall provide a copy of the certificate to the office.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.143; P.L.38-1999, SEC.60; P.L.212-2001, SEC.27.

IC 3-12-6-22.5

Court issuance of order on commission certificate; finality of recount decision; appeal

Sec. 22.5. (a) After the commission files its certificate under section 22 of this chapter, the court that appointed the commission shall issue an order that does the following:

(1) Acknowledges the filing of the certificate.

(2) Discharges the commission.

(3) Releases election materials impounded during the recount.

(b) The determination of a commission under section 22 of this chapter is final, although an appeal may be taken to the court that appointed the commission.

(c) An appeal under subsection (b):

(1) must be filed not later than thirty (30) days after the court issues the order under subsection (a); and

(2) is limited to:

(A) questions of law arising out of the recount; and
(B) procedural defects by the recount commission that affected the outcome of the recount.

As added by P.L.10-1988, SEC.144. Amended by P.L.3-1989, SEC.13; P.L.3-1993, SEC.214; P.L.66-2003, SEC.46.

IC 3-12-6-23
Recount certificate; effect; prima facie evidence of votes cast

Sec. 23. A recount certificate made under section 22 of this chapter supersedes all previous returns made in any form of the recounted votes. A certified copy of a recount certificate constitutes prima facie evidence of the votes cast for nomination or election to the office in the precincts in any contest or other proceeding in which there is an issue as to the votes cast at the election for nomination or election to the office.

As added by P.L.5-1986, SEC.8. Amended by P.L.7-1986, SEC.8; P.L.10-1988, SEC.145.

IC 3-12-6-24
Repealed

(Repealed by P.L.7-1986, SEC.20.)

IC 3-12-6-25
Repealed

(Repealed by P.L.7-1986, SEC.20.)

IC 3-12-6-26
Repealed

(Repealed by P.L.7-1986, SEC.20.)

IC 3-12-6-27
Votes cast in more than one county; difference between recount certificate and county election board tabulation; correction of certificate

Sec. 27. If a recount is made under this chapter for nomination or election to an office 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 each candidate for nomination or election to the office as corrected in accordance with the recount certificate.

As added by P.L.5-1986, SEC.8. Amended by P.L.7-1986, SEC.9; P.L.10-1988, SEC.146; P.L.3-1993, SEC.215.

IC 3-12-6-28
Transmittal of certificate showing votes cast

Sec. 28. (a) A circuit court clerk shall immediately transmit a certificate prepared under section 27 of this chapter showing the votes cast for nomination or election to an office to the election division if the recount concerned an office for which a declaration of candidacy must be filed with the election division under IC 3-8-2.

(b) The election division shall provide a copy of a certificate transmitted to the election division under this section to the office.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.147; P.L.3-1997, SEC.362; P.L.38-1999, SEC.61; P.L.212-2001, SEC.28.

IC 3-12-6-29

Tabulation of vote in accordance with certificate

Sec. 29. Upon receipt of a circuit court clerk's certificate under section 28 of this chapter, the election division shall tabulate the vote from the county for the office in accordance with the certificate. If the election division previously included in a tabulation the votes cast for the office as returned by the county election board, the election division shall correct the tabulation in accordance with the certificate.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1993, SEC.216; P.L.3-1997, SEC.363.

IC 3-12-6-30

Single county nominations or elections; differences between votes shown by recount certificate and votes tabulated by county board; certificate of corrected vote total

Sec. 30. If a recount is made under this chapter for nomination or election to an office for which votes were cast only in a single county, the circuit court clerk shall determine whether the votes shown by the recount certificate differ from the votes that were tabulated by the county election board. If the 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 for each candidate for nomination or election to the office as corrected in accordance with the recount certificate.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.148; P.L.3-1993, SEC.217.

IC 3-12-6-31

Single county nominations or elections; transmittal of certificate showing corrected vote total

Sec. 31. (a) The circuit court clerk shall transmit the certificate prepared under section 30 of this chapter to the election division, the county election board or other public official authorized by this title to issue:

(1) a certificate of nomination under IC 3-8-7;

(2) a certificate of election under IC 3-10-7-34 or IC 3-12-5-2; or

(3) a commission for the office under IC 4-3-1-5.

(b) The election division shall provide a copy of a certificate transmitted to the election division under this section to the office.
As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.149; P.L.3-1997, SEC.364; P.L.212-2001, SEC.29.

IC 3-12-6-32
Certificate of nomination, election, or commission for office

Sec. 32. The candidate shown by a corrected vote tabulation under section 29 or 30 of this chapter to have received the highest number of votes for nomination or election to an office is entitled to a certificate of nomination under IC 3-8-7 or a certificate of election or commission for the office, even though one may have been issued upon a previous tabulation.
As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.150.

IC 3-12-6-33
Vacation of office by person in possession

Sec. 33. On the demand of a person receiving a commission or certificate of election issued upon the filing of the certificate of a recount commission, a person in possession of the office in question shall vacate and deliver the office. If the person in possession refuses to do so, the court may compel the vacation of the office upon the petition of the person holding the commission or certificate.
As added by P.L.10-1988, SEC.151.

IC 3-12-7
Repealed

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

IC 3-12-8

Chapter 8. Contest Procedures for Nomination for or Election to Local or School Board Offices

IC 3-12-8-1

Persons entitled to contest

Sec. 1. (a) This section does not apply to a challenge filed before an election to the eligibility of a candidate nominated by petition for election to an office. The challenge described by this subsection must be conducted in accordance with IC 3-8-1-2.

(b) Any candidate for nomination or election to a local or school board office may contest the nomination or election of a candidate who is declared nominated or elected to the office, except a candidate who:

(1) receives the most votes in a primary election; and

(2) is certified as deceased under IC 3-8-7-1.

(c) If a candidate who is entitled to contest the nomination or election of a candidate under this chapter does not file a petition within the period established by section 5 of this chapter, the county chairman of a political party of which the candidate entitled to file a petition under this chapter was a member may file a petition to contest the nomination or election of a candidate. A county chairman is entitled to contest an election under this chapter only in a partisan race.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.152; P.L.4-1996, SEC.79; P.L.176-1999, SEC.99; P.L.14-2000, SEC.7; P.L.194-2013, SEC.79.

IC 3-12-8-2

Grounds for contest

Sec. 2. An election may be contested under section 1 of this chapter if a petitioner alleges that one (1) of the following circumstances existed:

(1) The contestee was ineligible (other than a candidate in a primary election certified as deceased under IC 3-8-7-1).

(2) A mistake occurred in the printing or distribution of ballots used in the election that makes it impossible to determine which candidate received the highest number of votes.

(3) A mistake occurred in the programming of an electronic voting system, making it impossible to determine the candidate who received the highest number of votes.

(4) An electronic voting system malfunctioned, making it impossible to determine the candidate who received the highest number of votes.

(5) A deliberate act or series of actions occurred making it impossible to determine the candidate who received the highest number of votes cast in the election.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.153; P.L.10-1989, SEC.12; P.L.4-1991, SEC.117; P.L.176-1999, SEC.100; P.L.221-2005, SEC.118; P.L.194-2013, SEC.80.

IC 3-12-8-2.5
Chapter establishes standards to define vote; exception

Sec. 2.5. (a) This section does not apply to a contest concerning whether a contestee was ineligible as alleged under section 2(1) of this chapter.

(b) This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a contest conducted under this chapter.

As added by P.L.209-2003, SEC.189.

IC 3-12-8-3
Repealed

(Repealed by P.L.10-1988, SEC.238.)

IC 3-12-8-4
Repealed

(Repealed by P.L.10-1988, SEC.238.)

IC 3-12-8-5
Contest of election or nomination; filing of verified petition; elections in different municipalities

Sec. 5. (a) A candidate who desires to contest an election or a nomination under this chapter must file a verified petition with the circuit court clerk of the county that contains the greatest percentage of the population of the election district no later than noon fourteen (14) days after election day.

(b) A county chairman who is entitled to and desires to contest an election or a nomination under this chapter must file a verified petition with the circuit court clerk of the county that contains the greatest percentage of the population of the election district not later than noon seventeen (17) days after election day.

(c) A petition for a contest of an election in different municipalities, whether in the same court of the county or not, may not be consolidated.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.382; P.L.10-1988, SEC.154; P.L.8-1992, SEC.33; P.L.4-1996, SEC.80; P.L.221-2005, SEC.119.

IC 3-12-8-5.5
Verified petition; filing fee; cause number

Sec. 5.5. Upon the filing of a petition under section 5 of this chapter, the circuit court clerk shall:

(1) require payment of the filing fee under IC 33-37; and

(2) assign the petition a cause number as a miscellaneous civil action.

As added by P.L.3-1997, SEC.365. Amended by P.L.98-2004, SEC.40.

IC 3-12-8-6
Contest of election; content of verified petition

Sec. 6. (a) A petition filed under section 5 of this chapter must state the following:

(1) That the petitioner desires to contest the nomination or election to an office.

(2) The name of each candidate as set forth on the ballot for the election and address of each candidate as set forth in the records of the county election board or election division.

(3) That the petitioner in good faith believes that one (1) or more of the following occurred:

(A) The person declared nominated or elected does not comply with a specific constitutional or statutory requirement set forth in the petition that is applicable to a candidate for the office.

(B) A mistake was made in the printing or distribution of ballots used in the election that makes it impossible to determine which candidate received the highest number of votes cast in the election.

(C) A mistake occurred in the programming of an electronic voting system, making it impossible to determine the candidate who received the highest number of votes.

(D) An electronic voting system malfunctioned, making it impossible to determine the candidate who received the highest number of votes.

(E) A deliberate act or series of actions occurred making it impossible to determine the candidate who received the highest number of votes cast in the election.

(b) A petition stating that the petitioner believes that it is impossible to determine the candidate that received the highest number of votes for one (1) of the reasons described in subsection (a)(3)(B), (a)(3)(C), or (a)(3)(D) must identify each precinct in which:

(1) ballots:

(A) containing the printing mistake; or

(B) distributed by mistake;

were cast;

(2) a mistake occurred in the programming of an electronic voting system; or

(3) an electronic voting system malfunctioned.

(c) A petition stating that the petitioner believes that an act or series of actions described in subsection (a)(3)(E) occurred must identify each precinct or other location in which the act or series of actions occurred to the extent known to the petitioner.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.155; P.L.10-1989, SEC.13; P.L.4-1991, SEC.118; P.L.176-1999, SEC.101; P.L.221-2005, SEC.120.

IC 3-12-8-6.5
Amendment of verified petition

Sec. 6.5. (a) Except as provided in subsection (b), the court in which a petition is filed may allow the petition or cross-petition to be amended at any time upon the terms and conditions that the court orders.

(b) The court may not allow a petition to be amended following the deadline for filing a petition under this chapter if the petition as originally filed:

(1) failed to comply with this chapter; or

(2) was not filed before the deadline specified in this chapter.

As added by P.L.176-1999, SEC.102.

IC 3-12-8-7
Repealed

(Repealed by P.L.10-1988, SEC.238.)

IC 3-12-8-8
Notice of contest; service of notice

Sec. 8. (a) Upon the filing of a petition for a contest, the circuit court clerk shall notify the circuit court judge. The judge shall issue a notice to the county sheriff directing the sheriff to serve notice upon the contestee and all other persons named in the petition as candidates for nomination or election to the office to appear and answer the petition in the circuit court on a day to be fixed in the notice.

(b) The county sheriff shall also serve a copy of the notice described in subsection (a) on:

(1) the county election board; and

(2) the election division if the petition relates to a contest for the office of judge or prosecuting attorney.

As added by P.L.5-1986, SEC.8. Amended by P.L.5-1988, SEC.11; P.L.10-1988, SEC.156; P.L.66-2003, SEC.47.

IC 3-12-8-9
Service of summons

Sec. 9. The sheriff shall serve the notice required by section 8 of this chapter upon the contestee and all other persons named in the petition as candidates for nomination or election to the office in the same manner as a summons is served in a civil action.

As added by P.L.5-1986, SEC.8. Amended by P.L.5-1988, SEC.12.

IC 3-12-8-10
Appearance and answer by contestee; time; defense, answer, or special answer

Sec. 10. The contestee shall appear and answer the petition by the day fixed in the notice issued under section 8 of this chapter unless the court extends the time for good cause. The contestee may:

(1) present any defense or answer that the contestee has to the allegations of the petition under an answer of general denial;

(2) file a special answer; or

(3) both.

As added by P.L.5-1986, SEC.8.

IC 3-12-8-11
Party to proceeding; stating right or claim by answer or counterclaim

Sec. 11. Any other person who was a candidate at the election for nomination or election to the office involved and upon whom notice was served under section 9 of this chapter is a party to the proceeding and may state any right or claim the person may have by an answer or counterclaim.
As added by P.L.5-1986, SEC.8. Amended by P.L.5-1988, SEC.13.

IC 3-12-8-12
Repealed

(Repealed by P.L.10-1988, SEC.238.)

IC 3-12-8-13
Repealed

(Repealed by P.L.10-1988, SEC.238.)

IC 3-12-8-14
Repealed

(Repealed by P.L.10-1988, SEC.238.)

IC 3-12-8-15
Venue of trial of contest for office

Sec. 15. A contest for an office for which the voters of only one (1) county cast votes shall be tried in that county. However, a change of venue from the judge is allowed under the Indiana rules of trial procedure. A contest for an office for which the voters of two (2) or more counties cast votes shall be tried in the county casting the highest number of votes for the office at the election.
As added by P.L.5-1986, SEC.8.

IC 3-12-8-16
Hearing; date

Sec. 16. The court shall fix a date within twenty (20) days after the return day fixed in the notice to the contestee for the hearing of a contest.
As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.157.

IC 3-12-8-17
Hearing and determination of contest; judgment declaring candidate elected or nominated; order for special election

Sec. 17. (a) A contest shall be heard and determined by the court without a jury subject to the Indiana Rules of Trial Procedure.

(b) The court shall determine the issues raised by the petition and answer to the petition.

(c) After hearing and determining a petition alleging that a candidate is ineligible, the court shall declare as elected or nominated

the qualified candidate who received the highest number of votes and render judgment accordingly.

(d) If the court finds that:

(1) a mistake in the printing or distribution of the ballots used in the election;

(2) a mistake in the programming of an electronic voting system;

(3) a malfunction of an electronic voting system; or

(4) the occurrence of a deliberate act or series of actions;

makes it impossible to determine which candidate received the highest number of votes, the court shall order that a special election be conducted under IC 3-10-8.

(e) The special election shall be conducted in the precincts identified in the petition in which the court determines that:

(1) ballots containing the printing mistake or distributed by mistake were cast;

(2) a mistake occurred in the programming of an electronic voting system;

(3) an electronic voting system malfunctioned; or

(4) the deliberate act or series of actions occurred.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1989, SEC.14; P.L.4-1991, SEC.119; P.L.14-2004, SEC.161; P.L.221-2005, SEC.121.

IC 3-12-8-17.5

Special election; corrected canvass of votes; certificate of election

Sec. 17.5. (a) After a special election ordered under section 17 of this chapter is conducted, the county election board shall issue a corrected canvass of the votes. The corrected canvass must substitute the votes cast in the special election in a precinct for each candidate for the votes cast for that candidate in that precinct during the contested election. The board shall add the substituted vote totals to the votes cast for each candidate in each precinct in which the special election was not conducted.

(b) The board or circuit court clerk shall then issue a certificate of election under IC 3-12-4-9 or IC 3-12-5-2 and file a copy of the certificate with the election division. If the contest was for an office commissioned by the governor, the election division shall forward a copy of the certificate to the governor for the issuance of a commission under IC 4-3-1-5.

(c) The election division shall provide a copy of the corrected canvass of the votes to the office.

As added by P.L.3-1997, SEC.366. Amended by P.L.212-2001, SEC.30.

IC 3-12-8-18

Hearing; circuit court clerk to certify determination

Sec. 18. A circuit court clerk shall certify the determination made concerning the election contest under section 17 of this chapter to the:

(1) county election board;

(2) election division, if the contest concerned an office for which a declaration of candidacy must be filed with the election division under IC 3-8-2; and

(3) governor, if the contest concerned an office commissioned by the governor under IC 4-3-1-5.

As added by P.L.5-1986, SEC.8. Amended by P.L.38-1999, SEC.62.

IC 3-12-8-19

Hearing; judgment and determination of court final

Sec. 19. The judgment and determination of a court under section 17 of this chapter are final, although an appeal may be taken.

As added by P.L.5-1986, SEC.8.

IC 3-12-8-20

Disqualification of judge; certification; appointment of special judge

Sec. 20. If a contest involves the nomination or election of the judge of the court in which the petition of contest is filed, and the regular judge of the court is a party to the case, then the regular judge is disqualified to act in any way in the case. The judge shall, within three (3) days after the filing of the petition of contest, certify the fact of disqualification to the governor, who shall then appoint a special judge to try the case.

As added by P.L.5-1986, SEC.8. Amended by P.L.5-1988, SEC.14.

IC 3-12-8-21

Vacation of office by person in possession

Sec. 21. On demand of a person receiving a commission or certificate of election issued following the certification under section 18 of this chapter, a person in possession of the office in question shall vacate the office. If the person in possession fails to do so, the court may compel the vacation of the office upon the petition of the person holding the commission or certification.

As added by P.L.10-1988, SEC.158.

IC 3-12-8-22

Election contest; costs included

Sec. 22. (a) The costs of a contest may include the following:

(1) Compensation of additional employees required to conduct the contest, including overtime payments to regular employees who are eligible to receive such payments.

(2) Postage and telephone charges directly related to the contest.

(b) The costs of a contest may not include the following:

(1) General administrative costs.

(2) Security.

(3) Allowances for meals or lodging.

(c) The costs of a contest shall be paid from the county general fund without appropriation.

As added by P.L.8-1992, SEC.34. Amended by P.L.176-1999, SEC.103.

IC 3-12-9

Chapter 9. Resolving Tie Votes

IC 3-12-9-1

Special election for tie vote; primary election

Sec. 1. (a) Whenever a tie vote at an election for:

(1) a federal office;

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

(3) a legislative office;

occurs, a special election shall be held.

(b) Whenever a tie vote occurs at a primary election for the nomination of a candidate to be voted for at the general or municipal election, IC 3-13-1-17 applies.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.383; P.L.1-2005, SEC.54; P.L.230-2005, SEC.59.

IC 3-12-9-2

Offices of governor and lieutenant governor; majority of state senate and house of representatives meeting in joint session to elect

Sec. 2. Whenever a tie vote at an election for the offices of governor and lieutenant governor occurs, a majority of the state senate and house of representatives meeting in joint session shall elect these officials from among the candidates receiving the tie vote in accordance with Article 5, Section 5 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.8.

IC 3-12-9-3

Local, circuit, or school board office; written notice of tie vote to fiscal body

Sec. 3. Whenever a circuit court clerk receives certification that a tie vote at an election for a local office or a school board office occurred, the clerk shall immediately send a written notice of the tie vote to:

(1) the fiscal body of the affected political subdivision; or

(2) if the tie vote occurred in an election for a circuit office in a circuit that includes more than one county, to the fiscal body of each county of the circuit.

As added by P.L.5-1986, SEC.8. Amended by P.L.230-2005, SEC.60.

IC 3-12-9-4

Local, circuit, or school board office; filling office

Sec. 4. (a) The fiscal body of a political subdivision that receives notice under section 3 of this chapter shall resolve the tie vote by electing a person to fill the office not later than December 31 following the election (or not later than June 30 following the election of a school board member in May) at which the tie vote occurred. The fiscal body shall select one (1) of the candidates who was involved in the tie vote to fill the office.

(b) If a tie vote has occurred in an election for a circuit office in a circuit that contains more than one (1) county, the fiscal bodies of the counties shall meet in joint session at the county seat of the county that contains the greatest percentage of population of the circuit to select one (1) of the candidates who was involved in the tie vote in order to fill the office in accordance with this section.

(c) If a tie vote has occurred for the election of more than one (1) at-large seat on a legislative or fiscal body, the fiscal body shall select the number of individuals necessary to fill each of the at-large seats for which the tie vote occurred. However, a member of a fiscal body who runs for reelection and is involved in a tie vote may not cast a vote under this section.

(d) The executive of the political subdivision (other than a town or a school corporation) may cast the deciding vote to break a tie vote in a fiscal body acting under this section. The clerk-treasurer of the town may cast the deciding vote to break a tie vote in a town fiscal body acting under this section. A tie vote in the fiscal body of a school corporation under this section shall be broken under IC 20-23.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.159; P.L.14-2004, SEC.162; P.L.230-2005, SEC.61; P.L.164-2006, SEC.127.

IC 3-12-9-5

State, local, or school board offices; official to remain in office until successor is elected and qualified

Sec. 5. Whenever a tie vote at an election for:

(1) a state office;

(2) a local office; or

(3) a school board office;

occurs, the incumbent public official remains in office in accordance with Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected under this chapter and qualified.

As added by P.L.5-1986, SEC.8.

IC 3-12-9-6

Filing of recount petition or contesting of nomination or election

Sec. 6. This chapter does not prohibit:

(1) a candidate from filing a recount petition under IC 3-12-6 or IC 3-12-11;

(2) a candidate from contesting a nomination or election under IC 3-12-8 or IC 3-12-11; or

(3) a petitioner from filing a recount petition under IC 3-12-12.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.384; P.L.5-1988, SEC.15; P.L.10-1988, SEC.160.

IC 3-12-9-7

Tie vote on public question

Sec. 7. If a tie vote occurs on a public question, the question is defeated.

As added by P.L.10-1988, SEC.161.

IC 3-12-10

Chapter 10. State Recount Commission

IC 3-12-10-1

Establishment of commission

Sec. 1. The state recount commission is established.

As added by P.L.7-1986, SEC.18. Amended by P.L.11-1993, SEC.4.

IC 3-12-10-2

Repealed

(Repealed by P.L.8-1995, SEC.71.)

IC 3-12-10-2.1

Members

Sec. 2.1. (a) Except as provided in this section, the secretary of state and the designee of the state chairman of each of the major political parties of the state shall serve as members of the state recount commission.

(b) Except as provided in this section, the secretary of state shall serve as the chair of the state recount commission.

(c) If an election to the office of secretary of state is the subject of a petition filed under IC 3-12-11, final determination of all petitions filed under IC 3-12-11 relating to that election must be made before January 1 after the election.

(d) The secretary of state may not serve on the commission if the secretary of state is:

(1) a petitioner under IC 3-12-11; or

(2) named as a candidate in a petition under IC 3-12-11;

until the commission makes a final determination under IC 3-12-11 of all related petitions in which the secretary of state is a petitioner or is named.

(e) If the secretary of state may not serve on the commission under subsection (d), the state chairman of the same major political party as the secretary of state shall designate another individual to serve as a member and chair of the commission. The other individual must have voted in the most recent primary election of the political party of the state chairman making the appointment. The individual serves until the commission issues its final determination of all petitions relating to the election that are described in subsection (d). The secretary of state shall then resume as a member and the chairman of the state recount commission.

(f) An individual who serves on the state recount commission as secretary of state ceases to be a member of the commission when the individual ceases to be secretary of state.

As added by P.L.8-1995, SEC.56.

IC 3-12-10-2.2

Purpose; administration; expenses; reversion to general fund; appropriations

Sec. 2.2. (a) The state recount fund is established for the purpose

of receiving, holding, and disbursing funds as a fiduciary for the state recount commission and individuals who have provided a cash deposit under this article. The fund shall be administered by the administrative division of the office of the secretary of state.

(b) The expenses of administering the fund shall be paid from money in the fund.

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

(d) All money accruing to the fund is appropriated continuously for the purposes specified in subsection (a).

As added by P.L.176-1999, SEC.104.

IC 3-12-10-2.5
Recount director

Sec. 2.5. The state recount commission shall employ and set the salary of a recount director. The recount director shall perform the tasks delegated to the director by the commission.

As added by P.L.3-1987, SEC.386.

IC 3-12-10-3
Per diem; expenses

Sec. 3. (a) Each member of the state recount commission other than the secretary of state is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).

(b) Each member of the state recount commission is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

As added by P.L.7-1986, SEC.18. Amended by P.L.3-1987, SEC.387.

IC 3-12-10-4
Recount and contest proceedings

Sec. 4. (a) The state recount commission shall conduct recount proceedings under IC 3-12-11 resulting from:

(1) a presidential primary election;

(2) the nomination of a candidate to a federal, state, or legislative office in a primary election; or

(3) an election for a federal, state, or legislative office.

(b) The state recount commission shall conduct contest proceedings under IC 3-12-11 resulting from:

(1) a presidential primary election;

(2) the nomination of a candidate to a federal, state, or legislative office in a primary election; or

(3) an election for a federal, state, or legislative office.

As added by P.L.7-1986, SEC.18. Amended by P.L.3-1987, SEC.388; P.L.10-1988, SEC.163; P.L.14-2004, SEC.163.

IC 3-12-10-5
Powers; rules

Sec. 5. (a) The state recount commission may, to comply with section 4 of this chapter:

(1) impound, take possession of, transport, or otherwise protect any election records or equipment related to a recount or contest;

(2) issue subpoenas, discovery orders, and protective orders;

(3) conduct and regulate the course of hearings and other proceedings;

(4) manage its internal affairs;

(5) adopt rules under IC 4-22-2; or

(6) exercise any other necessary power to perform its functions under this article.

(b) Rules adopted by the state recount commission for the conduct of a recount or contest proceeding must uniformly apply throughout Indiana.

(c) An impoundment order issued under subsection (a)(1) may not prevent a circuit court clerk or board of registration from copying election material other than ballots if the clerk or board copies the material under the supervision of the state police department.

As added by P.L.7-1986, SEC.18. Amended by P.L.3-1987, SEC.389.

IC 3-12-10-5.5

Impoundment; use of copies of election material

Sec. 5.5. A circuit court clerk or board of registration may use a copy of election material other than ballots made under section 5 of this chapter instead of an original subject to an impoundment order under that section until the commission orders the release of the original.

As added by P.L.3-1987, SEC.390.

IC 3-12-10-6

Election records or equipment; impoundment, possession, transportation, or protection

Sec. 6. Without the filing of a petition under IC 3-12-11, the state recount commission may impound, take possession of, transport, or otherwise protect any election records or equipment that the commission determines may be the subject of:

(1) a recount proceeding; or

(2) a contest proceeding conducted by the state recount commission under IC 3-12-11.

As added by P.L.7-1986, SEC.18. Amended by P.L.3-1987, SEC.391; P.L.10-1988, SEC.164.

IC 3-12-10-7

Delegation of powers

Sec. 7. (a) The state recount commission may designate one (1) or more members of the commission or one (1) or more other persons to exercise any of its powers, other than the:

(1) final adoption of rules;

(2) final determination of a recount under IC 3-12-11; or

(3) final determination of a contest under IC 3-12-11.

(b) Each person designated by the commission under subsection (a) who is not a member of the commission must be an attorney (as defined in IC 23-1.5-1-4).

As added by P.L.7-1986, SEC.18. Amended by P.L.3-1987, SEC.392.

IC 3-12-10-8

State board of accounts; conduct of recount or other contest proceedings

Sec. 8. The state board of accounts shall conduct any recount or other contest proceeding ordered by the state recount commission in accordance with this article and guidelines adopted by the commission.

As added by P.L.7-1986, SEC.18. Amended by P.L.176-1999, SEC.105.

IC 3-12-10-9

State police department; duties

Sec. 9. The state police department shall:

(1) serve any notices, subpoenas, impoundment orders, discovery orders, protective orders, or other papers;

(2) secure or transport any election records or equipment; and

(3) perform any other law enforcement duties;

ordered by the state recount commission.

As added by P.L.7-1986, SEC.18. Amended by P.L.194-2013, SEC.81.

IC 3-12-10-10

Secretary of state; assignment of staff and facilities

Sec. 10. The secretary of state may assign any of the election division's staff and facilities to the state recount commission to carry out the commission's responsibilities.

As added by P.L.7-1986, SEC.18. Amended by P.L.8-1995, SEC.57.

IC 3-12-10-11

Reimbursement of agencies or offices for expenses

Sec. 11. The state recount commission shall reimburse any agency or office described in sections 8, 9, and 10 of this chapter that incurs any expense to carry out the responsibilities of the commission in conformity with the policies and procedures established by the state budget agency.

As added by P.L.7-1986, SEC.18.

IC 3-12-10-12

Expenses of recount; expenses not reimbursed

Sec. 12. (a) The expenses of a recount conducted by the state recount commission shall be paid from the state recount fund following the commission's determination of whether a full or partial refund of the cash deposit should be granted under IC 3-12-11-10.

(b) The expenses of a contest conducted by the state recount

commission shall be paid from the state recount fund.

(c) Notwithstanding subsections (a) and (b), the expenses incurred by a party to a recount or contest for:

(1) the appearance of an individual; or

(2) the copying or production of documents;

in response to a subpoena approved by the state recount commission shall be borne by that party and are not subject to reimbursement under this chapter.

(d) A person (other than a party to a recount or contest) who claims reimbursement of expenses described by subsection (a) or (b) must submit a claim to the state recount commission not later than noon sixty (60) days after the commission adopts a final order concerning the recount or contest. If the commission approves the claim, the treasurer of state shall issue a warrant to the person in accordance with IC 5-13-5.

(e) There is appropriated to the state recount fund from the state general fund an amount sufficient for the state recount commission's use in the payment of expenses under this section.

As added by P.L.7-1986, SEC.18. Amended by P.L.10-1988, SEC.165; P.L.176-1999, SEC.106; P.L.14-2004, SEC.164.

IC 3-12-10-12.5

Electronic mail filings; not applicable to recount petition, contest petition, or cross-petition

Sec. 12.5. (a) This section does not apply to the filing of a recount petition, contest petition, or cross-petition under IC 3-12-11.

(b) Notwithstanding IC 3-5-4-1.7, the state recount commission may receive filings by electronic mail from attorneys representing an individual or party in a recount or contest proceeding following the filing of the original recount petition, contest petition, or cross-petition.

As added by P.L.194-2013, SEC.82.

IC 3-12-10-13

Reimbursement by candidate filing petition; petitioner's liability for expenses of another party

Sec. 13. (a) This section does not apply to a petitioner who is determined to have been nominated or elected after the recount or the contest.

(b) A candidate filing a petition under IC 3-12-11 shall reimburse the state for the expenses of the state recount commission in the amount of the cash deposit required for a recount under IC 3-12-11-10 or a contest under IC 3-12-11-11. However, the petitioner is not liable for the expenses chargeable to another party under section 14 of this chapter.

As added by P.L.7-1986, SEC.18. Amended by P.L.3-1987, SEC.393; P.L.8-1995, SEC.58.

IC 3-12-10-14

Reimbursement by candidate filing cross-petition or opposing

party in a contest action

Sec. 14. (a) This section does not apply to:

(1) a cross-petitioner who is determined to have been nominated or elected after a recount; or

(2) an opposing party in a contest action who prevails.

(b) A candidate filing a cross-petition under IC 3-12-11 or an opposing party in a contest action under IC 3-12-11 shall reimburse the state for the expenses of the state recount commission in the amount of the cash deposit required under IC 3-12-11-11.

As added by P.L.7-1986, SEC.18. Amended by P.L.3-1987, SEC.394; P.L.8-1995, SEC.59.

IC 3-12-10-15

Determination of expenses

Sec. 15. The state recount commission shall determine the expenses chargeable to a person under sections 13 and 14 of this chapter.

As added by P.L.7-1986, SEC.18.

IC 3-12-10-16

Application of IC 4-21.5

Sec. 16. IC 4-21.5 does not apply to the state recount commission.

As added by P.L.7-1986, SEC.18. Amended by P.L.7-1987, SEC.2.

IC 3-12-10-17

Stay of court action pending final determination by recount commission

Sec. 17. Any court action related to the election for an office that is the subject of a:

(1) recount proceeding under IC 3-12-11; or

(2) contest proceeding under IC 3-12-11;

is stayed until the state recount commission has rendered a final determination.

As added by P.L.7-1986, SEC.18. Amended by P.L.3-1987, SEC.395.

IC 3-12-10-18

Judicial review

Sec. 18. (a) Any party to a final determination of the state recount commission concerning a nomination subject to IC 3-12-11 or election to a state office other than governor or lieutenant governor may appeal the final determination to the court of appeals for errors of law under the same terms, conditions, and standards that govern appeals in ordinary civil actions. An assignment of errors that the commission's final determination is contrary to law is sufficient to present both the sufficiency of the facts found to sustain the commission's determination and the sufficiency of the evidence to sustain the findings of facts upon which the commission's determination was rendered.

(b) If the court of appeals finds that a party has been substantially prejudiced by commission action that is:

(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(2) contrary to constitutional right, power, privilege, or immunity;

(3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; or

(4) without observance of procedure required by law;

the court may set aside the final determination of the commission. The court may remand the case to the commission for further proceedings and compel commission action that has been unreasonably delayed or unlawfully withheld.

As added by P.L.7-1986, SEC.18. Amended by P.L.3-1987, SEC.396; P.L.10-1988, SEC.166; P.L.194-2013, SEC.83.

IC 3-12-11

Chapter 11. Recount and Contest Procedures for Presidential Primary Elections and Nomination for and Election to Federal, State, and Legislative Offices

IC 3-12-11-1

Right to recount of vote or to contest nomination or election of a candidate

Sec. 1. (a) Except as provided in subsection (d), any candidate:

(1) in a presidential primary election;

(2) for nomination to a federal, state, or legislative office in a primary election; or

(3) for a federal, state, or legislative office;

is entitled to have the votes cast for that office recounted or to contest the nomination or election of a candidate under this chapter. A recount may be conducted in one (1) or more of the precincts in which votes were cast for the office.

(b) This subsection applies to an election for a federal or state office. Except as provided in subsection (d), if a candidate who is entitled to file a petition for a recount or contest under this chapter does not file a petition within the period established by section 2 of this chapter, the state chairman of the candidate's political party may file a petition to:

(1) have the votes recounted in one (1) or more precincts; or

(2) contest the nomination or election of a candidate.

(c) This subsection applies to an election for a legislative office. Except as provided in subsection (d), if a candidate who is entitled to file a petition for a recount or contest under this chapter does not file a petition within the period established by section 2 of this chapter, a county chairman who:

(1) resides in a county located within the election district in which the recount or contest is desired; and

(2) is a member of the same political party as the candidate entitled to petition for a recount or contest under this chapter;

may file a petition to have the votes recounted in one (1) or more precincts or to contest the nomination or election of a candidate.

(d) The nomination of a candidate in a primary election who has been certified as deceased under IC 3-8-7-1 may not be contested under this chapter.

As added by P.L.7-1986, SEC.19. Amended by P.L.10-1988, SEC.167; P.L.4-1996, SEC.81; P.L.194-2013, SEC.84.

IC 3-12-11-1.5

Chapter establishes standards to define vote in recount

Sec. 1.5. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a recount conducted under this chapter.

As added by P.L.209-2003, SEC.190.

IC 3-12-11-2
Filing of verified petition

Sec. 2. (a) A candidate who desires:

(1) a recount of votes cast for a nomination or election subject to this chapter; or

(2) to contest a nomination subject to this chapter or the election of a state office other than governor or lieutenant governor;

must file a verified petition with the election division not later than noon fourteen (14) days after election day.

(b) A state or county chairman who is entitled to and desires to file a petition for a recount or contest under this chapter must file a verified petition with the election division not later than noon seventeen (17) days after election day.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.397; P.L.10-1988, SEC.168; P.L.4-1996, SEC.82; P.L.3-1997, SEC.367; P.L.221-2005, SEC.122.

IC 3-12-11-3
Content of petition

Sec. 3. (a) Each petition for a recount filed under section 2 of this chapter must state the following:

(1) The office for which the petitioner desires a recount.

(2) The precincts in which the petitioner desires a recount.

(3) That the individual is entitled to a recount under this chapter and that the nomination or election to office at issue was voted upon in the precincts specified.

(4) The name of the candidates as set forth on the ballot for the election and address of the candidates as set forth in the records of the election division.

(5) That the petitioner in good faith believes that the votes cast for nomination or election to the office at the election in the precincts were not correctly counted and returned.

(6) That the petitioner desires a recount of all of the votes cast for nomination or election to the office in the precincts specified.

(b) Each petition for a contest filed under section 2 of this chapter must state the following:

(1) The nomination or election to office that the petitioner contests.

(2) That the individual is entitled to contest an election or a nomination to office under this chapter.

(3) The name of the candidates as set forth on the ballot for the election and address of each of the candidates as set forth in the records of the election division.

(4) That the petitioner in good faith believes that one (1) or more of the following occurred:

(A) The person declared nominated or elected does not comply with a specific constitutional or statutory requirement set forth in the petition that is applicable to a

candidate for the office.

(B) A mistake was made in the printing or distribution of ballots used in the election that makes it impossible to determine which candidate received the highest number of votes cast in the election.

(C) A mistake occurred in the programming of an electronic voting system, making it impossible to determine the candidate who received the highest number of votes.

(D) An electronic voting system malfunctioned, making it impossible to determine the candidate who received the highest number of votes.

(E) A deliberate act or series of actions occurred making it impossible to determine the candidate who received the highest number of votes cast in the election.

(c) A petition stating that the petitioner believes that a mistake described in subsection (b)(4)(B), (b)(4)(C), or (b)(4)(D) has occurred must identify each precinct in which:

(1) ballots:

(A) containing the printing mistake; or

(B) distributed by mistake;

were cast;

(2) a mistake occurred in the programming of an electronic voting system; or

(3) an electronic voting system malfunctioned.

(d) A petition stating that the petitioner believes that an act or series of actions described in subsection (b)(4)(E) occurred must identify each precinct or other location in which the act or series of actions occurred to the extent known to the petitioner.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.398; P.L.10-1988, SEC.169; P.L.10-1989, SEC.15; P.L.3-1995, SEC.129; P.L.4-1996, SEC.83; P.L.176-1999, SEC.107; P.L.221-2005, SEC.123.

IC 3-12-11-4

Cross-petition for recount

Sec. 4. A candidate who is nominated or elected to an office at an election on the face of the election returns may file a verified cross-petition for a recount with the election division not later than noon twenty-one (21) days after election day.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.399; P.L.10-1988, SEC.170; P.L.4-1996, SEC.84; P.L.3-1997, SEC.368; P.L.164-2006, SEC.128.

IC 3-12-11-5

Failure to file cross-petition or answer to a petition; admission of truth; presumption

Sec. 5. The failure to file either a cross-petition or an answer to a petition for a recount or contest does not:

(1) constitute an admission of the truth of the allegations of the petition; or

(2) imply a presumption in favor of the petition.
As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.400.

IC 3-12-11-6
Contents of cross-petition

Sec. 6. Each cross-petition filed under section 4 of this chapter must state the following:

(1) The office for which the cross-petitioner desires a recount.
(2) The precincts in which the cross-petitioner desires a recount.
(3) That the cross-petitioner was a candidate at the election for nomination or election to the office and that the nomination or election to office was voted upon in the precincts specified.
(4) The name and address of the cross-petitioner's opposing candidate or candidates.
(5) That the cross-petitioner in good faith believes that the votes cast for nomination or election to the office at the election in the precincts were not correctly counted and returned.
(6) That the cross-petitioner desires a recount of all of the votes cast for nomination or election to the office in the precincts specified.

As added by P.L.7-1986, SEC.19. Amended by P.L.10-1988, SEC.171.

IC 3-12-11-7
Amendment of petition or cross-petition

Sec. 7. (a) Except as provided in subsection (b) or (c), the state recount commission may allow a petition or cross-petition to be amended at any time upon the terms and conditions that the state recount commission orders.

(b) The commission may not allow a petition or cross-petition to be amended following the deadline for filing a petition or cross-petition under this chapter if the petition or cross-petition as originally filed:

(1) failed to comply with section 3 or section 6 of this chapter; or
(2) was not filed before the deadline specified in section 2 or section 4 of this chapter.

(c) The commission may not allow a candidate who filed a petition or cross-petition to amend the petition or cross-petition by striking a precinct in which the candidate had desired a recount unless each opposing candidate consents to the amendment.
As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.401; P.L.176-1999, SEC.108.

IC 3-12-11-8
Multiple candidates joining in petition for recount or contest

Sec. 8. Two (2) or more candidates for the same or a different office nominated or elected at the same election may join in a petition for a recount or contest.
As added by P.L.7-1986, SEC.19. Amended by P.L.10-1988,

SEC.172.

IC 3-12-11-9
Notice of filing of petition for recount; service and return

Sec. 9. (a) Upon the filing of a petition for a recount or contest with the election division, the state recount commission shall issue a notice of the filing and pendency of the petition to each opposing candidate and deliver the notice to the state police department.

(b) This subsection applies if an attorney has filed an appearance with the election division as the representative of a candidate. The state police shall serve the notice on the attorney for the candidate.

(c) If subsection (b) does not apply, the state police department shall serve the notice upon each opposing candidate in person or by leaving a copy at the last and usual place of residence.

(d) The state police department shall make immediate return of the service under this section.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.402; P.L.3-1997, SEC.369; P.L.221-2005, SEC.124; P.L.194-2013, SEC.85.

IC 3-12-11-10
Cash deposit for payment of costs by petitioner

Sec. 10. (a) Each petitioner shall furnish a cash deposit for the payment of costs of the recount chargeable to the petitioner. The minimum amount of the cash deposit is one hundred dollars ($100). The cash deposit shall be deposited in the state recount fund.

(b) This subsection applies only to a recount of an election for nomination or election to either of the following:

(1) A legislative office in which, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is not more than one percent (1%) of the total votes cast for all candidates for the nomination or office.

(2) An office other than a legislative office in which, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is not more than one percent (1%) of the total votes cast for all candidates for the nomination or office.

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

(c) This subsection applies only to a recount of an election for nomination or election to either of the following:

(1) A legislative office in which, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is more than one percent (1%) of the total votes cast for the nomination or office.

(2) An office other than a legislative office in which, on the face of the election returns, the difference between the number

of votes cast for the candidate nominated or elected and the petitioner is more than one percent (1%) of the total votes cast for the nomination or office.

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 a petitioner has been nominated or elected, the deposit furnished by that petitioner shall be returned to that petitioner in full.

(e) Any unexpended balance remaining in a deposit after payment of the costs of the recount shall be returned to the depositor in the following manner:

(1) If the recount results in a reduction of at least fifty percent (50%) but less than one hundred percent (100%) of the margin of the total certified votes, the petitioner shall receive a refund of that percentage of the unexpended balance.

(2) If after a recount, it is determined that a petitioner has been nominated or elected, the deposit or the bond furnished by that petitioner shall be returned to that petitioner in full.

(3) Any unexpended balance remaining after the provision of subdivision (1) has been satisfied shall be deposited in the state recount fund.

As added by P.L.7-1986, SEC.19. Amended by P.L.8-1995, SEC.60; P.L.176-1999, SEC.109; P.L.14-2004, SEC.165.

IC 3-12-11-11

Cash deposit by cross-petitioner

Sec. 11. (a) This section applies if a cross-petition is filed under this chapter.

(b) This subsection applies only to a recount of an election for nomination or election to either of the following:

(1) A legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is not more than one percent (1%) of the total votes cast for all candidates for the nomination or office.

(2) An office other than a legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is not more than one percent (1%) of the total votes cast for all candidates for the nomination or office.

The cross-petitioner shall furnish a cash deposit equal to ten dollars ($10) multiplied by the number of precincts that the cross-petitioner seeks to have recounted. The cash deposit shall be deposited in the state recount fund.

(c) This subsection applies only to a recount of an election for nomination or election to either of the following:

(1) A legislative office in which, on the face of the election returns, the difference between the number of votes cast for the

cross-petitioner and the petitioner with the greatest number of votes is more than one percent (1%) of the total votes cast for all candidates for the nomination or office.

(2) An office other than a legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is more than one percent (1%) of the total votes cast for all candidates for the nomination or office.

The cross-petitioner shall furnish a cash deposit equal to ten dollars ($10) multiplied by the number of precincts that the cross-petitioner seeks to have recounted for the first ten (10) precincts recounted. For each precinct in excess of ten (10) the cross-petitioner seeks to have recounted, the cross-petitioner shall furnish an additional cash deposit equal to one hundred dollars ($100) multiplied by the number of precincts in excess of ten (10) that the cross-petitioner seeks to have recounted. The cash deposit shall be deposited in the state recount fund.

(d) If after a recount, it is determined that the cross-petitioner has been nominated or elected, the deposit furnished by the cross-petitioner shall be returned to the cross-petitioner in full.

(e) Any unexpended balance remaining in a deposit after payment of the costs of the recount shall be deposited in the state recount fund.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.403; P.L.8-1995, SEC.61; P.L.176-1999, SEC.110; P.L.221-2005, SEC.125.

IC 3-12-11-12

Conditions for accepting petitions and cross-petitions and ordering recounts; dismissal of petitions; notice

Sec. 12. (a) Except as provided in subsection (d) or (e), the state recount commission shall accept the petitions and cross-petitions that have been filed and order the recount of the votes in the precincts upon:

(1) the filing of a petition and cash deposit or bond under this chapter;

(2) the expiration of the period under section 4 of this chapter for filing a cross-petition; and

(3) proof of service of all notices.

(b) Except as provided in subsection (d), whenever a petition filed under section 2 of this chapter requests a recount in all precincts in the election district, the state recount commission may order a recount in the precincts upon:

(1) the filing of a cash deposit or bond under this chapter; and

(2) proof of service of all notices.

(c) Except as provided in subsection (d), the state recount commission shall accept a petition for a contest that has been filed and order a contest proceeding upon:

(1) the filing of a petition under this chapter; and

(2) proof of service of all notices.

(d) Whenever a motion to dismiss a petition or cross-petition for a recount or a petition for a contest is filed with the state recount commission or is made by a member of the commission, the commission shall rule on the motion to dismiss before ordering or continuing with a recount or a contest. The motion to dismiss must:

(1) state that the petitioner or cross-petitioner has failed to comply with this chapter; and

(2) specifically identify the requirement that the petitioner or cross-petitioner has failed to comply with.

(e) Whenever the petitioner and each cross-petitioner or respondent file a joint motion to dismiss a recount or contest, the commission shall rule on the motion to dismiss before ordering or continuing with a recount or contest.

(f) If the state recount commission orders a recount proceeding or contest proceeding, the commission shall send notice of the order to each candidate or party chair named in the petition. However, if an attorney has filed an appearance with the commission on behalf of a candidate or party chair, the notice shall be sent to the attorney. A notice under this subsection shall be sent by:

(1) electronic mail if the candidate, party chair, or attorney has provided an electronic mail address to the commission; or

(2) certified mail, in all other cases.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.404; P.L.176-1999, SEC.111; P.L.221-2005, SEC.126; P.L.194-2013, SEC.86.

IC 3-12-11-13
Consolidated recount

Sec. 13. If there is a consolidation of petitions and cross-petitions for a recount, the state recount commission shall by consolidated order grant the consolidated petitions and cross-petitions and order a consolidated recount of all votes in each precinct in the election district for the office requested in the petitions and cross-petitions.

As added by P.L.7-1986, SEC.19. Amended by P.L.221-2005, SEC.127; P.L.194-2013, SEC.87.

IC 3-12-11-14
Precincts eligible for recount

Sec. 14. The state recount commission shall conduct a recount in each precinct designated in a petition or cross-petition granted under this chapter that is in the election district for the office. The commission may conduct a recount in any precinct that cast votes for an office that is the subject of a recount under this chapter if the precinct is within the election district for the office.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.405; P.L.221-2005, SEC.128.

IC 3-12-11-15
Repealed

(Repealed by P.L.194-2013, SEC.88.)

IC 3-12-11-16
Impoundment of election materials

Sec. 16. (a) Except as provided in subsection (b), the state recount commission may by order impound and provide for the protection of any election records or equipment described by IC 3-12-10-5(a).

(b) In a recount of an election for a legislative office, the state recount commission shall by order impound and provide for the protection of the following:

(1) All ballots, and electronic voting systems used at the election for casting votes in all of the precincts within the legislative district.

(2) All tally sheets relating to the votes cast for the office.

(3) All poll lists of persons registered by the poll clerks as having voted for the office.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.407; P.L.8-1995, SEC.62; P.L.221-2005, SEC.129.

IC 3-12-11-17
Convening of state recount commission; hearing on petition and recount

Sec. 17. (a) After a recount is ordered under section 12 of this chapter, the state recount commission or its designee shall convene at a place fixed by order of the state recount commission and expeditiously complete the recount of all votes ordered recounted. Each candidate affected by the recount may have a watcher present at the recount and may also be present in person. The candidate has the same rights as a watcher appointed under IC 3-6-8-4. Representatives of the media may also attend the recount and have the same rights as media watchers appointed under IC 3-6-10.

(b) After a contest proceeding is ordered under section 12 of this chapter, the state recount commission or its designee shall convene at a place fixed by order of the state recount commission and conduct a hearing on the contest petition. Each candidate affected by the contest may be present in person. The candidate has the same rights as a watcher appointed under IC 3-6-8-4. Representatives of the media may also attend the hearing and have the same rights as media watchers appointed under IC 3-6-10.

(c) The proceedings of the state recount commission under this section shall be performed in public under IC 5-14-1.5. However, the commission may restrict access to parts of a room where the recount or contest proceeding is being conducted to safeguard the election material or other evidence and to permit the material to be handled or transported by the commission.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.408; P.L.3-1997, SEC.371; P.L.194-2013, SEC.89.

IC 3-12-11-17.5
Petition for manual recount of ballot cards; withdrawal of petition

Sec. 17.5. (a) A petition or cross-petition filed under this chapter

may request that ballot cards in specified precincts that used a ballot card voting system be counted manually. If a petition or cross-petition includes such a request, automatic tabulating machines may not be used to count ballot cards in the specified precincts. Ballot cards in those precincts shall be counted manually, and the tabulation of votes must comply with IC 3-11-7.

(b) A petitioner or cross-petitioner may withdraw a request for a manual recount of ballot cards at any time after the state board of accounts conducts a test of the automatic tabulating machines to ascertain that the machines will correctly count the votes cast for the office that is the subject of the recount.

As added by P.L.3-1987, SEC.409. Amended by P.L.10-1988, SEC.173.

IC 3-12-11-17.7

Duties of recount commission

Sec. 17.7. (a) This section applies to ballots cast by any voting method.

(b) Unless the state recount commission makes a finding under subsection (c), the commission shall:

(1) count ballots in accordance with this article; and

(2) not order that all ballots in a precinct not be counted.

(c) If:

(1) a party to the recount presents evidence of fraud, tampering, or misconduct affecting the integrity of the ballot within a precinct; and

(2) the commission determines that the fraud, tampering, or misconduct within that precinct was so pervasive that it is impossible for the commission to determine the approximate number of votes that each candidate received in that precinct;

the commission may order that none of the ballots from that precinct be counted.

As added by P.L.3-1995, SEC.130. Amended by P.L.103-2005, SEC.19.

IC 3-12-11-18

Certification of recount results; final determination of candidate eligibility; special election order

Sec. 18. (a) When a recount is completed by the state recount commission or its designee, the commission shall:

(1) make and sign a certificate showing the total number of votes received in the precincts by each candidate for nomination or election to the office;

(2) state in its certificate the candidate who received the highest number of votes in the precincts for nomination or election to the office and by what plurality; and

(3) file its certificate with the election division.

(b) When a contest proceeding in which a candidate is alleged to be ineligible is completed by the state recount commission or its designee, the commission shall make a final determination

concerning the eligibility of the candidate for nomination or election to the office.

(c) If the state recount commission or its designee determines that:

(1) a mistake was made in the printing or distribution of ballots used in the election;

(2) a mistake was made in the programming of an electronic voting system;

(3) an electronic voting system malfunctioned; or

(4) a deliberate act or series of actions occurred;

that makes it impossible to determine which candidate received the highest number of votes cast, the commission shall order that a special election be conducted under IC 3-10-8.

(d) The special election ordered under subsection (c) shall be held in the precincts identified in the petition in which the commission determines that:

(1) ballots containing the printing mistake or distributed by mistake were cast;

(2) a mistake occurred in the programming of an electronic voting system;

(3) an electronic voting system malfunctioned; or

(4) a deliberate act or series of actions occurred.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.410; P.L.10-1988, SEC.174; P.L.10-1989, SEC.16; P.L.3-1997, SEC.372; P.L.14-2004, SEC.166; P.L.221-2005, SEC.130.

IC 3-12-11-19

Recount certificate; certified copy as prima facie evidence of votes cast

Sec. 19. Except in recount proceedings for an election to the offices of governor and lieutenant governor and legislative offices, a recount certificate made under section 18 of this chapter supersedes all previous returns made in any form of the recounted votes. A certified copy of a recount certificate constitutes prima facie evidence of the votes cast for nomination or election to the office in the precincts in any proceeding in which there is an issue as to the votes cast at the election for the nomination or election to office.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1987, SEC.411; P.L.10-1988, SEC.175.

IC 3-12-11-19.5

Recount or contest proceeding for presidential electors; conclusion

Sec. 19.5. As required under 3 U.S.C. 5, any recount or contest proceeding concerning the election of presidential electors must be concluded not later than six (6) days before the time fixed by federal law for the meeting of the electors.

As added by P.L.3-1997, SEC.373. Amended by P.L.14-2004, SEC.167.

IC 3-12-11-20

Recount for offices of governor and lieutenant governor; certified

statements

Sec. 20. (a) On the day following the completion of a recount for the election to the offices of governor and lieutenant governor, the election division shall prepare two (2) certified statements for the secretary of state under the secretary of state's seal showing the total number of votes that each candidate received.

(b) The secretary of state shall transmit the statements to:

(1) the speaker of the house of representatives; and

(2) the president pro tempore of the senate;

before the date specified in Article 5, Section 9 of the Constitution of the State of Indiana for the beginning of the term of the governor.

As added by P.L.7-1986, SEC.19. Amended by P.L.10-1988, SEC.176; P.L.4-1995, SEC.14; P.L.3-1997, SEC.374.

IC 3-12-11-21

Recount for legislative office; deadline; certification of results

Sec. 21. (a) Except as provided in subsection (b), a recount or contest for election to a legislative office shall be completed by the state recount commission not later than December 20 after the election.

(b) The state recount commission may adopt orders extending the deadline for completion of a recount or contest to a date specified in the order if the commission finds that there is good cause to do so.

(c) Not later than seven (7) days after the state recount commission completes a recount, the election division shall prepare two (2) certified statements showing the total number of votes that each candidate received. The election division shall transmit one (1) statement to the candidate receiving the highest number of votes for the office. After the statements have been prepared, the secretary of state shall deliver the other statement to the presiding officer of the house in which the successful candidate is to be seated.

(d) The statement shall be referred by the presiding officer for such action as that house considers appropriate.

As added by P.L.7-1986, SEC.19. Amended by P.L.10-1988, SEC.177; P.L.3-1993, SEC.218; P.L.3-1997, SEC.375; P.L.103-2005, SEC.20; P.L.225-2011, SEC.77.

IC 3-12-11-22

Effect of certified statement on candidate's eligibility for office

Sec. 22. A statement prepared under section 20 or 21 of this chapter does not determine the eligibility of a candidate for office but is prepared only for the purpose of referring the information to the proper authorities.

As added by P.L.7-1986, SEC.19. Amended by P.L.3-1997, SEC.376.

IC 3-12-11-23

Recount for federal office or certain state offices; correction of tabulation

Sec. 23. (a) If a recount is made:

(1) in a presidential primary election;

(2) for nomination to a federal, state, or legislative office in a primary election;

(3) in an election to a federal office; or

(4) in an election to a state office other than governor and lieutenant governor;

the election division shall determine whether the votes in the precincts shown by the recount certificate differ from the votes that were tabulated by any county election board. If the election division previously included in a tabulation the votes cast for the office as returned by the county election board, the election division shall correct the tabulation in accordance with the certificate.

(b) The election division shall provide a copy of the corrected tabulation for each precinct to the office.

As added by P.L.7-1986, SEC.19. Amended by P.L.10-1988, SEC.178; P.L.3-1993, SEC.219; P.L.3-1997, SEC.377; P.L.212-2001, SEC.31.

IC 3-12-11-24

Certificate of nomination or election or commission for office

Sec. 24. The candidate shown by a corrected vote tabulation under section 23 of this chapter to have received the highest number of votes for nomination or election to an office is entitled to a certificate of nomination, certificate of election, or commission for the office even though one may have been issued upon a previous tabulation.

As added by P.L.7-1986, SEC.19. Amended by P.L.10-1988, SEC.179.

IC 3-12-11-25

Determination of candidate ineligibility; certification of runner-up; governor appointment; effect on votes cast

Sec. 25. (a) Except as provided in subsection (b), whenever the commission makes a final determination under section 18 of this chapter that the candidate who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is nominated or elected, the candidate who received the second highest number of votes for the office is entitled to a certificate of nomination or certificate of election even though a certificate may have been issued to another candidate upon the tabulation of the votes.

(b) This subsection applies to a contest proceeding for a state office other than the offices of governor, lieutenant governor, justice of the supreme court, judge of the court of appeals, and judge of the tax court. Whenever the commission makes a final determination under section 18(b) of this chapter that the candidate who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is elected the following apply:

(1) This subdivision does not apply to the filling of a state office following a contest proceeding or court action that resulted from an election held before January 1, 2011. The office is considered vacant, and the governor shall fill the vacancy as provided in IC 3-13-4-3(e) by the appointment of a

person of the same political party as the candidate who is not eligible to serve.

(2) The commission's determination that the candidate is not eligible to serve in the office does not affect the votes cast for the candidate for purposes of determining the number or percentage of votes cast for purposes of other statutes, including IC 3-5-2-30, IC 3-6-2-1, IC 3-6-4.1-6, IC 3-6-5.2-7, IC 3-6-6-8, IC 3-6-7-1, IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2, IC 3-10-2-15, IC 3-10-4-2, IC 3-10-6, IC 3-10-7-26, IC 3-11-2-6, IC 3-11-13-11, IC 3-11-14-3.5, IC 3-13-9-4.5, IC 6-9-2-3, IC 20-23-7-12, and IC 36-4-1.5-2.

As added by P.L.3-1987, SEC.412. Amended by P.L.10-1988, SEC.180; P.L.225-2011, SEC.78.

IC 3-12-12

Chapter 12. Recount Procedures for Public Questions

IC 3-12-12-1

Voters entitled to recount

Sec. 1. (a) Any voter who satisfies both of the following is entitled to have the votes cast on a public question on the ballot in that election district recounted under this chapter:

(1) The voter is a voter in the election district where the public question was on the ballot at the election.

(2) The voter voted at the election at which the public question was on the ballot.

(b) A recount may be conducted in one (1) or more of the precincts in which votes were cast for the public question.

As added by P.L.10-1988, SEC.181. Amended by P.L.4-1996, SEC.85.

IC 3-12-12-1.5

Chapter establishes standards to define vote in recount

Sec. 1.5. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a recount conducted under this chapter.

As added by P.L.209-2003, SEC.191.

IC 3-12-12-1.7

"Petitioner"

Sec. 1.7. As used in this chapter, "petitioner" refers to the individual voter whose name is listed first on the petition filed under section 2 of this chapter.

As added by P.L.76-2014, SEC.57.

IC 3-12-12-2

Filing of petition

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 of each county in which is located a precinct in which the voter desires a recount; and

(2) with the election division.

As added by P.L.10-1988, SEC.181. Amended by P.L.3-1997, SEC.378; P.L.164-2006, SEC.129.

IC 3-12-12-3

Petition contents

Sec. 3. Each petition filed under section 2 of this chapter must state the following:

(1) The public question for which the petitioner desires a recount.

(2) The precincts within the county in which the petitioner desires a recount.

(3) That the petitioner voted on the public question in the election.

(4) That the petitioner in good faith believes that the votes cast on the public question at the election in the precincts were not correctly counted and returned.

(5) That the petitioner desires a recount of all the votes cast on the public question in the precincts specified.

As added by P.L.10-1988, SEC.181.

IC 3-12-12-4

Signatures by voters; percentage

Sec. 4. The petition filed under section 2 of this chapter must also be signed by a number of voters within the election district equal to at least ten percent (10%) of the voters who cast ballots on the public question in the election.

As added by P.L.10-1988, SEC.181. Amended by P.L.76-2014, SEC.58.

IC 3-12-12-5

Cash deposit or bond to accompany petition

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 for the payment of all costs of the recount. 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).

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.

As added by P.L.10-1988, SEC.181. Amended by P.L.8-1995, SEC.63; P.L.176-1999, SEC.112.

IC 3-12-12-6

Payment of costs upon failure to provide cash deposit

Sec. 6. (a) This section does not apply to a petitioner if it is determined that the result of the public question is other than what was shown on the face of the election returns.

(b) If a cash deposit was not made as required by section 5 of this chapter, the petitioner shall pay to the circuit court clerk within ten (10) days after the recount is completed all costs of the recount.

As added by P.L.10-1988, SEC.181. Amended by P.L.8-1995, SEC.64; P.L.76-2014, SEC.59.

IC 3-12-12-7

Multiple petitions in single county

Sec. 7. If more than one (1) petition is filed under section 2 of this chapter in one (1) county requesting a recount of votes cast on a public question in a precinct in that county, the circuit court of the county shall consolidate all petitions under the first petition filed.

As added by P.L.10-1988, SEC.181.

IC 3-12-12-8

Petitions in multiple counties; jurisdiction

Sec. 8. If petitions are filed under section 2 of this chapter in more than one (1) county, the circuit court of the county casting, on the face of the election returns, the highest number of votes on the public question shall assume jurisdiction over all petitions concerning the public question.

As added by P.L.10-1988, SEC.181.

IC 3-12-12-9

Order of recount

Sec. 9. Upon the filing of a petition and bond under this chapter,

the court shall grant the petitions that have been filed and order the recount of votes in the precincts by appointing a recount commission.
As added by P.L.10-1988, SEC.181.

IC 3-12-12-10
Consolidated petitions and orders

Sec. 10. If there is a consolidation of petitions, the court shall by consolidated order grant the consolidated petitions and order a consolidated recount of all votes on the public question in all precincts in the counties requested in the petitions.
As added by P.L.10-1988, SEC.181.

IC 3-12-12-11
Recount commission; membership

Sec. 11. (a) A recount commission consists of three (3) persons.

(b) Two (2) members of the commission must be voters who:

(1) are members of different major political parties of the state; and

(2) were qualified to vote at the election in a county in which the election district that voted on the public question is located.

(c) This subsection applies to a recount commission conducting a recount of an election in which only paper ballots were used. The third member of the commission must be a person who:

(1) is a member of a major political party of the state; and

(2) was qualified to vote at the election in a county in which the election district that voted on the public question is located.

(d) This subsection applies to a recount of an election in which a voting method other than only paper ballots was used. The third member of the commission must be a competent mechanic who is familiar with the ballot card voting systems or electronic voting systems used in that election. The mechanic is not required to be qualified to vote at the election in a county in which the election district that voted on the public question is located.
As added by P.L.10-1988, SEC.181. Amended by P.L.221-2005, SEC.131.

IC 3-12-12-12
Compensation of commission members

Sec. 12. Each member of a recount commission is entitled to a per diem not to exceed one hundred dollars ($100) for each day actually engaged in making the recount. The judge of the court having jurisdiction over the recount shall fix the compensation paid under this section.
As added by P.L.10-1988, SEC.181. Amended by P.L.4-1991, SEC.120.

IC 3-12-12-13
Sending copy of recount order

Sec. 13. On the day when the order of a recount is made and entered by the court, the circuit court clerk shall send a certified copy

of the order by certified mail to the petitioner at the address stated in the petition. The clerk shall charge the cost of mailing the order to each petitioner.
As added by P.L.10-1988, SEC.181. Amended by P.L.76-2014, SEC.60.

IC 3-12-12-14
Impoundment and protection of voting equipment and materials

Sec. 14. (a) A court ordering a recount under this chapter shall by order impound and provide for the protection of the following:

(1) All ballots and electronic voting systems used at the election for casting votes in the precincts.

(2) All tally sheets relating to the votes cast on the public question.

(3) All poll lists of persons registered by the poll clerks as having voted on the public question.

(b) An order issued by the state recount commission under IC 3-12-10 supersedes an order issued by a court under this section to the extent that the orders conflict. The state recount commission shall assist a court acting under this section to the extent that the ability of the state recount commission to preserve the integrity of election records or equipment is not hindered.

(c) An impoundment order issued under subsection (a) may not prevent a circuit court clerk or board of registration from copying election material other than ballots if the clerk or board copies the material under the supervision of a person designated by the court.
As added by P.L.10-1988, SEC.181. Amended by P.L.221-2005, SEC.132.

IC 3-12-12-15
Copies of impounded materials

Sec. 15. A circuit court clerk or board of registration may use a copy made under section 14 of this chapter instead of an original subject to an impoundment order under that section until the court orders the release of the original.
As added by P.L.10-1988, SEC.181.

IC 3-12-12-16
Access to impounded materials

Sec. 16. A court acting under section 14 of this chapter shall make the ballots, electronic voting systems, tally sheets, and poll lists available to the recount commission appointed under this chapter.
As added by P.L.10-1988, SEC.181. Amended by P.L.221-2005, SEC.133.

IC 3-12-12-17
Recount by commission; watchers

Sec. 17. (a) After a recount is ordered under section 9 of this chapter, the recount commission shall convene at a place fixed by order of the court and expeditiously complete the recount of all votes

ordered recounted.

(b) The petitioner may designate a watcher to be present at the recount and may also be present in person. Representatives of the media may also attend the recount.

As added by P.L.10-1988, SEC.181. Amended by P.L.76-2014, SEC.61.

IC 3-12-12-18

Manual recount request; withdrawal

Sec. 18. (a) A petition filed under this chapter may request that ballot cards in specified precincts that used a ballot card voting system be counted manually. If a petition includes such a request, the recount commission may not use automatic tabulating machines to count ballot cards in the specified precincts. Ballot cards in those precincts shall be counted manually, and the tabulation of votes must comply with IC 3-11-7.

(b) A petitioner may withdraw a request for a manual recount of ballot cards at any time after the recount commission conducts a test of the automatic tabulating machines to ascertain that the machines will correctly count the votes cast on the public question that is the subject of the recount.

As added by P.L.10-1988, SEC.181.

IC 3-12-12-19

Certificate of recount totals

Sec. 19. When a recount is completed by a recount commission appointed under this chapter, the commission shall:

(1) make and sign a certificate showing the total number of votes received in the precincts on the public question;

(2) state in its certificate whether affirmative or negative votes received the highest number of votes in the precincts on the public question and by what plurality; and

(3) file its certificate with the circuit court clerk. The clerk shall enter the certificate in the order book of the court.

As added by P.L.10-1988, SEC.181.

IC 3-12-12-20

Effect of recount certificate

Sec. 20. A recount certificate made under section 19 of this chapter supersedes all previous returns made in any form of the recounted votes. A certified copy of a recount certificate constitutes prima facie evidence of the votes cast on the public question in the precincts in any contest or other proceeding in which there is an issue as to the votes cast at the election on the public question.

As added by P.L.10-1988, SEC.181.

IC 3-12-12-21

Finality of commission determination; appeal

Sec. 21. The determination of a recount commission under section 19 of this chapter is final, although an appeal may be taken to the

circuit court that appointed the commission.
As added by P.L.10-1988, SEC.181.

IC 3-12-12-22
Multiple county elections; differences in vote totals; certificate of corrected totals

Sec. 22. 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.
As added by P.L.10-1988, SEC.181. Amended by P.L.3-1993, SEC.220.

IC 3-12-12-23
Statewide public questions; recounts; certificate of corrected vote totals; certificate of approval or rejection

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 judge of the Indiana court of appeals; or

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

(b) A circuit court clerk shall immediately transmit a certificate prepared under section 22 of this chapter to the election division.

(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.
As added by P.L.10-1988, SEC.181. Amended by P.L.4-1991, SEC.121; P.L.3-1997, SEC.379; P.L.212-2001, SEC.32.

IC 3-12-12-24
Repealed

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

IC 3-12-12-25
Single county elections; differences in vote totals; certificate of corrected totals

Sec. 25. If a recount is made for a public question on which votes were cast only in a single county, the circuit court clerk shall determine whether the votes shown by the recount certificate differ from the votes that were tabulated by the county election board. If

the 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 for and against the public question as corrected in accordance with the recount certificate.

As added by P.L.10-1988, SEC.181. Amended by P.L.3-1993, SEC.221.

IC 3-12-12-26

Local public questions; recounts; transmittal of certificate of corrected totals; certificate of approval or rejection

Sec. 26. (a) This section applies to a recount of votes cast on a local public question.

(b) The circuit court clerk shall transmit the certificate prepared under section 22 or 25 of this chapter to the county election board of the county having the greatest percentage of population of the election district voting on the public question.

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

As added by P.L.10-1988, SEC.181. Amended by P.L.4-1991, SEC.122.

IC 3-13

ARTICLE 13. VACANCIES

IC 3-13-1

Chapter 1. Early Candidate Vacancies

IC 3-13-1-1

Application of chapter

Sec. 1. Except as provided in section 18 or 20 of this chapter or IC 3-10-8-7.5, this chapter applies to the filling of a candidate vacancy that arises for any reason if the vacancy leaves a major political party without a candidate for the office and occurs before the thirtieth day before a general, special, or municipal election.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.413; P.L.4-1991, SEC.123; P.L.3-1997, SEC.380; P.L.219-2013, SEC.66.

IC 3-13-1-2

Candidate vacancy for primary election; ballot not to be filled but may be filled on following general or municipal election ballot

Sec. 2. A candidate vacancy that exists on a primary election ballot may not be filled for the primary election. The resulting vacancy on the following general or municipal election ballot may be filled in the manner prescribed by this chapter, but only if it is filled by noon June 30 before election day.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.414; P.L.4-1991, SEC.124; P.L.260-2001, SEC.6.

IC 3-13-1-2.5

Individual filling candidate vacancy must meet qualifications for office

Sec. 2.5. A candidate seeking to fill a candidate vacancy under this chapter must comply with the requirements imposed under IC 3-8-1 for the office.

As added by P.L.230-2005, SEC.62.

IC 3-13-1-3

United States Senator or state office

Sec. 3. Except as provided in IC 3-10-8-7, a candidate vacancy for United States Senator or a state office shall be filled by the state committee of the political party.

As added by P.L.5-1986, SEC.9. Amended by P.L.10-1989, SEC.17.

IC 3-13-1-4

United States Representatives

Sec. 4. Except as provided in IC 3-10-8-7.5, a candidate vacancy for United States Representative shall be filled by a caucus comprised by the precinct committeemen of the political party whose precincts are within the congressional district.

As added by P.L.5-1986, SEC.9. Amended by P.L.219-2013, SEC.67.

IC 3-13-1-5
Legislative office

Sec. 5. A candidate vacancy for a legislative office shall be filled by a caucus comprised by the precinct committeemen of the political party whose precincts are within the senate or house district.

As added by P.L.5-1986, SEC.9. Amended by P.L.26-2000, SEC.21.

IC 3-13-1-6
Local office; office of circuit court judge or prosecuting attorney

Sec. 6. (a) Except as provided in subsection (b), a candidate vacancy for a local office shall be filled by:

(1) a caucus comprised of the precinct committeemen who are eligible to participate under section 10 of this chapter; or

(2) the county chairman of the political party or a caucus comprised of the chairman, vice chairman, secretary, and treasurer of the county committee of the party, if:

(A) authorized to fill vacancies under this chapter by majority vote of the county committee; and

(B) the election district for the local office is entirely within one (1) county.

(b) A candidate vacancy for the office of circuit court judge or prosecuting attorney in a circuit having more than one (1) county shall be filled by a caucus comprised of the precinct committeemen who constitute the county committees of the political party for all of the circuit.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.415; P.L.10-1988, SEC.182; P.L.4-1996, SEC.86; P.L.26-2000, SEC.22.

IC 3-13-1-7
Time for taking action to fill candidate vacancy

Sec. 7. (a) Except as provided in subsection (b), action to fill a candidate vacancy must be taken:

(1) not later than noon June 30 after the primary election if the vacancy exists on a general or municipal election ballot; and

(2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

(b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general, municipal, or special election and that is due to any of the following:

(1) The death of a candidate.

(2) The withdrawal of a candidate.

(3) The disqualification of a candidate under IC 3-8-1-5.

(4) A court order issued under IC 3-8-7-29(d).

Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.416; P.L.10-1988, SEC.183; P.L.4-1991, SEC.125; P.L.1-1993, SEC.14; P.L.176-1999, SEC.113; P.L.260-2001, SEC.7.

IC 3-13-1-8
Meeting to be called and chaired by state or county chairman or designated party

Sec. 8. A meeting under section 7 of this chapter shall be called and chaired by:

(1) the state chairman, or a person designated by the state chairman, for a caucus or committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(2) the county chairman of the county in which the greatest percentage of the population of the election district is located, or an individual designated by the county chairman, for a caucus or committee acting under section 6(a) of this chapter.

As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.184; P.L.3-1989, SEC.14; P.L.225-2011, SEC.79.

IC 3-13-1-9
Requirements for call of meeting

Sec. 9. The call for a meeting under section 7 of this chapter must:

(1) be in writing on a form prescribed by the commission;

(2) state the name of the chairman of the meeting;

(3) state the purpose of the meeting;

(4) state the date, time, and place of the meeting;

(5) be sent by first class mail, at least ten (10) days before the meeting, to all persons eligible to participate in the meeting; and

(6) be filed not later than noon ten (10) days before the meeting with the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1997, SEC.381; P.L.225-2011, SEC.80.

IC 3-13-1-10
Eligibility to participate in caucus

Sec. 10. (a) To be eligible to participate in a caucus called under section 7 of this chapter, an elected precinct committeeman must be entitled to vote for the office for which a candidate is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the ballot vacancy occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under section 7 of this chapter if the precinct committeeman was a committeeman thirty (30) days before the vacancy occurred.

(c) For purposes of a candidate vacancy resulting from the failure of a candidate to be nominated at a primary at which precinct committeemen were elected, an appointed precinct committeeman is eligible to serve if the committeeman has been reappointed following the primary in accordance with the rules of the committeeman's political party.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.417;

P.L.10-1988, SEC.185; P.L.5-1989, SEC.66; P.L.38-1999, SEC.63; P.L.176-1999, SEC.114; P.L.26-2000, SEC.23; P.L.230-2005, SEC.63.

IC 3-13-1-10.5 Version a
Declaration of candidacy filing

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

(1) the chairman of the caucus or committee conducting a meeting under this chapter; and

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter;

at least seventy-two (72) hours before the time fixed for the caucus or committee meeting.

(b) A candidate's 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.
As added by P.L.3-1993, SEC.222. Amended by P.L.3-1997, SEC.382; P.L.202-1999, SEC.20; P.L.225-2011, SEC.81.

IC 3-13-1-10.5 Version b
Declaration of candidacy; contents; time for filing

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

(1) the chairman of the caucus or committee conducting a meeting under this chapter; and

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter;

at least seventy-two (72) hours before the time fixed for the caucus or committee meeting.

(b) A candidate's 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.

(c) A candidate's declaration of candidacy must contain the following statements:

(1) A statement 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.

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

(2) 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.

(3) 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.

(4) A statement 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.

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

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

As added by P.L.3-1993, SEC.222. Amended by P.L.3-1997, SEC.382; P.L.202-1999, SEC.20; P.L.225-2011, SEC.81; P.L.76-2014, SEC.62.

IC 3-13-1-11

Establishment of rules of procedure; voting

Sec. 11. (a) At a meeting called under section 7 of this chapter, the eligible participants shall:

(1) establish the rules of procedure for the caucus or meeting, except as otherwise provided in this chapter; and

(2) select, by a majority vote of those casting a vote for a candidate, a person to fill the candidate vacancy described in the call for the meeting.

(b) If more than one (1) person seeks to fill the vacancy, the selection shall be conducted by secret ballot.

As added by P.L.5-1986, SEC.9. Amended by P.L.8-1986, SEC.1; P.L.3-1993, SEC.223; P.L.26-2000, SEC.24; P.L.225-2011, SEC.82.

IC 3-13-1-11.5

Voting by proxy

Sec. 11.5. (a) Except as provided in this section, voting by proxy is not permitted in a caucus called under section 7 of this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus called under section 7 of this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus called under section 7 of this chapter and vote the precinct committeeman's proxy, regardless of when the ballot vacancy occurred, if the vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(d) If a vice committeeman is not eligible under subsection (c), the vice committeeman is eligible to participate in a caucus called under section 7 of this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred.

As added by P.L.26-2000, SEC.25.

IC 3-13-1-12

Tiebreaking vote; effect of lack of quorum

Sec. 12. (a) If a tie vote occurs among participants acting under section 3, 4, 5, or 6(b) of this chapter, the chairman of the meeting may cast the tiebreaking vote. If a tie vote occurs among participants acting under section 6(a) of this chapter, the county chairman may cast the tiebreaking vote.

(b) If a quorum required under the rules of a meeting held under this chapter is not present, the county chairman shall fill the candidate vacancy.

As added by P.L.5-1986, SEC.9. Amended by P.L.96-2012, SEC.4.

IC 3-13-1-13

Local office; appointment of person to fill vacancy

Sec. 13. If no person is eligible to participate in the filling of a candidate vacancy for an office under section 6(a) 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.
As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.186; P.L.3-1997, SEC.383.

IC 3-13-1-14
Selection of person as candidate; written consent and statement of economic interest as prerequisite

Sec. 14. The selection of a person as a candidate under this chapter is not effective unless:

(1) the person's written consent is obtained and filed:

(A) in the office in which certificates and petitions of nomination must be filed; and

(B) not later than when the certificate is filed; and

(2) the candidate has complied with any requirement under IC 3-8-1-33 to file a statement of economic interests.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.418; P.L.14-2004, SEC.168.

IC 3-13-1-15
Town office; certificate of candidate selection

Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate 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) The residence address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or

(2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not later than noon three (3) days (excluding

Saturdays and Sundays) after selection of the candidates.
As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.419; P.L.3-1993, SEC.224; P.L.3-1997, SEC.384; P.L.202-1999, SEC.21; P.L.260-2001, SEC.8; P.L.66-2003, SEC.48; P.L.225-2011, SEC.83.

IC 3-13-1-16
Furnishing certified list of name and address of candidate selected

Sec. 16. The election division shall furnish the circuit court clerk with a certified list of the name and address of each candidate selected under section 15 of this chapter. If a certificate of candidate selection filed with the election division is questioned under IC 3-8-1-2, the election division shall indicate on the certified list that candidate's name is not to be printed on the ballot until the question is resolved by the commission or a court with jurisdiction in the matter.
As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.420; P.L.3-1997, SEC.385; P.L.202-1999, SEC.22.

IC 3-13-1-16.5
Validity of certificate of candidate selection; reference and determination

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) 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) 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 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.
As added by P.L.3-1993, SEC.225. Amended by P.L.2-1996, SEC.205; P.L.3-1997, SEC.386; P.L.58-2001, SEC.4.

IC 3-13-1-17
Vacancy existing because of tie vote in primary election; selection of candidate

Sec. 17. A candidate vacancy exists when a tie vote occurs for an office in a primary election. The candidate vacancy shall be filled under section 3, 4, 5, or 6 of this chapter.
As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.421.

IC 3-13-1-18
Town offices; certificate of candidate selection by certain minor parties

Sec. 18. (a) If a candidate vacancy occurs in a town subject to IC 3-8-5 for any office on the ticket of a political party whose candidates were selected by petition of nomination, the vacancy may be filled only as prescribed by this section.

(b) To fill the vacancy, the town chairman of the party must file a certificate of candidate selection together with the consent required by section 14 of this chapter with the official with whom certificates must be filed. The certificate of candidate selection must be filed not later than the date and hour that a certificate of nomination by a town convention must be filed under IC 3-8-5-13.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.422; P.L.5-1988, SEC.16; P.L.3-1997, SEC.387.

IC 3-13-1-19
Eligibility of persons defeated in primary election or town or state convention

Sec. 19. A person who was defeated in a primary election or in a town or state convention is eligible to be appointed by the political party that the person affiliated with by voting in the most recent primary election held by that party. The person selected may fill any vacancy on the party's ticket as a candidate in any general, municipal, or special election following that primary election or convention in which the vacancy occurred. However, a person is not disqualified from appointment under this section for not having voted in the most recent primary election if the appointee is certified as a member of that party by the county chairman for the county in which the appointee resides.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.423; P.L.3-1993, SEC.226.

IC 3-13-1-20
Vacancy existing following convention of certain minor parties

Sec. 20. (a) This section applies to a political party subject to IC 3-8-4-10, IC 3-10-2-15, or IC 3-10-6-12.

(b) A candidate vacancy that exists following the convention of the party shall be filled by the state committee of the political party not later than the date and time specified by section 7(a)(1) of this chapter for a major political party to fill a candidate vacancy. The chairman of the state committee shall file a notice of intent to fill the candidate vacancy with the official who is required to receive a certificate of candidate selection under section 15 of this chapter. The notice must be filed not later than ten (10) days before the chairman fills the candidate vacancy. The chairman of the state committee shall act in accordance with section 15 of this chapter to certify the candidate selected to fill the vacancy.

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the general election ballot resulting from the failure of

the convention to nominate a candidate for an office. The certificate required by subsection (b) shall be filed not later than the date and time specified by section 15(c) of this chapter for a major political party to file a certificate of candidate selection.

(d) This subsection applies to all candidate vacancies not described by subsection (c). If a candidate vacancy occurs as a result of:

(1) the death of a candidate;
(2) the withdrawal of a candidate;
(3) the disqualification of a candidate under IC 3-8-1-5; or
(4) a court order issued under IC 3-8-7-29(d);

the political party may fill the vacancy within the same period of time that a major political party is permitted to fill a candidate vacancy under section 7(b) of this chapter.

(e) The certificate required by subsection (b) shall be filed within the period of time required under section 15(d) of this chapter for a major political party to file the certificate after selection of the candidates.

As added by P.L.3-1997, SEC.388. Amended by P.L.2-1998, SEC.8; P.L.260-2001, SEC.9; P.L.66-2003, SEC.49; P.L.230-2005, SEC.64.

IC 3-13-1-20.5

Question concerning validity of candidate selection by certain political parties; determination by commission or county election board; time to act upon question

Sec. 20.5. (a) This section applies to a political party subject to IC 3-8-4-10, IC 3-10-2-15, or IC 3-10-6-12.

(b) 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) not later than noon seventy-four (74) days before the date on which the general election will be held for the office.

(c) 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) 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) 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.

As added by P.L.64-2014, SEC.72.

IC 3-13-1-21

Receiving certificate of candidate selection after deadline

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 declaration of candidacy filed by the individual selected as the candidate; or

(3) the certificate of candidate selection;

is or was offered to be filed after the deadline for the filing provided by this chapter.

As added by P.L.124-2012, SEC.8.

IC 3-13-2

Chapter 2. Late Candidate Vacancies

IC 3-13-2-1

Application of chapter

Sec. 1. This chapter applies to the filling of a candidate vacancy that exists due to the:

(1) death of a political party's candidate;

(2) withdrawal of a candidate who has moved from the election district;

(3) disqualification of a candidate under IC 3-8-1-5; or

(4) issuance of a court order under IC 3-8-7-29(d);

for nomination or election to an office at a general, municipal, or special election after the thirty-first day before a general, municipal, or special election.

As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.187; P.L.4-1991, SEC.126.

IC 3-13-2-1.5

Individual filling candidate vacancy must meet qualifications for office

Sec. 1.5. A candidate seeking to fill a candidate vacancy under this chapter must comply with the requirements imposed under IC 3-8-1 for the office.

As added by P.L.230-2005, SEC.65.

IC 3-13-2-2

United States Senator or state office

Sec. 2. A candidate vacancy for United States Senator or a state office shall be filled by appointment by the state chairman of the political party.

As added by P.L.5-1986, SEC.9.

IC 3-13-2-3

United States Representative

Sec. 3. A candidate vacancy for United States Representative shall be filled by appointment by the district chairman of the political party.

As added by P.L.5-1986, SEC.9.

IC 3-13-2-4

Legislative office

Sec. 4. A candidate vacancy for a legislative office shall be filled by a majority vote of the county chairmen of the political party for all of the counties that have territory in the senate or house district.

As added by P.L.5-1986, SEC.9.

IC 3-13-2-5

Local office; office of circuit court judge or prosecuting attorney

Sec. 5. (a) Except as provided in subsection (b), a candidate

vacancy for a local office shall be filled by appointment by the county chairman of the political party of the county in which the greatest percentage of the population of the election district is located.

(b) A candidate vacancy for the office of circuit court judge or prosecuting attorney in a circuit having more than one (1) county shall be filled by a majority vote of the county chairmen of the political party for all of the counties in the circuit.

As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.188.

IC 3-13-2-6

Tiebreaking vote; effect of lack of quorum

Sec. 6. (a) If a tie vote occurs among a group of chairmen acting under section 4 or 5(b) of this chapter, the state chairman may cast the tiebreaking vote.

(b) If a quorum required under the rules of a meeting held under this chapter is not present, the state chairman shall fill the candidate vacancy.

As added by P.L.5-1986, SEC.9. Amended by P.L.96-2012, SEC.5.

IC 3-13-2-7 Version a

Written consent and statement of economic interests; prerequisites to candidacy

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

Sec. 7. (a) The selection of a person as a candidate under this chapter is not effective unless:

(1) the person's written consent is obtained and filed:

(A) in the office in which certificates and petitions of nomination must be filed; and

(B) when the certificate is filed; and

(2) the candidate has complied with any requirement under IC 3-8-1-33 to file a statement of economic interests.

(b) A candidate's consent 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. If there is a difference between the name on the candidate's consent and the name on the candidate's voter registration record, the officer with whom the consent 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.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.424; P.L.202-1999, SEC.23.

IC 3-13-2-7 Version b

Candidate written consent; required statements; time for filing

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

Sec. 7. (a) The selection of a person as a candidate under this chapter is not effective unless:

(1) the person's written consent is obtained and filed:

(A) in the office in which certificates and petitions of nomination must be filed; and

(B) when the certificate is filed; and

(2) the candidate has complied with any requirement under IC 3-8-1-33 to file a statement of economic interests.

(b) A candidate's consent 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. If there is a difference between the name on the candidate's consent and the name on the candidate's voter registration record, the officer with whom the consent 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.

(c) A candidate's consent must contain the following statements:

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

(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.

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

(2) 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.

(3) 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.

(4) A statement 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.

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

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

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.424; P.L.202-1999, SEC.23; P.L.76-2014, SEC.63.

IC 3-13-2-8
Written certificate of candidate selection

Sec. 8. (a) The chairman or chairmen filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate 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) The residence address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) one (1) or more chairmen acting under section 2, 3, 4, or 5(b) of this chapter; or

(B) a committee acting under section 5(b) of this chapter to fill a candidate vacancy for the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or

(2) the circuit court clerk of the county in which the greatest percentage of the population of the election district is located, for a chairman acting under section 5(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidate.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.425; P.L.10-1988, SEC.189; P.L.3-1997, SEC.389; P.L.202-1999, SEC.24; P.L.66-2003, SEC.50; P.L.2-2005, SEC.5.

IC 3-13-2-9
Certified list of name and address of candidate

Sec. 9. The election division shall furnish each circuit court clerk of a county in which the election district is located with a certified list of the name and address of each candidate selected under section 8 of this chapter. If a certificate of candidate selection filed with the election division is questioned under IC 3-8-1-2, the election division shall indicate on the certified list that the candidate's name is not to be printed on the ballot until the question is resolved by the commission or by a court with jurisdiction in the matter.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.426; P.L.10-1988, SEC.190; P.L.3-1997, SEC.390; P.L.202-1999, SEC.25.

IC 3-13-2-10
Eligibility of persons defeated in primary election or town or state convention

Sec. 10. A person who was defeated in a primary election or in a

town or state convention is eligible to be appointed by the person's own political party to fill any vacancy on the party's ticket as a candidate in any general, municipal, or special election following that primary election or convention.
As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.427.

IC 3-13-2-11
Validity of certificate of candidate selection

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(c) 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(c) 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.
As added by P.L.3-1995, SEC.131. Amended by P.L.2-1996, SEC.206; P.L.3-1997, SEC.391; P.L.58-2001, SEC.5.

IC 3-13-2-12
Vacancy filled by state committee of certain minor parties

Sec. 12. (a) This section applies to a political party subject to IC 3-8-4-10.

(b) A candidate vacancy under this chapter shall be filled by the state committee of the political party. The chairman of the state committee shall act in accordance with section 8 of this chapter to certify the candidate selected to fill the vacancy.
As added by P.L.3-1997, SEC.392.

IC 3-13-3

Chapter 3. Vacancies in Federal Offices

IC 3-13-3-1

United States Senate; appointment to fill vacancy; special election

Sec. 1. (a) A vacancy that occurs, other than by resignation, in the United States Senate shall be certified to the governor by the secretary of state.

(b) The governor shall immediately fill a vacancy in the United States Senate by appointing a person possessing the qualifications required under Article 1, Section 3, Clause 3 of the Constitution of the United States. The person appointed holds office until the next general election, when the vacancy shall be filled by the election of a Senator in a special election to hold office for the unexpired term.

(c) If a vacancy in the United States Senate occurs after noon on the date the election division is required to certify general election candidates to each county election board under IC 3-8-7-16, the person appointed under subsection (b) holds office until the vacancy is filled in a special election held at the time of the next general election following the general election for which the candidate certification had been issued under IC 3-8-7-16.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.428; P.L.10-1989, SEC.18; P.L.194-2013, SEC.90.

IC 3-13-3-2

United States House of Representatives; special election

Sec. 2. (a) A vacancy that occurs, other than by resignation, in the United States House of Representatives shall be certified to the governor by the circuit court clerk of the county in which the Representative resided.

(b) A special election shall be held to fill a vacancy in the United States House of Representatives in accordance with IC 3-10-8.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.429.

IC 3-13-4

Chapter 4. Vacancies in State Offices

IC 3-13-4-1

Governor or lieutenant governor

Sec. 1. A vacancy in the office of governor or lieutenant governor shall be filled as provided in Article 5, Section 10 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.9.

IC 3-13-4-2

Office of justice of supreme court, judge of the court of appeals, or judge of tax court

Sec. 2. A vacancy in the office of justice of the supreme court, judge of the court of appeals, or judge of the tax court shall be filled as provided in IC 33-27.

As added by P.L.5-1986, SEC.9. Amended by P.L.98-2004, SEC.41.

IC 3-13-4-3

Other state offices

Sec. 3. (a) This section applies to a vacancy that occurs in a state office other than governor, lieutenant governor, or a judicial office.

(b) If a state officer wants to resign from office, the state officer must resign as provided in IC 5-8-3.5.

(c) A vacancy that occurs in a state office because of the death of the state officer may be certified to the governor under IC 5-8-6. The governor may not fill a vacancy as provided by law until the governor receives notice of the death under IC 5-8-6.

(d) A vacancy that occurs in a state office other than by resignation or death shall be certified to the governor by the circuit court clerk of the county in which the officer resided.

(e) The governor shall fill a vacancy in a state office by appointment of a person of the same political party as the officer who held the vacated office.

(f) The person who is appointed by the governor holds office for the remainder of the unexpired term and until a successor is elected and qualified.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.430; P.L.119-2005, SEC.1; P.L.225-2011, SEC.84.

IC 3-13-5

Chapter 5. Vacancies in Legislative Offices

IC 3-13-5-0.1

Application of chapter; legislative office held by person elected or selected by major political party; filling legislative vacancy

Sec. 0.1. (a) This chapter applies only to a vacancy in a legislative office that was last held by a person elected or selected as a candidate of a major political party of the state.

(b) A vacancy in a legislative office that was last held by a person elected or selected as a candidate of a political party described by IC 3-8-4-10 shall be filled by the state committee of the political party. The state chairman of the party shall certify the selection of an individual to fill the vacancy in the manner prescribed under section 6 of this chapter.

(c) A vacancy in a legislative office that was last held by a person not described in subsection (a) or (b) shall be filled by a special election held as provided in IC 3-10-8.

As added by P.L.164-2006, SEC.130.

IC 3-13-5-1

Caucus selection of successor

Sec. 1. (a) A vacancy in a legislative office shall be filled by a caucus comprised of the precinct committeemen from the senate or house district where the vacancy exists who represent the same political party that elected or selected the person who held the vacated seat.

(b) Not later than thirty (30) days after the vacancy occurs (or as provided in subsections (c) and (d)), the caucus shall meet and select a person to fill the vacancy by a majority vote of those casting a vote for a candidate, including vice committeemen eligible to vote as a proxy under section 5 of this chapter.

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

(1) submitted a written resignation under IC 5-8-3.5 that has not yet taken effect; or

(2) been elected to another office.

(d) If a vacancy in a legislative office exists because of the death of the legislator, the caucus shall meet and select a person to fill the vacancy not later than thirty (30) days after the state chairman receives notice of the death of the legislator from the secretary of state under IC 5-8-6.

(e) 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 the caucus under this chapter.

(f) The person selected must reside in the district where the vacancy occurred.

As added by P.L.5-1986, SEC.9. Amended by P.L.8-1986, SEC.2; P.L.3-1987, SEC.431; P.L.10-1988, SEC.191; P.L.3-1997, SEC.393; P.L.26-2000, SEC.26; P.L.119-2005, SEC.2.

IC 3-13-5-2
Meeting; place, date, and time

Sec. 2. (a) The state chairman of the political party that elected or selected the person who held the vacated seat shall set the place, date, and time of a caucus meeting. The chairman shall send a notice, by first class mail, of the purpose, place, date, and time of the meeting to all precinct committeemen in the caucus at least ten (10) days before the meeting.

(b) If a vacancy in a legislative office exists because of the death of the legislator, the state chairman may not send the notice required by subsection (a) until the state chairman receives notice of the death from the secretary of state under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.192; P.L.119-2005, SEC.3.

IC 3-13-5-3
Presiding officer at caucus meeting; candidate filings; rules of procedure

Sec. 3. (a) The state chairman or a person designated by the state chairman shall preside over a caucus meeting held under this chapter.

(b) A person who desires to be a candidate to fill a vacancy under this chapter must file:

(1) a declaration of candidacy with the chairman of the caucus; and

(2) a statement of economic interests under IC 2-2.1-3-2 with the secretary of the senate or principal clerk of the house of representatives;

at least seventy-two (72) hours before the time fixed for the caucus.

(c) In addition to the procedures prescribed by this chapter, the chairman and precinct committeemen may adopt rules of procedure that are necessary to conduct business.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.432; P.L.225-2011, SEC.85.

IC 3-13-5-4
Precinct committeeman to have one vote; eligibility

Sec. 4. (a) To be eligible to participate in a caucus called under this chapter, an elected precinct committeeman must be entitled to vote for the legislative office for which a successor is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the legislative office occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter if the precinct committeeman was a committeeman thirty (30) days before the vacancy occurred.

(c) An individual eligible to participate in a caucus held under this

chapter has one (1) vote.
As added by P.L.5-1986, SEC.9. Amended by P.L.38-1999, SEC.64; P.L.176-1999, SEC.115; P.L.26-2000, SEC.27.

IC 3-13-5-5
Voting by proxy

Sec. 5. (a) Except as provided in this section, voting by proxy is not allowed in a caucus held under this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a legislative office who also served as a precinct committeeman.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy, regardless of when the ballot vacancy occurred, if the vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(d) If a vice committeeman is not eligible under subsection (c), the vice committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred.

(e) Voting shall be conducted by secret ballot, and IC 5-14-1.5-3(b) does not apply to this chapter.
As added by P.L.5-1986, SEC.9. Amended by P.L.8-1986, SEC.3; P.L.10-1988, SEC.193; P.L.3-1997, SEC.394; P.L.26-2000, SEC.28.

IC 3-13-5-6
Certification of name of person selected to president pro tempore of senate or speaker of house of representatives; transmittal to secretary of state

Sec. 6. The state chairman shall certify the name of the person selected under section 1 of this chapter to the president pro tempore of the senate or the speaker of the house of representatives, as appropriate, who shall acknowledge receipt of the certification, submit a copy of the certificate to be included in the journal of the house or senate:

(1) of the day when the individual is seated; or

(2) if the certificate is received after the adjournment sine die of the general assembly, of the first day that the chamber is in session following receipt of the certificate;

and immediately forward the certificate to the secretary of state.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1997, SEC.395.

IC 3-13-5-7
Secretary of state to certify person selected to fill vacated seat

Sec. 7. The secretary of state shall, within fourteen (14) days after receipt of the certification under section 6 of this chapter, certify the person selected to fill the vacated seat.
As added by P.L.5-1986, SEC.9.

IC 3-13-5-8
Rights and duties of person selected to fill vacancy

Sec. 8. A person certified to fill a vacancy under this chapter has all the rights and duties of a member of the general assembly elected at a general election. The person serves for the remainder of the unexpired term.
As added by P.L.5-1986, SEC.9.

IC 3-13-5-9
Determination of house of general assembly that person should not be seated because of ineligibility; filling of seat; constitutional eligibility requirements

Sec. 9. If a house of the general assembly determines that a person should not be seated as a member of that house because that person was ineligible to hold the seat for which a certificate of election has been issued by the secretary of state, the seat shall be filled under this chapter. A person selected to fill a vacant seat under this section must meet all requirements set forth in Article 4, Section 7 of the Constitution of the State of Indiana as of the date of the general election for which the ineligible person who was not seated received a certificate of election.
As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.433.

IC 3-13-5-10
Vacancies; eligible candidates

Sec. 10. The person who last held a vacated legislative office may not be a candidate for selection to fill a vacancy in that office under this chapter for the remainder of the term.
As added by P.L.8-1986, SEC.4.

IC 3-13-6

Chapter 6. Vacancies in County Judicial and Circuit Offices

IC 3-13-6-1

Certification of vacancy to governor; manner of filling vacancy

Sec. 1. (a) As used in this section, "judge" refers to a judge of a circuit, superior, or probate court.

(b) If a judge wants to resign from office, the judge must resign as provided in IC 5-8-3.5.

(c) A vacancy that occurs because of the death of a judge may be certified to the governor under IC 5-8-6.

(d) A vacancy that occurs, other than by resignation or death of a judge, shall be certified to the governor by the circuit court clerk of the county in which the judge resided.

(e) A vacancy in the office of judge of a circuit court shall be filled by the governor as provided by Article 5, Section 18 of the Constitution of the State of Indiana. However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6.

(f) The person who is appointed holds the office until:

(1) the end of the unexpired term; or

(2) a successor is elected at the next general election for the office, and qualified;

whichever occurs first.

(g) Except as provided in this subsection, the office of judge of the circuit court shall be elected at the next general election following the date any vacancy occurred. If a vacancy occurs in the office of judge of the circuit court after noon seventy-four (74) days before a general election, the office shall be elected at the second general election following the date any vacancy occurred.

(h) The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.

(i) A vacancy in the office of judge of a superior or probate court shall be filled by the governor subject to the following:

(1) IC 33-33-2-39.

(2) IC 33-33-2-43.

(3) IC 33-33-45-38.

(4) IC 33-33-71-40.

However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds office for the remainder of the unexpired term.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.434; P.L.5-1989, SEC.67; P.L.334-1989(ss), SEC.2; P.L.16-1995, SEC.2; P.L.18-1995, SEC.1; P.L.98-2004, SEC.42; P.L.119-2005, SEC.4; P.L.201-2011, SEC.6; P.L.194-2013, SEC.91.

IC 3-13-6-2
Office of prosecuting attorney

Sec. 2. (a) A vacancy that occurs, other than by resignation, in the office of prosecuting attorney shall be certified to the governor by the circuit court clerk of the county in which the prosecuting attorney resided.

(b) A vacancy in the office of prosecuting attorney that was last held by a person elected or selected as a candidate of a major political party of the state shall be filled by a caucus under IC 3-13-11.

(c) A vacancy in the office of prosecuting attorney not covered by subsection (b) shall be filled by the governor.

(d) The person appointed or selected holds office for the remainder of the unexpired term and until a successor is elected and qualified.

(e) If a vacancy in the office of the prosecuting attorney occurs under subsection (b), the chief deputy prosecuting attorney appointed under IC 33-39-6-2 shall be the acting prosecuting attorney until the vacancy is filled by the caucus under IC 3-13-11.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.435; P.L.7-1994, SEC.1; P.L.19-1995, SEC.1; P.L.98-2004, SEC.43.

IC 3-13-6-3
Office of clerk of circuit court

Sec. 3. (a) A vacancy in the office of clerk of the circuit court that was last held by a person elected or selected as a candidate of a major political party of the state shall be filled by a caucus under IC 3-13-11.

(b) A vacancy that occurs in the office of clerk of the circuit court:

(1) other than by resignation; and

(2) that is not covered by subsection (a);

shall be certified to the governor by the judge of the circuit court.

(c) A vacancy in the office of clerk of the circuit court not covered by subsection (a) shall be filled by the governor. The person who is appointed holds office for the remainder of the unexpired term and until a successor is elected and qualified.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.436; P.L.14-1988, SEC.1.

IC 3-13-7

Chapter 7. Vacancies in Other County Offices Not Held by a Major Party

IC 3-13-7-1

Vacancy in office last held by person elected or selected as candidate of major political party

Sec. 1. A vacancy in a county office that was last held by a person elected or selected as a candidate of a major political party of the state shall be filled by a caucus under IC 3-13-11.

As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.194.

IC 3-13-7-1.5

Meeting held before vacancy exists; notice of meeting

Sec. 1.5. A county auditor may give notice of a meeting under this chapter, and the meeting may be conducted under this chapter, before a vacancy in an office exists if the person holding the office has:

(1) submitted a written resignation under IC 5-8-3.5; or

(2) been elected to another office.

As added by P.L.219-2013, SEC.68.

IC 3-13-7-2

County elected office other than county council; meeting; notice; appointments pro tempore

Sec. 2. (a) This section applies to a vacancy in a county elected office (other than county council) not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the board of commissioners of the county at a regular or special meeting. The county auditor shall give notice of the meeting. Except as provided in subsection (d), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each commissioner at least ten (10) days before the meeting.

(c) Selections made under this section (or under IC 3-2-10-3(a) before its repeal on March 4, 1986) are appointments pro tempore for the purposes of Article 2, Section 11 of the Constitution of the State of Indiana.

(d) If a vacancy occurs because of the death of an elected county officer, the board of commissioners shall meet and select an individual to fill the vacancy not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required under subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.15-1987, SEC.1; P.L.3-1987, SEC.437; P.L.3-1990, SEC.12; P.L.119-2005, SEC.5.

IC 3-13-7-2.5
Vacancy in political subdivision nonpartisan elected office other than school board

Sec. 2.5. (a) This section does not apply to a school board office.

(b) This section applies to a vacancy in an elected office in a political subdivision:

(1) in which each candidate is required by statute to be placed on the ballot as a nonpartisan candidate for the office; and

(2) for which this article does not otherwise provide a method for filling.

(c) The vacancy shall be filled as follows:

(1) The remaining members of the body shall fill the vacancy by a majority of the votes of the remaining members of the body.

(2) If there are no remaining members of the body, the county executive of the county containing the greatest percentage of the population of the political subdivision shall fill the vacancy in the manner provided by section 2 of this chapter.

As added by P.L.14-2004, SEC.169.

IC 3-13-7-3
County council

Sec. 3. (a) This section applies to a vacancy in a county council not covered by section 1 of this chapter.

(b) A vacancy shall be filled by a majority of the remaining members of the council at a regular or special meeting. The county auditor shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(c) If a vacancy occurs because of the death of a county council member, the county council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required under subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.438; P.L.119-2005, SEC.6.

IC 3-13-7-4
Vacating of office by incumbent pending outcome of election contest

Sec. 4. If, pending the outcome of an election contest, the incumbent vacates the office after the expiration of the incumbent's term, the vacancy shall be filled as are other vacancies under this chapter until the election is decided or the office is otherwise filled. This section does not affect the incumbent's right to hold over as

provided in Article 15, Section 3 of the Constitution of the State of Indiana.
As added by P.L.5-1986, SEC.9.

IC 3-13-7-5
Bond, oath, rights, and duties of person filling vacancy

Sec. 5. A person filling a vacancy under this chapter must give the same bond and take the same oath and has the same rights and duties as the official who vacated the office.
As added by P.L.5-1986, SEC.9.

IC 3-13-7-6
Term of office

Sec. 6. A person selected to fill a vacant office under this chapter holds the office for the remainder of the term.
As added by P.L.5-1986, SEC.9.

IC 3-13-8

Chapter 8. Vacancies in City Offices Not Held by a Major Party

IC 3-13-8-1

Vacancy in office last held by person elected or selected as candidate of major political party

Sec. 1. A vacancy in a city office (other than judge of a city court) that was last held by a person elected or selected as a candidate of a major political party of the state shall be filled by a caucus under IC 3-13-11.

As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.195.

IC 3-13-8-1.5

Meeting held before vacancy exists; notice of meeting

Sec. 1.5. A city clerk or city clerk-treasurer may give notice of a meeting under this chapter, and the meeting may be conducted under this chapter, before a vacancy in an office exists if the person holding the office has:

(1) submitted a written resignation under IC 5-8-3.5; or

(2) been elected to another office.

As added by P.L.219-2013, SEC.69.

IC 3-13-8-2

Office of judge of city court

Sec. 2. (a) As used in this section, "judge" refers to a judge of a city court.

(b) If a judge wishes to resign from office, the judge must resign as provided in IC 5-8-3.5.

(c) A vacancy that occurs because of the death of a judge may be certified to the governor under IC 5-8-6.

(d) A vacancy that occurs, other than by resignation or death of a judge, shall be certified to the governor by the circuit court clerk of the county in which the judge resided.

(e) A vacancy in the office of judge of a city court shall be filled by the governor. However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.439; P.L.119-2005, SEC.7.

IC 3-13-8-3

Office of mayor of first class city

Sec. 3. (a) This section applies to a vacancy in the office of mayor of a first class city not covered by section 1 of this chapter.

(b) The vacancy shall be filled by the city-county council at a regular or special meeting. The city clerk shall give notice of the meeting. Except as provided in subsection (d), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;
(2) state the purpose of the meeting;
(3) state the date, time, and place of the meeting; and
(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(c) The city clerk shall preside at the meeting but may not vote unless there is a tie vote among the members of the council. The council must appoint one (1) of its own members to the office. Until the vacancy is filled, the president of the council shall serve as acting mayor.

(d) If a vacancy exists because of the death of the mayor, the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the city clerk receives notice of the death under IC 5-8-6. The city clerk may not give the notice required by subsection (b) until the city clerk receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.440; P.L.119-2005, SEC.8.

IC 3-13-8-4
City-county council of first class city

Sec. 4. (a) This section applies to a vacancy in the city-county council of a first class city not covered by section 1 of this chapter.

(b) A vacancy shall be filled by a majority of the remaining members of the council at a regular or special meeting. The city clerk shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:
(1) be in writing;
(2) state the purpose of the meeting;
(3) state the date, time, and place of the meeting; and
(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(c) If a vacancy exists because of the death of a council member, the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the city clerk receives notice of the death under IC 5-8-6. The city clerk may not give the notice required by subsection (b) until the city clerk receives notice of the death under IC 5-8-6.

(d) The appointed member serves until a successor is elected and qualified at the next municipal or general election, whichever occurs first. The successor serves from noon January 1 following that election to noon January 1 following the next municipal election, as provided in IC 36-3-4-2. The persons appointed and elected must be resident voters in the district where the vacancy occurred, unless the vacancy occurred in an at large seat.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.441; P.L.5-1988, SEC.17; P.L.119-2005, SEC.9.

IC 3-13-8-5

Office of mayor of second class city

Sec. 5. (a) This section applies to a vacancy in the office of mayor of a second class city not covered by section 1 of this chapter.

(b) A vacancy shall be filled as follows:

(1) If the city has a deputy mayor, the deputy mayor assumes the office for the remainder of the unexpired term.

(2) If the city does not have a deputy mayor, the city controller assumes the office for the remainder of the unexpired term.

(3) If the city does not have a deputy mayor and the office of city controller is vacant, the common council shall fill the vacancy at a regular or special meeting.

(c) The city clerk shall give notice of the meeting required under subsection (b)(3). Except as provided in subsection (d), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(d) If a vacancy exists because of the death of the mayor, the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the city clerk receives notice of the death under IC 5-8-6. The city clerk may not give the notice required by subsection (c) until the city clerk receives notice of the death under IC 5-8-6.

(e) Until the vacancy is filled, the council shall designate one (1) of its members to serve as acting mayor.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.442; P.L.119-2005, SEC.10.

IC 3-13-8-6

Office of city clerk of second class city

Sec. 6. (a) This section applies to a vacancy in the office of city clerk of a second class city not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the mayor or acting mayor, subject to the approval of the common council. However, if a vacancy exists because of the death of the city clerk, the mayor or acting mayor may not fill the vacancy until the mayor or acting mayor receives notice of the death under IC 5-8-6.

(c) The common council shall vote on the question of approving the mayor or acting mayor's appointment at a regular or special meeting. The president of the common council shall give notice of the meeting, which shall be held not later than thirty (30) days after the appointment is made. The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.443; P.L.119-2005, SEC.11.

IC 3-13-8-7
Common council of second class city

Sec. 7. (a) This section applies to a vacancy in the common council of a second class city not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the remaining members of the council at a regular or special meeting. The city clerk shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;
(2) state the purpose of the meeting;
(3) state the date, time, and place of the meeting; and
(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(c) If a vacancy exists because of the death of a council member, the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the city clerk receives notice of the death under IC 5-8-6. The city clerk may not give the notice required by subsection (b) until the city clerk receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.444; P.L.119-2005, SEC.12.

IC 3-13-8-8
Office of mayor of third class city

Sec. 8. (a) This section applies to a vacancy in the office of mayor of a third class city not covered by section 1 of this chapter.

(b) A vacancy shall be filled as follows:

(1) If the city has a deputy mayor, the deputy mayor assumes the office for the remainder of the unexpired term.
(2) If the city does not have a deputy mayor, the common council shall fill the vacancy at a regular or special meeting.

(c) The city clerk-treasurer shall give notice of the meeting required under subsection (b)(2). Except as provided in subsection (d), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;
(2) state the purpose of the meeting;
(3) state the date, time, and place of the meeting; and
(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(d) If a vacancy exists because of the death of the mayor, the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the city clerk-treasurer receives notice of the death by IC 5-8-6. The city clerk-treasurer may not give the notice required by subsection (c) until the city clerk-treasurer

receives notice of the death under IC 5-8-6.

(e) Until the vacancy is filled, the council shall designate one (1) of its members to serve as acting mayor.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.445; P.L.119-2005, SEC.13.

IC 3-13-8-9

Office of city clerk-treasurer of third class city

Sec. 9. (a) This section applies to a vacancy in the office of city clerk-treasurer of a third class city not covered by section 1 of this chapter.

(b) The vacancy shall be filled by the mayor or acting mayor, subject to the approval of the common council. However, if a vacancy exists because of the death of the city clerk-treasurer, the mayor or acting mayor may not fill the vacancy until the mayor or acting mayor receives notice of the death under IC 5-8-6.

(c) The common council shall vote on the question of approving the mayor or acting mayor's appointment at a regular or special meeting. The mayor shall give notice of the meeting, which shall be held not later than thirty (30) days after the appointment is made. The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.446; P.L.119-2005, SEC.14.

IC 3-13-8-10

Common council of third class city

Sec. 10. (a) This section applies to a vacancy in the common council of a third class city not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the remaining members of the council at a regular or special meeting. The city executive may break any tie vote.

(c) The city clerk-treasurer shall give notice of the meeting. Except as provided in subsection (d), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(d) If a vacancy exists because of the death of a council member, the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the city clerk-treasurer receives notice of the death under IC 5-8-6. The city clerk-treasurer may not give the notice required by subsection (c) until the city clerk-treasurer receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.447; P.L.10-1988, SEC.196; P.L.119-2005, SEC.15.

IC 3-13-8-11
Vacating office by incumbent pending outcome of election contest

Sec. 11. If, pending the outcome of an election contest, the incumbent vacates the office after the expiration of the incumbent's term, the vacancy shall be filled as are other vacancies under this chapter until the election is decided or the office is otherwise filled. This section does not affect the incumbent's right to hold over as provided in Article 15, Section 3 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.9.

IC 3-13-8-12
Bond, oath, rights, and duties of person filling vacancy

Sec. 12. A person filling a vacancy under this chapter must give the same bond and take the same oath and has the same rights and duties as the official who vacated the office.

As added by P.L.5-1986, SEC.9.

IC 3-13-8-13
Term of office

Sec. 13. A person selected to fill a vacant office under this chapter holds the office for the remainder of the term, except as provided in section 4 of this chapter.

As added by P.L.5-1986, SEC.9.

IC 3-13-9

Chapter 9. Vacancies in Town Offices Not Held or Filled by a Major Party

IC 3-13-9-1

Vacancy of office held by candidate of major political party; filling by caucus

Sec. 1. A vacancy in a town office that was last held by a person elected or selected as a candidate of a major political party of the state shall be filled by a caucus under IC 3-13-11.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.448; P.L.10-1988, SEC.197.

IC 3-13-9-1.5

Meeting held before vacancy exists; notice of meeting

Sec. 1.5. A town clerk-treasurer or president of the town council may give notice of a meeting under this chapter, and the meeting may be conducted under this chapter, before a vacancy in an office exists if the person holding the office has:

(1) submitted a written resignation under IC 5-8-3.5; or

(2) been elected to another office.

As added by P.L.219-2013, SEC.70.

IC 3-13-9-2

Office of judge of town court

Sec. 2. (a) This section applies to a vacancy in the office of judge of a town court that is:

(1) not covered by section 1 of this chapter; or

(2) covered by section 1 of this chapter, but existing after the thirtieth day after:

(A) the vacancy occurs, if IC 5-8-6 does not apply; or

(B) the town clerk-treasurer receives the notice required under IC 5-8-6.

(b) A vacancy shall be filled by the town council at a regular or special meeting.

(c) The town clerk-treasurer shall give notice of the meeting. Except as provided in subsections (e) and (f), the meeting shall be held:

(1) not later than thirty (30) days after the vacancy occurs if the vacancy is not covered by section 1 of this chapter; or

(2) not later than sixty (60) days after the vacancy occurs if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.

(d) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(e) If a vacancy:

(1) is not covered by section 1 of this chapter; and
(2) exists because of the death of a judge;
the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the town clerk-treasurer receives notice of the death under IC 5-8-6. The town clerk-treasurer may not give the notice required by subsection (c) until the town clerk-treasurer receives notice of the death under IC 5-8-6.

(f) If a vacancy:
(1) is covered by section 1 of this chapter;
(2) exists because of the death of a judge; and
(3) exists for more than thirty (30) days;
the council shall meet and select an individual to fill the vacancy not later than sixty (60) days after the town clerk-treasurer receives notice of the death under IC 5-8-6. The town clerk-treasurer may not give the notice required by subsection (c) until the town clerk-treasurer receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.449; P.L.8-1989, SEC.9; P.L.4-1991, SEC.127; P.L.119-2005, SEC.16.

IC 3-13-9-3
Office of town clerk-treasurer

Sec. 3. (a) This section applies to a vacancy in the office of town clerk-treasurer:
(1) not covered by section 1 of this chapter; or
(2) covered by section 1 of this chapter, but existing after the thirtieth day after:
(A) the vacancy occurs, if IC 5-8-6 does not apply; or
(B) the president of the town council receives the notice required under IC 5-8-6.

(b) A vacancy shall be filled by the town council at a regular or special meeting.

(c) The president of the town council shall give notice of the meeting. Except as provided in subsections (e) and (f), the meeting shall be held:
(1) not later than thirty (30) days after the vacancy occurs if the vacancy is not covered by section 1 of this chapter; or
(2) not later than sixty (60) days after the vacancy occurs if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.

(d) The notice must:
(1) be in writing;
(2) state the purpose of the meeting;
(3) state the date, time, and place of the meeting; and
(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(e) If a vacancy:
(1) is not covered by section 1 of this chapter; and
(2) exists because of the death of the town clerk-treasurer;
the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the president of the town council

receives notice of the death under IC 5-8-6. The president of the town council may not give the notice required by subsection (c) until the president of the town council receives notice of the death under IC 5-8-6.

(f) If a vacancy:

(1) is covered by section 1 of this chapter;

(2) exists because of the death of the town clerk-treasurer; and

(3) exists for more than thirty (30) days;

the council shall meet and select an individual to fill the vacancy not later than sixty (60) days after the president of the town council receives notice of the death under IC 5-8-6. The president of the town council may not give the notice required by subsection (c) until the president of the town council receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.450; P.L.8-1989, SEC.10; P.L.4-1991, SEC.128; P.L.119-2005, SEC.17.

IC 3-13-9-4

Office of town council member

Sec. 4. (a) This section applies to a vacancy in the town council:

(1) not covered by section 1 of this chapter; or

(2) covered by section 1 of this chapter, but existing after the thirtieth day after:

(A) the vacancy occurs, if IC 5-8-6 does not apply; or

(B) the town clerk-treasurer receives the notice required under IC 5-8-6.

(b) The vacancy shall be filled by the remaining members of the council at a regular or special meeting.

(c) The town clerk-treasurer shall give notice of the meeting. Except as provided in subsections (e), (f), (g), and (h), the meeting shall be held:

(1) not later than thirty (30) days after the vacancy occurs if the vacancy is not covered by section 1 of this chapter; or

(2) not later than sixty (60) days after the vacancy occurs if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.

(d) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(e) If a vacancy:

(1) is not covered by subsection (f) or section 1 of this chapter; and

(2) exists because a circumstance has occurred under IC 36-5-2-6.5(3);

the town council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the town council determines that a circumstance has occurred under IC 36-5-2-6.5(3).

(f) If a vacancy:

(1) is not covered by subsection (e) or section 1 of this chapter; and

(2) exists because a circumstance has occurred under IC 36-5-2-6.5(2);

the town council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the town clerk-treasurer receives notice of the death under IC 5-8-6. The town clerk-treasurer may not give the notice required by subsection (c) until the town clerk-treasurer receives notice of the death under IC 5-8-6.

(g) If a vacancy:

(1) is covered by section 1 of this chapter and not covered by subsection (h);

(2) exists because a circumstance has occurred under IC 36-5-2-6.5(3); and

(3) exists for more than thirty (30) days;

the council shall meet and select an individual to fill the vacancy not later than sixty (60) days after the town council determines that a circumstance has occurred under IC 36-5-2-6.5(3).

(h) If a vacancy:

(1) is covered by section 1 of this chapter and not covered by subsection (g);

(2) exists because a circumstance has occurred under IC 36-5-2-6.5(2); and

(3) exists for more than thirty (30) days;

the council shall meet and select an individual to fill the vacancy not later than sixty (60) days after the town clerk-treasurer receives notice of the death under IC 5-8-6. The town clerk-treasurer may not give the notice required by subsection (c) until the town clerk-treasurer receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.451; P.L.8-1989, SEC.11; P.L.4-1991, SEC.129; P.L.174-2002, SEC.1; P.L.1-2003, SEC.7; P.L.119-2005, SEC.18.

IC 3-13-9-4.5

Office of town council member when more than 50% of seats are vacant

Sec. 4.5. (a) This section applies to a vacancy in the town council to be filled under section 4 of this chapter when more than fifty percent (50%) of the seats on the town council are vacant.

(b) The remaining member or a majority of the remaining members of the town council shall fill the vacancies under this chapter as the first item of business at a meeting of the town council even though a quorum would not then exist to conduct other town council business.

(c) If there are no remaining members of the town council in office or a tie vote occurs among the remaining members under subsection (b), the vacancies shall be filled by the town clerk-treasurer.

(d) If there are no remaining members of the town council and no

clerk-treasurer in office, the vacancies in the office of clerk-treasurer and town council shall be filled by the county chairman of the major political party of the state whose candidate for secretary of state received the most votes in the last election for that office in the precincts in which the town is wholly or partially located.
As added by P.L.3-1995, SEC.132.

IC 3-13-9-5
Vacating office by incumbent pending outcome of election contest

Sec. 5. If, pending the outcome of an election contest, the incumbent vacates the office after the expiration of the incumbent's term, the vacancy shall be filled as are other vacancies under this chapter until the election is decided or the office is otherwise filled. This section does not affect the incumbent's right to hold over as provided in Article 15, Section 3 of the Constitution of the State of Indiana.
As added by P.L.5-1986, SEC.9.

IC 3-13-9-5.5
Failure to elect town council member; incumbent holding over

Sec. 5.5. If no candidate was elected to the office of town council from a district, the incumbent council member holds office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified.
As added by P.L.4-1991, SEC.130.

IC 3-13-9-5.6
Failure to elect enough at-large town council members; determination of holdover council members; notice of meeting

Sec. 5.6. (a) If fewer town council members have been elected at large than there were members to be elected, the town council shall determine, not later than December 31 following the election, the incumbent council member or members who hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified. If a tie vote occurs during the vote to determine the members that continue to hold office, the town clerk-treasurer casts the deciding vote under IC 36-5-2-8.

(b) The town clerk-treasurer shall give notice of the meeting.

(c) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each member of the town council at least ten (10) days before the meeting.

As added by P.L.4-1991, SEC.131. Amended by P.L.38-1999, SEC.65.

IC 3-13-9-6
Bond, oath, rights, and duties of person filling vacancy

Sec. 6. A person filling a vacancy under this chapter must give the

same bond and take the same oath and has the same rights and duties as the official who vacated the office.
As added by P.L.5-1986, SEC.9.

IC 3-13-9-7
Term of office

Sec. 7. A person selected to fill a vacant office under this chapter holds the office for the remainder of the term.
As added by P.L.5-1986, SEC.9.

IC 3-13-10

Chapter 10. Vacancies in Township Offices Not Held by a Major Party

IC 3-13-10-1

Vacancy in office held by candidate of major political party

Sec. 1. A vacancy in a township office that was last held by a person elected or selected as a candidate of a major political party of the state shall be filled by a caucus under IC 3-13-11.

As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.198.

IC 3-13-10-1.5

Meeting held before vacancy exists; notice of meeting

Sec. 1.5. A county auditor may give notice of a meeting under this chapter, and the meeting may be conducted under this chapter, before a vacancy in an office exists if the person holding the office has:

(1) submitted a written resignation under IC 5-8-3.5; or

(2) been elected to another office.

As added by P.L.219-2013, SEC.71.

IC 3-13-10-2

Office of township trustee

Sec. 2. (a) A vacancy in the office of township trustee:

(1) not covered by section 1 of this chapter; or

(2) covered by section 1 of this chapter, but that exists after the thirtieth day after:

(A) the vacancy occurs, if IC 5-8-6 does not apply; or

(B) the county auditor receives the notice required under IC 5-8-6;

shall be filled by the board of commissioners of the county at a regular or special meeting.

(b) The county auditor shall give notice of the meeting.

(c) Except as provided in subsections (e) and (f), the meeting shall be held not later than:

(1) thirty (30) days after the vacancy occurs, if the vacancy is not covered by section 1 of this chapter; or

(2) not later than sixty (60) days after the vacancy occurs, if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.

(d) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each commissioner at least ten (10) days before the meeting.

(e) If the vacancy:

(1) is not covered by section 1 of this chapter; and

(2) exists because of the death of the township trustee;

the meeting required by subsection (c) shall be held not later than thirty (30) days after the county auditor receives notice of the death

under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

(f) If the vacancy:

(1) is covered by section 1 of this chapter;

(2) exists because of the death of the township trustee; and

(3) exists for more than thirty (30) days;

the meeting required under subsection (c) shall be held not later than sixty (60) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.452; P.L.14-2004, SEC.170; P.L.119-2005, SEC.19.

IC 3-13-10-3

Office of township assessor

Sec. 3. (a) This section applies to a vacancy in the office of township assessor not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the county assessor, subject to the approval of the department of local government finance. Except as provided in subsection (c), the county assessor shall make the appointment not later than thirty (30) days after the vacancy occurs. If the vacancy occurred because the elected township assessor failed to qualify or was removed, the person who is appointed must be of the same political party as the elected township assessor.

(c) If a vacancy exists because of the death of the township assessor, the county assessor shall make the appointment required by subsection (b) not later than thirty (30) days after the county assessor receives notice of the death under IC 5-8-6. The county assessor may not fill the vacancy as required by subsection (b) until the county assessor receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.453; P.L.90-2002, SEC.1; P.L.119-2005, SEC.20.

IC 3-13-10-4

Township board

Sec. 4. (a) A vacancy on the township board of a township:

(1) not covered by section 1 of this chapter; or

(2) covered by section 1 of this chapter, but that exists after the thirtieth day after:

(A) the vacancy occurs, if IC 5-8-6 does not apply; or

(B) the county chairman receives the notice required under IC 5-8-6;

shall be filled by the board of commissioners of the county at a regular or special meeting.

(b) The county auditor shall give notice of the meeting.

(c) Except as provided in subsections (e) and (f), the meeting shall be held:

(1) not later than thirty (30) days after the vacancy occurs, if the

vacancy is not covered by section 1 of this chapter; or

(2) not later than sixty (60) days after the vacancy occurs, if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.

(d) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each commissioner at least ten (10) days before the meeting.

(e) If a vacancy:

(1) is not covered by section 1 of this chapter; and

(2) exists because of the death of a township board member;

the meeting required by subsection (c) shall be held not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required under subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

(f) If a vacancy:

(1) is covered by section 1 of this chapter;

(2) exists because of the death of a township board member; and

(3) exists for more than thirty (30) days;

the meeting required by subsection (c) shall be held not later than sixty (60) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.8-1987, SEC.3; P.L.3-1987, SEC.454; P.L.14-2004, SEC.171; P.L.119-2005, SEC.21; P.L.194-2013, SEC.92.

IC 3-13-10-5

Office of judge or constable of small claims court

Sec. 5. (a) This section applies to a vacancy in the office of judge of a small claims court or small claims court constable not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the township board at a regular or special meeting. The chairman of the township board shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each board member at least ten (10) days before the meeting.

(c) If a vacancy exists because of the death of a judicial officer, the meeting required by subsection (b) shall be held not later than thirty (30) days after the chairman of the township board receives

notice of the death under IC 5-8-6. The chairman of the township board may not give the notice required by subsection (b) until the chairman of the township board receives notice of the death under IC 5-8-6.
As added by P.L.5-1986, SEC.9. Amended by P.L.8-1987, SEC.4; P.L.3-1987, SEC.455; P.L.119-2005, SEC.22.

IC 3-13-10-6
Vacating office by incumbent pending outcome of election contest
Sec. 6. If, pending the outcome of an election contest, the incumbent vacates the office after the expiration of the incumbent's term, the vacancy shall be filled as are other vacancies under this chapter until the election is decided or the office is otherwise filled. This section does not affect the incumbent's right to hold over as provided in Article 15, Section 3 of the Constitution of the State of Indiana.
As added by P.L.5-1986, SEC.9.

IC 3-13-10-6.5
Failure to elect enough township board members; determination of holdover board members; notice of meeting
Sec. 6.5. (a) If fewer candidates have been elected to the township board than there were members to be elected, the county executive shall determine, at a regular or special meeting, the incumbent board member or members that hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified.
(b) The county auditor shall give notice of the meeting, which shall be held as follows:
(1) Not earlier than the thirtieth day before the general election.
(2) Not later than December 31 following the general election.
(c) The notice must:
(1) be in writing;
(2) state the purpose of the meeting;
(3) state the date, time, and place of the meeting; and
(4) be sent by first class mail to each member of the county executive at least ten (10) days before the meeting.
As added by P.L.4-1991, SEC.132.

IC 3-13-10-7
Bond, oath, rights, and duties of person filling vacancy
Sec. 7. A person filling a vacancy under this chapter must give the same bond and take the same oath and has the same rights and duties as the official who vacated the office.
As added by P.L.5-1986, SEC.9.

IC 3-13-10-8
Term of office
Sec. 8. A person selected to fill a vacant office under this chapter holds the office for the remainder of the term.

As added by P.L.5-1986, SEC.9.

IC 3-13-11

Chapter 11. Caucus Procedure for Filling Vacancies in Certain Local Offices Held by Major Parties

IC 3-13-11-1

Sections requiring following of caucus procedure; appointments pro tempore

Sec. 1. The caucus procedure prescribed by this chapter for filling vacancies in local offices must be followed whenever required by IC 3-13-6-2, IC 3-13-6-3(a), IC 3-13-7-1, IC 3-13-8-1, IC 3-13-9-1, or IC 3-13-10-1. Selections made under this chapter (or under IC 3-2-9 before its repeal on March 4, 1986) are appointments pro tempore for the purposes of Article 2, Section 11 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.9. Amended by P.L.8-1986, SEC.5; P.L.15-1987, SEC.2; P.L.14-1988, SEC.2; P.L.3-1990, SEC.13; P.L.19-1995, SEC.2.

IC 3-13-11-2

Repealed

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

IC 3-13-11-3

Calling of caucus; withdrawal of resignation; when caucus to be held

Sec. 3. (a) Except as provided in subsections (b) and (e) and section 3.5 of this chapter, 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 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.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.456; P.L.10-1988, SEC.199; P.L.4-1991, SEC.133; P.L.3-1997, SEC.396; P.L.174-2002, SEC.2; P.L.119-2005, SEC.23; P.L.194-2013, SEC.93.

IC 3-13-11-3.5

Vacancy on town council because of member's residency; calling caucus; when caucus must be held

Sec. 3.5. (a) If a vacancy exists on a town council because a circumstance has occurred under IC 36-5-2-6.5(3), the caucus shall meet and select an individual to fill the vacancy not later than thirty (30) days after the county chairman receives a notice of the vacancy under IC 5-8-5.

(b) The county chairman shall:

(1) give notice of the caucus meeting to caucus members under section 4 of this chapter; and

(2) keep the notice of the vacancy with the records of the caucus.

As added by P.L.174-2002, SEC.3. Amended by P.L.1-2003, SEC.8; P.L.119-2005, SEC.24.

IC 3-13-11-4

Notice of caucus

Sec. 4. The notice for a caucus under section 3 of this chapter must:

(1) be in writing;

(2) state the name of the chairman of the caucus;

(3) state the purpose of the caucus;

(4) state the date, time, and place of the caucus; and

(5) be sent by first class mail to each member of the caucus at least ten (10) days before the caucus.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.457.

IC 3-13-11-5

Members of caucus; eligibility

Sec. 5. (a) To be eligible to be a member of a caucus under this chapter, a precinct committeeman must satisfy the following:

(1) Be a member of the same political party that elected or selected the person who vacated the office to be filled.

(2) Be the precinct committeeman of a precinct in which voters were eligible to vote for the person who vacated the office to be filled at the last election conducted or permitted for the office.

(3) Satisfy the other requirements of this section.

An elected precinct committeeman is eligible to participate in a

caucus called under this chapter, regardless of when the vacancy in the office occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter if the precinct committeeman was a precinct committeeman thirty (30) days before the vacancy occurred.

(c) If fewer than two (2) persons are eligible to be members of a caucus under this section, the county chairman entitled to give notice of a caucus under section 3 of this chapter shall fill the vacancy, no later than thirty (30) days after the vacancy occurs. A chairman acting under this subsection is not required to conduct a caucus.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.458; P.L.10-1988, SEC.200; P.L.5-1989, SEC.68; P.L.3-1993, SEC.227; P.L.38-1999, SEC.66; P.L.176-1999, SEC.116; P.L.26-2000, SEC.29.

IC 3-13-11-6
Chairman of caucus

Sec. 6. The county chairman:

(1) of the county in which the greatest percentage of the population of the election district is located; and

(2) of the same political party that elected or selected the official who vacated the office to be filled;

(or an individual designated by the county chairman) is the chairman of a caucus held under this chapter. The chairman is not eligible to vote in the caucus unless the chairman is also a member of the caucus.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.459; P.L.10-1988, SEC.201; P.L.225-2011, SEC.86.

IC 3-13-11-7
Required filings for pro tempore appointment

Sec. 7. (a) This section does not apply to a vacancy filled by a county chairman under section 5(c) of this chapter.

(b) A person who wishes to be a candidate for pro tempore appointment to fill a vacancy under this chapter must file:

(1) a declaration of candidacy with the chairman of the caucus; and

(2) a statement of economic interests with the commission on judicial qualifications if the vacancy is in the office of prosecuting attorney;

at least seventy-two (72) hours before the time fixed for the caucus.

As added by P.L.5-1986, SEC.9. Amended by P.L.8-1986, SEC.6; P.L.5-1989, SEC.69; P.L.19-1995, SEC.3; P.L.38-1999, SEC.67.

IC 3-13-11-8
Caucus rules of procedure; tie vote; effect of lack of quorum

Sec. 8. (a) Except as provided in this chapter, the caucus shall establish the caucus rules of procedure. The chairman shall break any tie vote that occurs in the caucus.

(b) If a quorum required under the rules of a meeting held under this chapter is not present, the county chairman shall fill the vacancy that exists in the local office.

As added by P.L.5-1986, SEC.9. Amended by P.L.8-1986, SEC.7; P.L.3-1987, SEC.460; P.L.96-2012, SEC.6.

IC 3-13-11-9

Voting by proxy

Sec. 9. (a) Except as provided in this section, voting by proxy is not permitted in a caucus held under this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a local office who also served as a precinct committeeman.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy, regardless of when the vacancy occurred, if the vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(d) If a vice committeeman is not eligible under subsection (c), the vice committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the vacancy occurred.

As added by P.L.5-1986, SEC.9. Amended by P.L.8-1986, SEC.8; P.L.3-1987, SEC.461; P.L.10-1988, SEC.202; P.L.3-1995, SEC.133; P.L.26-2000, SEC.30; P.L.199-2001, SEC.27.

IC 3-13-11-10

Selection of person to fill vacancy; secret ballot

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. The selection shall be conducted by secret ballot.

As added by P.L.5-1986, SEC.9. Amended by P.L.8-1986, SEC.9; P.L.3-1987, SEC.462.

IC 3-13-11-11

Certification of pro tempore appointment results; forwarding certificates; filing certificates

Sec. 11. (a) No later than noon five (5) days after:

(1) the selection required by section 10 of this chapter; or

(2) a selection under section 5(c) of this chapter;
the chairman shall certify the pro tempore appointment results to the circuit court clerk of the county in which the greatest percentage of the population of the election district is located.

(b) This subsection applies to the selection of an individual for an appointment pro tempore as judge of a town court, prosecuting attorney, circuit court clerk, county auditor, county recorder, county treasurer, county sheriff, county coroner, or county surveyor. The clerk shall forward a copy of the certificate to the election division. The election division shall prepare a commission for issuance under IC 4-3-1-5 in the same manner that the election division prepares a commission following the election of an individual to the office.

(c) This subsection applies to the selection of an individual for an appointment pro tempore to a local office not described in subsection (b). The clerk shall file the certificate in the clerk's office in the same manner as certificates of election are filed. Within twenty-four (24) hours after the certificate is filed, the clerk shall issue a copy of the certificate to the individual named in the certificate.

As added by P.L.5-1986, SEC.9. Amended by P.L.8-1986, SEC.10; P.L.10-1988, SEC.203; P.L.5-1989, SEC.70; P.L.38-1999, SEC.68; P.L.26-2000, SEC.31.

IC 3-13-11-12

Chief deputy employee except for office of judge; assumption of duties during vacancy

Sec. 12. (a) This section does not apply to the office of a judge.

(b) Subject to sections 13 through 17 of this chapter, the chief deputy employee of the office that is vacant assumes the duties of that office for the period of time between when a vacancy occurs and when the office is filled under this chapter in a circuit, county, city, town, or township office.

As added by P.L.5-1986, SEC.9. Amended by P.L.14-2004, SEC.172.

IC 3-13-11-13

Chief deputy employee except for office of judge; appointment if position declined, person ineligible, or position not established

Sec. 13. (a) This section does not apply to the office of a judge.

(b) In accordance with section 12 of this chapter, if a chief deputy employee does not exist in a circuit or county office, or the chief deputy employee declines or is ineligible to serve, the board of county commissioners shall appoint, as soon as is reasonably possible, a person to assume the duties of the office until the office is filled under this chapter.

(c) If a circuit contains more than one (1) county, the boards of county commissioners of the counties shall meet in joint session at the county seat of the county that contains the greatest percentage of population of the circuit to appoint an individual under this section.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1993, SEC.228; P.L.14-2004, SEC.173.

IC 3-13-11-14
City controller assumes duty of mayor if position of deputy mayor not established in first or second class city

Sec. 14. In accordance with section 12 of this chapter, if the position of deputy mayor is not established by ordinance in a first class or second class city, the city controller assumes the duties of mayor until the office is filled under this chapter.
As added by P.L.5-1986, SEC.9.

IC 3-13-11-15
President pro tempore of common council assumes duty of mayor if position of deputy mayor not established in third class city

Sec. 15. In accordance with section 12 of this chapter, if the position of deputy mayor is not established by ordinance in a third class city, the president pro tempore of the common council assumes the duties of mayor until the office is filled under this chapter.
As added by P.L.5-1986, SEC.9.

IC 3-13-11-16
Appointment to office of clerk or clerk-treasurer if chief deputy position not established, person ineligible, or position declined

Sec. 16. In accordance with section 12 of this chapter, if a chief deputy employee does not exist in the office of clerk or clerk-treasurer of a city or town, or the chief deputy employee declines or is ineligible to serve, the mayor of the city or the president of the town council shall appoint, as soon as is reasonably possible, a person to assume the duties of the office until the office is filled under this chapter.
As added by P.L.5-1986, SEC.9. Amended by P.L.8-1989, SEC.12; P.L.3-1993, SEC.229; P.L.14-2004, SEC.174.

IC 3-13-11-17
Circumstances in which township board chairman assumes duties of township office except for office of judge or township board member

Sec. 17. (a) This section does not apply to the office of a judge or a township board member.

(b) In accordance with section 12 of this chapter, if a chief deputy employee does not exist in a township office or the chief deputy employee declines or is ineligible to serve, the chairman of the township board assumes the duties of the township office until the office is filled under this chapter.
As added by P.L.5-1986, SEC.9. Amended by P.L.8-1987, SEC.5; P.L.3-1993, SEC.230; P.L.14-2004, SEC.175.

IC 3-13-11-18
Rights and duties of person assuming duties of vacant office

Sec. 18. A person who assumes the duties of a vacant office under this chapter has all of the office's rights and duties. Except as provided in IC 3-13-6, the person serves for the remainder of the

unexpired term.
As added by P.L.5-1986, SEC.9. Amended by P.L.38-1999, SEC.69.

IC 3-13-11-19
Vacancies; candidates eligible for pro tempore appointment

Sec. 19. The person who last held a vacated office may not be a candidate for pro tempore appointment to fill a vacancy in that office under this chapter for the remainder of the term.
As added by P.L.8-1986, SEC.11.

IC 3-13-11-20
Vacancies; authority to fill

Sec. 20. Except as expressly provided in this article, if a person:

(1) is authorized to fill a vacancy in office or to determine which incumbent continues to hold an office under IC 3-13-9-5.6 or IC 3-13-10-6.5; and

(2) fails to fill the vacancy or determine which incumbent continues to hold office before the deadline prescribed by statute;

the person retains the authority to fill the vacancy or to determine which incumbent continues to hold office.
As added by P.L.3-1997, SEC.397.

IC 3-13-11-21
Applicability of provisions concerning temporary filling of vacancy

Sec. 21. Sections 12 through 20 of this chapter apply to a vacancy in an office to be filled under:

(1) this chapter; or

(2) IC 3-13-6, IC 3-13-7, IC 3-13-8, IC 3-13-9, or IC 3-13-10.

As added by P.L.3-1997, SEC.398.

IC 3-14

ARTICLE 14. OFFENSES

IC 3-14-1

Chapter 1. Campaign Violations

IC 3-14-1-1

Defacing, falsifying, or destroying declarations, requests, petitions, or certificates

Sec. 1. A person who knowingly:

(1) falsely makes or fraudulently defaces or destroys a declaration of candidacy, request for ballot placement under IC 3-8-3, certificate or petition of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, or a part of the declaration, request, petition, or certificate;

(2) files a declaration of candidacy, request for ballot placement under IC 3-8-3, certificate or petition of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, knowing any part thereof to be falsely made;

(3) refuses to execute a certificate of nomination or candidate selection when required by this title to do so and knowing that the candidate has been nominated or selected;

(4) if the document is listed in subdivision (1), refuses to:

(A) receive the document; or

(B) record the date and time the document was received;

when presented in accordance with this title; or

(5) suppresses a declaration of candidacy, request for ballot placement under IC 3-8-3, petition or certificate of nomination, recount petition or cross-petition, contest petition, or certificate of candidate selection, that has been duly filed, or any part of the declaration, request, petition, or certificate;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.204; P.L.158-2013, SEC.4.

IC 3-14-1-2

Printing, publishing, or distributing of slate during primary campaign without authority

Sec. 2. (a) A person who:

(1) prints, publishes, or distributes a slate during a primary election campaign without authority from and:

(A) over the name of an organization of voters, including the name of the organization and its officers; or

(B) if it is not an organized group of voters, over the names of at least ten (10) voters in the political subdivision in which the primary election is being held;

together with the name of the printer who printed the slate;

(2) prints on a slate during a primary election campaign the

name or number of a candidate without the candidate's written consent; or

(3) prints, publishes, or distributes a slate during a primary election campaign unless at least five (5) days before it is printed and published the written consent of the voters over whose names it is published and the written consent of the candidates in whose behalf it is distributed are filed in the office of the county election board in each county where the election is held;

commits a Class A misdemeanor.

(b) As used in this section, "slate" means a sample ballot, reproduction of an official ballot, or a listing of candidates:

(1) having the names or numbers of more than one (1) candidate for nomination at a primary election; and

(2) that expresses support for more than one (1) of the candidates set forth on the ballot or list.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.463; P.L.10-1988, SEC.205; P.L.3-1997, SEC.399.

IC 3-14-1-3
Circulation or publication of anonymous campaign material

Sec. 3. An individual, an organization, or a committee that circulates or publishes material in an election without the statement required under IC 3-9-3-2.5 commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.206; P.L.5-1989, SEC.71; P.L.3-1997, SEC.400.

IC 3-14-1-4
Repealed

(Repealed by P.L.3-1997, SEC.475.)

IC 3-14-1-5
Repealed

(Repealed by P.L.5-1989, SEC.120.)

IC 3-14-1-6
Solicitation, challenge, or performance of election function by state police department employee, police officer, or firefighter

Sec. 6. (a) A state police department employee or a police officer or firefighter (including a special duty, auxiliary, or volunteer police officer or firefighter) of a political subdivision who recklessly:

(1) solicits votes or campaign funds;

(2) challenges voters; or

(3) performs any other election related function;

while wearing any identifying insignia or article of clothing that is part of an official uniform or while on duty commits a Class A misdemeanor.

(b) This section does not prohibit any of the following:

(1) A state police department civilian employee from voting while on duty.

(2) A police officer or firefighter from voting while wearing any part of an official uniform or while on duty.
(3) An individual described in subsection (a) from consenting to a photograph (or other visual depiction) of the individual wearing any part of the individual's official uniform appearing in an advertisement in support of a candidate or political party.
(4) An individual from serving as a pollbook holder under IC 3-6-6-36.
(5) A police officer wearing any identifying insignia or article of clothing that is part of an official uniform or while on duty from serving as an absentee ballot courier appointed under IC 3-11.5-4-22.

As added by P.L.5-1986, SEC.10. Amended by P.L.16-1987, SEC.1; P.L.12-1989, SEC.1; P.L.3-1997, SEC.401; P.L.176-1999, SEC.117.

IC 3-14-1-7
Collection, receipt, or disbursement of money or property by committee without appointment of treasurer

Sec. 7. A committee subject to IC 3-9 or any of its members that recklessly collects, receives, keeps, or disburses money or other property to promote any activity to which IC 3-9 applies without appointing and maintaining a treasurer as required by IC 3-9-1 commits a Class B misdemeanor.

As added by P.L.5-1986, SEC.10.

IC 3-14-1-8
Repealed

(Repealed by P.L.3-1995, SEC.157.)

IC 3-14-1-9
Repealed

(Repealed by P.L.3-1995, SEC.157.)

IC 3-14-1-10
Excess contributions by corporation or labor organization

Sec. 10. A corporation or labor organization that recklessly exceeds any of the limitations on contributions prescribed by IC 3-9-2-4 commits a Class B misdemeanor.

As added by P.L.5-1986, SEC.10.

IC 3-14-1-10.5
Acceptance of contributions in excess of permitted amounts by certain judges

Sec. 10.5. (a) A person who recklessly violates IC 33-33-2-11 by accepting contributions that exceed the amount permitted under that section commits a Class B misdemeanor.

(b) A person described by subsection (a) is also subject to a civil penalty under IC 3-9-4-17. The county election board may assess a penalty of not more than three (3) times the amount of the contribution that exceeds the limit prescribed by IC 33-33-2-11, plus

any investigative costs incurred and documented by the board.
As added by P.L.3-1997, SEC.402. Amended by P.L.98-2004, SEC.44.

IC 3-14-1-11
Contributions in the name of another person

Sec. 11. A person who:

(1) recklessly makes a contribution in the name of another person; or

(2) knowingly accepts a contribution made by one person in the name of another person;

commits a Class B misdemeanor.
As added by P.L.5-1986, SEC.10.

IC 3-14-1-12
Repealed

(Repealed by P.L.3-1995, SEC.157.)

IC 3-14-1-13
Filing fraudulent reports

Sec. 13. A person who knowingly files a report required by IC 3-9 that is fraudulent commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.5.

IC 3-14-1-14
Failure to file required report

Sec. 14. A person who fails to file a report with the proper office as required by IC 3-9 commits a Class B misdemeanor.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.465.

IC 3-14-1-14.5
Commingling committee funds with personal funds

Sec. 14.5. A person who recklessly violates IC 3-9-2-9(c) by commingling the funds of a committee with the personal funds of an officer, a member, or an associate of the committee commits a Class B misdemeanor.
As added by P.L.3-1993, SEC.231.

IC 3-14-1-15
Repealed

(Repealed by P.L.3-1995, SEC.157.)

IC 3-14-1-16
Violation of IC 3-9-3-4

Sec. 16. A person who knowingly or intentionally violates IC 3-9-3-4 commits a Class A infraction.
As added by P.L.13-1987, SEC.3.

IC 3-14-1-17
"Government employee"

Sec. 17. (a) As used in this section, "government employee" refers to any of the following:

(1) An employee of the state.

(2) An employee of a political subdivision.

(3) A special state appointee (as defined in IC 4-2-6-1).

(4) An employee of a charter school (as defined in IC 20-24-1-4).

(b) As used in this section, "government employer" refers to the state or a political subdivision.

(c) As used in this section, "property" refers only to the following:

(1) Equipment, goods, and materials, including mail and messaging systems.

(2) Money.

(d) A government employee may not knowingly or intentionally use the property of the employee's government employer to do any of the following:

(1) Solicit a contribution.

(2) Advocate the election or defeat of a candidate.

(3) Advocate the approval or defeat of a public question.

(e) A government employee may not knowingly or intentionally distribute campaign materials advocating:

(1) the election or defeat of a candidate; or

(2) the approval or defeat of a public question;

on the government employer's real property during regular working hours.

(f) This section does not prohibit the following:

(1) Activities permitted under IC 6-1.1-20.

(2) A government employee from carrying out administrative duties under the direction of an elected official who is the government employee's supervisor.

(g) A government employee who knowingly or intentionally performs several actions described in subsection (d) or (e) in a connected series that are closely related in time, place, and circumstance may be charged with only one (1) violation of this section for that connected series of actions.

(h) A government employee who violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

As added by P.L.258-2013, SEC.85. Amended by P.L.219-2013, SEC.72; P.L.168-2014, SEC.2.

IC 3-14-2

Chapter 2. Vote Fraud

IC 3-14-2-1

Fraudulent application for registration or absentee ballot; fraudulent voting

Sec. 1. A person who knowingly does any of the following commits a Level 6 felony:

(1) Conspires with an individual for the purpose of encouraging the individual to submit a false application for registration.

(2) Conspires with an individual for the purpose of encouraging the individual to vote illegally.

(3) Pays or offers to pay an individual for doing any of the following:

(A) Applying for an absentee ballot.

(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Voting.

(4) Accepts the payment of any property for doing any of the following:

(A) Applying for an absentee ballot.

(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Voting.

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.21; P.L.158-2013, SEC.6.

IC 3-14-2-2

Fraudulent application for registration or procurement of registration

Sec. 2. A person who, knowing the person is not a voter and will not be a voter at the next election, applies for registration or procures registration as a voter commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10.

IC 3-14-2-2.5

Solicitation for fraudulent absentee ballot application

Sec. 2.5. A person who does either of the following, knowing that an individual is ineligible to register to vote or to vote, commits absentee ballot fraud, a Level 6 felony:

(1) Solicits the individual to complete an absentee ballot application.

(2) Solicits the individual to submit an absentee ballot application to a county election board.

As added by P.L.103-2005, SEC.22. Amended by P.L.158-2013, SEC.7.

IC 3-14-2-3

Fraudulent subscription of another person's name

Sec. 3. A person who:

(1) subscribes the name of another person to an affidavit of registration, a petition of nomination, a declaration of candidacy, or application for an absentee ballot knowing that the affidavit, petition, declaration, or application contains a false statement; or

(2) subscribes the name of another person to an affidavit of registration, a petition of nomination, a declaration of candidacy, or application for an absentee ballot without writing on it the person's own name and address as an attesting witness;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.23; P.L.194-2013, SEC.94; P.L.158-2013, SEC.8; P.L.168-2014, SEC.3.

IC 3-14-2-4

Registering to vote more than once

Sec. 4. A person who recklessly registers or offers to register to vote more than once commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10.

IC 3-14-2-5

Destruction or failure to file or deliver registration form or absentee ballot application after execution

Sec. 5. (a) A person who recklessly destroys or fails to deliver an absentee ballot application to the proper officer in accordance with IC 3-11-4 after the application has been executed by another individual in accordance with IC 3-11-4 commits a Class A misdemeanor.

(b) A person who recklessly destroys or fails to file or deliver to the proper officer a registration affidavit or form of registration in accordance with IC 3-7 after the affidavit or form has been executed commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.24; P.L.194-2013, SEC.95.

IC 3-14-2-6

Unauthorized release or removal of registration materials or information

Sec. 6. A person who knowingly, intentionally, or recklessly releases or removes any registration materials or information contained in the computerized list maintained under IC 3-7-26.3 from the county voter registration office, except when release or removal is necessary:

(1) to comply with IC 3-7; or

(2) for the destruction of the materials under IC 5-15-6;

commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10. Amended by P.L.12-1995, SEC.87; P.L.4-1996, SEC.87; P.L.209-2003, SEC.192; P.L.164-2006, SEC.131.

IC 3-14-2-7
Withholding information or furnishing false information to poll taker; return of false names or names of deceased persons

Sec. 7. A person who knowingly:

(1) upon the demand of a poll taker, withholds any information from the poll taker with regard to the qualifications of a voter or person not entitled to vote;

(2) furnishes to a poll taker any false information with regard to the qualifications of any person for voting; or

(3) returns to the poll taker as voters any false names or the names of any persons who are dead or are not voters;

commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10.

IC 3-14-2-8
Return of names of ineligible, fictitious, or deceased persons by poll taker

Sec. 8. A poll taker who knowingly returns:

(1) the name of a person who is not entitled to vote in the precinct for which the poll is taken at the next election;

(2) a fictitious name; or

(3) the name of a dead person;

commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10.

IC 3-14-2-9
Unregistered or unauthorized voting

Sec. 9. A person who knowingly votes or offers to vote at an election when the person is not registered or authorized to vote commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.9.

IC 3-14-2-10
Voting by ineligible persons

Sec. 10. A person who recklessly votes at an election, unless the person is a registered voter under the requirements of IC 3-7 at the time of the election, commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10.

IC 3-14-2-11
Voting in other precincts; making false statements concerning name, address, or voter identification number

Sec. 11. (a) A person who knowingly votes or offers to vote in a precinct except the one in which the person is registered and resides commits a Level 6 felony, except when permitted under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

(b) A person who knowingly makes a false statement concerning the name, address, or voter identification number of the person by:

(1) signing a person's signature on a poll list to affirm false information concerning a voter printed on the poll list; or

(2) making a written or oral affirmation under IC 3-7-39-7, IC 3-10-1-24, or IC 3-11-8-25.1 to provide false information concerning a voter in addition to the information concerning the voter printed on the poll list;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.466; P.L.10-1988, SEC.208; P.L.17-1993, SEC.17; P.L.12-1995, SEC.88; P.L.194-2013, SEC.96; P.L.158-2013, SEC.10; P.L.168-2014, SEC.4.

IC 3-14-2-12

Voting or applying to vote in false name and own name

Sec. 12. A person who:

(1) knowingly votes or makes application to vote in an election in a name other than the person's own; or

(2) having voted once at an election, knowingly applies to vote at the same election in the person's own name or any other name;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.11.

IC 3-14-2-13

Hiring or soliciting an ineligible person to vote in a precinct

Sec. 13. A person who knowingly hires or solicits another person to go into a precinct for the purpose of voting at an election at the precinct when the person hired or solicited is not a voter in the precinct commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.25; P.L.158-2013, SEC.12.

IC 3-14-2-14

Precinct officer or public official allowing ineligible voters or unauthorized procedure

Sec. 14. A precinct election officer or public official upon whom a duty is imposed by this title who knowingly:

(1) allows a person to vote who is not entitled to vote; or

(2) allows a person to vote by use of an unauthorized procedure;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.13.

IC 3-14-2-15

Unauthorized delivery of ballots

Sec. 15. A member, an employee, or an agent of a county election board who knowingly delivers a ballot to a person except in the manner prescribed by this title commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.8-1995, SEC.65; P.L.103-2005, SEC.26; P.L.158-2013, SEC.14.

IC 3-14-2-16

Ballots; fraudulent application, showing, examination, receipt, possession, completion, or delivery

Sec. 16. A person who knowingly does any of the following commits a Level 6 felony:

(1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.

(2) Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.

(3) Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.

(4) Receives from a voter a ballot prepared by the voter for voting, except:

(A) the inspector;

(B) a member of the precinct election board temporarily acting for the inspector;

(C) a member or an employee of a county election board (acting under the authority of the board and state law) or an absentee voter board member acting under IC 3-11-10; or

(D) a member of the voter's household, an individual designated as attorney in fact for the voter, or an employee of:

(i) the United States Postal Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(5) Receives a ballot from a person other than one (1) of the poll clerks or authorized assistant poll clerks.

(6) Delivers a ballot to a voter to be voted, unless the person is:

(A) a poll clerk or authorized assistant poll clerk; or

(B) a member of a county election board or an absentee voter board acting under IC 3-11-10.

(7) Delivers a ballot (other than an absentee ballot) to an inspector that is not the ballot the voter receives from the poll clerk or assistant poll clerk.

(8) Delivers an absentee ballot to a team of absentee ballot counters appointed under IC 3-11.5-4-22, a county election board, a circuit court clerk, or an absentee voting board under IC 3-11-10 that is not the ballot cast by the absentee voter.

(9) Delivers an absentee ballot prepared by the voter for voting to a county election board, except for:

(A) the inspector;

(B) a member of the precinct election board temporarily acting for the inspector;

(C) a member or an employee of a county election board

(acting under the authority of the board and in accordance with state law) or an absentee voter board member acting under IC 3-11-10; or

(D) a member of the voter's household or an individual designated as attorney in fact for the voter, an employee of:

(i) the United States Postal Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(10) Possesses an unmarked absentee ballot on or before the date of the election for which the absentee ballot has been printed, unless the person is authorized to possess the absentee ballot under this title as any of the following:

(A) A printer, when arranging for the delivery of unmarked absentee ballots to a county election board under IC 3-11-2.

(B) A county election board member or employee (acting under the authority of the board and in accordance with state law).

(C) An absentee voter board member.

(D) An employee of:

(i) the United States Postal Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot.

(E) An individual authorized under IC 3-11-10-24 to deliver an absentee ballot.

(F) An absentee ballot counter under IC 3-11.5.

(G) A provisional ballot counter.

(H) A precinct election officer.

(I) The voter who applied for the absentee ballot.

(11) Completes or signs an absentee ballot application for a voter, or assists a voter in completing an absentee ballot application in violation of IC 3-11.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.467; P.L.5-1989, SEC.73; P.L.3-1993, SEC.232; P.L.19-1993, SEC.3; P.L.4-1996, SEC.88; P.L.38-1999, SEC.70; P.L.103-2005, SEC.27; P.L.158-2013, SEC.15.

IC 3-14-2-17

Marking ballot to indicate to another person how voter has voted

Sec. 17. A voter at an election who knowingly writes or places on a ballot a name, sign, or device as a distinguishing mark by which to indicate to any other person how the voter has voted commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.16.

IC 3-14-2-18
Disclosure of voter's vote to another

Sec. 18. A voter who knowingly:

(1) does anything to enable any other person to see or know for what ticket, candidates, or public questions the voter has voted; or

(2) moves into a position, or does any other thing, to enable the voter to see or know for what ticket, candidates, or public questions any other voter votes;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.209; P.L.103-2005, SEC.28; P.L.221-2005, SEC.134; P.L.158-2013, SEC.17.

IC 3-14-2-19
Forgery of official ballot endorsement; printing or circulating imitation ballot

Sec. 19. (a) A person who knowingly:

(1) forges or falsely makes the official endorsement of a ballot; or

(2) prints or circulates an imitation ballot;

commits a Level 6 felony.

(b) This section does not prohibit the printing or circulation of a sample ballot or a reproduction of an official ballot if the sample or reproduction complies with IC 3-9-3-2.5 and the printing or circulation does not violate IC 3-14-1-2.

As added by P.L.5-1986, SEC.10. Amended by P.L.66-2003, SEC.51; P.L.158-2013, SEC.18.

IC 3-14-2-20
Deceptive registration of vote

Sec. 20. A person who knowingly:

(1) deceives a voter in registering the voter's vote under IC 3-11-8; or

(2) registers a voter's vote in a way other than as requested by the voter;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.468; P.L.158-2013, SEC.19.

IC 3-14-2-21
Fraudulent inducement to vote other than as intended

Sec. 21. A person who fraudulently causes a voter at an election to vote for a person different from the one the voter intended to vote for or on a public question different from the vote the voter intended to cast commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.469; P.L.10-1988, SEC.210; P.L.158-2013, SEC.20.

IC 3-14-2-22

False representation of ballot to non-English speaking voter

Sec. 22. A person who knowingly furnishes a voter who cannot read the English language with a ballot at an election that the person represents to the voter as containing a name different from the one printed or written on it commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.470; P.L.158-2013, SEC.21.

IC 3-14-2-23

Opening, destruction, or unauthorized delivery of ballots by custodian of ballots

Sec. 23. A person entrusted with the custody of ballots who knowingly:

(1) opens a package in which the ballots are contained;

(2) destroys a ballot; or

(3) delivers such a package or ballot to a person not entitled to receive it;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.22.

IC 3-14-2-24

Removal or destruction of ballots; false entries in poll book; false tallying

Sec. 24. A person who:

(1) takes a ballot legally deposited out of a ballot box or out of a voting system for the purpose of destroying the ballot or substituting another ballot in its place;

(2) destroys or misplaces a ballot with the intent to substitute another ballot for it or with the intent to prevent it from being counted; or

(3) knowingly enters upon the pollbooks the name of a person who has not legally voted or knowingly tallies a vote for a candidate or on a public question not voted for by the ballot;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.211; P.L.103-2005, SEC.29; P.L.158-2013, SEC.23.

IC 3-14-2-25

Marking or defacing ballots by precinct election board member or authorized election personnel

Sec. 25. A member of a precinct election board or county election board, a person employed at the central counting headquarters, or a person charged with a duty in connection with an election or entrusted with the custody or control of a ballot either before or after voting who marks or defaces a ballot for the purpose of:

(1) identifying the ballot (except by numbering protested ballots for future reference as provided by law); or

(2) vitiating the ballot;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.24.

IC 3-14-2-26
Tampering with ballot container, voting system component, or contents

Sec. 26. A person who:

(1) during the progress of an election or within the time for preparation required under this title, knowingly breaks open or violates the seal or lock of a ballot box, envelope, container, bag, or voting system component in which ballots have been deposited;

(2) knowingly obtains a ballot box, envelope, container, bag, or voting system component that contains ballots and cancels, withholds, or destroys a ballot;

(3) knowingly increases or decreases the number of ballots legally deposited in a ballot box, envelope, container, bag, or voting system component; or

(4) knowingly makes a fraudulent erasure or alteration on a tally sheet, poll book, list of voters, or election return deposited in a ballot box, envelope, bag, or voting system component;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.471; P.L.103-2005, SEC.30; P.L.158-2013, SEC.25.

IC 3-14-2-27
Fraudulent recording of votes; false statement, certificate, or return of vote

Sec. 27. A precinct election officer at the close of the polls, an absentee ballot counter acting under IC 3-11.5-5 or IC 3-11.5-6, or a provisional ballot counter acting under IC 3-11.7-5 who knowingly:

(1) causes the vote to be incorrectly taken down for a candidate or public question; or

(2) makes a false statement, certificate, or return of any kind of that vote;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.472; P.L.3-1993, SEC.233; P.L.19-1993, SEC.4; P.L.126-2002, SEC.89; P.L.158-2013, SEC.26.

IC 3-14-2-28
Fraudulent alteration of election return; intentional destruction of poll book or tally; fraudulent alteration of vote as returned

Sec. 28. A person who:

(1) with intent to defraud, alters an election return;

(2) knowingly destroys, misplaces, or loses a poll book or tally sheet; or

(3) with intent to defraud, alters the vote of a candidate or on a public question as returned by the county election board or its employees;

commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.212; P.L.158-2013, SEC.27.

IC 3-14-2-29
Inspecting voting system without authorization

Sec. 29. A person who knowingly inspects a voting system under IC 3-12-4-18 without:

(1) the adoption of an order under IC 3-12-4-18 to conduct the inspection; or

(2) the filing of an order adopted under IC 3-12-4-18 with the secretary of state;

commits a Level 6 felony.
As added by P.L.3-1987, SEC.473. Amended by P.L.103-2005, SEC.31; P.L.194-2013, SEC.97; P.L.158-2013, SEC.28; P.L.168-2014, SEC.5.

IC 3-14-2-30
Violations

Sec. 30. A person who knowingly votes at a town convention in violation of IC 3-8-5-11(c) commits a Class A misdemeanor.
As added by P.L.167-2001, SEC.9.

IC 3-14-3

Chapter 3. Interference With Free and Equal Elections

IC 3-14-3-1

Repealed

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

IC 3-14-3-1.1

Procuring or submission of false, fictitious, or fraudulent registration application; procuring, casting, or tabulating false, fictitious, or fraudulent ballot

Sec. 1.1. A person who knowingly does any of the following commits a Level 6 felony:

(1) Procures or submits voter registration applications known by the person to be materially false, fictitious, or fraudulent.

(2) Procures, casts, or tabulates ballots known by the person to be materially false, fictitious, or fraudulent.

As added by P.L.103-2005, SEC.32. Amended by P.L.158-2013, SEC.29.

IC 3-14-3-2

Failure to cast or return ballot in authorized manner

Sec. 2. A person who, having procured an official ballot, knowingly fails to cast or return it in the prescribed manner commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10.

IC 3-14-3-3

Interference with watcher's duties

Sec. 3. A person who knowingly:

(1) interferes with a watcher;

(2) prevents a watcher from performing the watcher's duties;

(3) otherwise violates:

(A) IC 3-6-8-3;

(B) IC 3-6-8-4;

(C) IC 3-6-8-5;

(D) IC 3-6-8-6;

(E) IC 3-6-9; or

(F) IC 3-6-10; or

(4) violates IC 3-11-13-44(d);

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.5-1989, SEC.74; P.L.2-1998, SEC.9; P.L.221-2005, SEC.135; P.L.158-2013, SEC.30.

IC 3-14-3-4

Obstruction of, interference with, or injury of voter or election officer

Sec. 4. (a) A person who:

(1) knowingly obstructs or interferes with an election officer in the discharge of the officer's duty; or

(2) knowingly obstructs or interferes with a voter within the chute;

commits a Level 6 felony.

(b) A person who knowingly injures an election officer or a voter:

(1) in the exercise of the officer's or voter's rights or duties; or

(2) because the officer or voter has exercised the officer's or voter's rights or duties;

commits a Level 6 felony.

(c) A person called as a witness to testify against another for a violation of this section is a competent witness to prove the offense even though the person may have been a party to the violation. The person shall be compelled to testify as other witnesses. However, the person's evidence may not be used against the person in a prosecution growing out of matters about which the person testifies, and the person is not liable to indictment or information for the offense.

As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.33; P.L.158-2013, SEC.31.

IC 3-14-3-5

Tampering with voting system

Sec. 5. A precinct election officer who, with the intent to cause or permit a ballot card voting system or an electronic voting system to fail to correctly register all votes cast, tampers with or disarranges the system or any part of it commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.474; P.L.221-2005, SEC.136; P.L.158-2013, SEC.32.

IC 3-14-3-6

Allowing inaccurately adjusted voting system to be used

Sec. 6. A precinct election officer who permits a ballot card voting system or an electronic voting system to be used for voting at an election, with knowledge of the fact that the system is not in order or not perfectly set and adjusted so that it will correctly register all votes cast, commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.475; P.L.221-2005, SEC.137; P.L.158-2013, SEC.33.

IC 3-14-3-7

Removal, change, or mutilation of voting system ballot label to deceive voter

Sec. 7. An inspector or poll clerk in a precinct who, for the purpose of:

(1) deceiving a voter;

(2) causing it to be doubtful for what ticket, candidate, or public question a vote is cast; or

(3) causing it to appear that votes cast for one (1) ticket, candidate, or public question were cast for another ticket, candidate, or public question;

removes, changes, or mutilates a voting system or any part of a

voting system commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.103-2005, SEC.34; P.L.158-2013, SEC.34.

IC 3-14-3-8
Damaging, disarranging, or tampering with voting system

Sec. 8. A person other than a precinct election officer who knowingly, before or during an election:

(1) damages, disarranges, or tampers with a ballot card system or an electronic voting system; or

(2) damages a ballot label placed or to be placed on the electronic voting system, or any other appliance used in connection with the ballot card voting system or electronic voting system;

commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.476; P.L.221-2005, SEC.138; P.L.158-2013, SEC.35.

IC 3-14-3-9
Failure to receive vote of legal voter

Sec. 9. A person who knowingly fails to receive the vote of a legal voter at an election commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.477; P.L.158-2013, SEC.36.

IC 3-14-3-10
Removal, defacing, or destruction of supplies or instruction cards from voting booth; removal or destruction of voting booth

Sec. 10. A person who during an election recklessly:

(1) removes or destroys any of the supplies or other conveniences placed in the voting booths or delivered to the voter for the purpose of enabling a voter to prepare a ballot;

(2) removes or defaces the cards printed for the instruction of the voters; or

(3) removes or destroys a voting booth, railing, or other convenience provided for the election;

commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.478; P.L.158-2013, SEC.37.

IC 3-14-3-11
Tampering with marking device, ballot, or record or equipment; interference with operation or secrecy of voting

Sec. 11. A person who recklessly:

(1) tampers with or damages a marking device, ballot, or other record or equipment used in an election;

(2) interferes with the correct operation of such a device or equipment; or

(3) interferes with the secrecy of voting;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.38.

IC 3-14-3-12
Leaving poll with ballot or ballot marking device

Sec. 12. A voter who recklessly attempts to leave the polls with a ballot, the pencil, or other marking device used in marking ballots in the voter's possession commits a Class A misdemeanor. A voter who attempts to leave the polls with a ballot, pencil, or other marking device in the voter's possession shall be arrested at once on demand of any member of the precinct election board.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.479.

IC 3-14-3-13
Removal of ballot or marking device from polls; possession outside polls

Sec. 13. A person who during an election knowingly:

(1) removes a ballot, pencil, or other marking device from the polls; or

(2) possesses outside the polls a ballot, pencil, or other marking device either genuine or counterfeit;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.480; P.L.158-2013, SEC.39.

IC 3-14-3-14
Printers; unauthorized printing or delivery of ballots

Sec. 14. A printer of the ballots for an election, or person employed in printing the ballots, who knowingly:

(1) delivers a ballot to a person other than a county election board for which the ballots are being printed;

(2) prints a ballot in any form other than the one prescribed by law; or

(3) prints a ballot containing any names, spellings, or arrangements other than as authorized by the commission or a county election board;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1997, SEC.403; P.L.225-2011, SEC.87; P.L.158-2013, SEC.40.

IC 3-14-3-15
Unauthorized entries at polls

Sec. 15. A person not authorized by this title who recklessly:

(1) enters the polls;

(2) enters within the railing leading from the challenge window or door to the entrance of the polls without having been passed by the challengers or having been sworn in; or

(3) remains within the polls or within the chute in violation of IC 3-11-8-15 or IC 3-11-8-16;

commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1997, SEC.404; P.L.14-2004, SEC.176.

IC 3-14-3-16
Electioneering

Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. The term includes wearing or displaying an article of clothing, sign, button, or placard that states the name of any political party or includes the name, picture, photograph, or other likeness of any currently elected federal, state, county, or local official. The term does not include expressing support or opposition to a candidate or a political party or expressing approval or disapproval of a public question in:

(1) material mailed to a voter; or

(2) a telephone or an electronic communication with a voter.

(b) A person who knowingly does any electioneering:

(1) on election day within:

(A) the polls; or

(B) the chute;

(2) within an area in the office of the circuit court clerk or a satellite office of the circuit court clerk established under IC 3-11-10-26.3 used by an absentee voter board to permit an individual to cast an absentee ballot; or

(3) except for a voter who is:

(A) the person's spouse;

(B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as defined in IC 29-3-1-6); or

(C) a member of the person's household;

in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law;

commits a Class A misdemeanor.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1997, SEC.405; P.L.66-2003, SEC.52; P.L.14-2004, SEC.177; P.L.103-2005, SEC.35; P.L.164-2006, SEC.132; P.L.194-2013, SEC.98.

IC 3-14-3-17
Inducement of votes by board member or precinct election officer prohibited

Sec. 17. A member of a precinct election board, a precinct election officer, or a member of an absentee voter board who knowingly induces or persuades a voter to vote for a candidate or for or against a public question while acting as a board member or precinct election officer commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.481; P.L.10-1988, SEC.213; P.L.3-1997, SEC.406; P.L.158-2013,

SEC.41.

IC 3-14-3-18
Actions to unlawfully influence voter or candidate

Sec. 18. (a) As used in this section, "candidate" includes an individual whom the person knows is considering becoming a candidate.

(b) A person who, for the purpose of influencing a voter or candidate, does any of the following commits a Level 6 felony:

(1) Seeks to enforce the payment of a debt by force or threat of force.

(2) Ejects or threatens to eject the voter or candidate from a house the voter or candidate occupies.

(3) Begins a criminal prosecution.

(4) Damages the business or trade of the voter or candidate.

(5) Communicates a threat to commit a forcible felony (as defined in IC 35-31.5-2-138) against a voter or candidate with the intent that the voter or candidate:

(A) engage in conduct against the voter's or candidate's will; or

(B) be placed in fear of retaliation for a prior lawful act as a voter or candidate.

As added by P.L.5-1986, SEC.10. Amended by P.L.176-1999, SEC.118; P.L.103-2005, SEC.36; P.L.114-2012, SEC.6; P.L.158-2013, SEC.42.

IC 3-14-3-19
Inducing votes by gift or offer to compensate

Sec. 19. A person who, for the purpose of inducing or procuring another person to:

(1) apply for or cast an absentee ballot; or

(2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention;

gives, offers, or promises to any person any money or other property commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.482; P.L.103-2005, SEC.37; P.L.158-2013, SEC.43.

IC 3-14-3-20
Acceptance or solicitation of compensation to induce or procure votes

Sec. 20. A person who, for the purpose of inducing or procuring a voter to:

(1) apply for or cast an absentee ballot; or

(2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention;

receives, accepts, requests, or solicits from any person any money or other property commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.483; P.L.103-2005, SEC.38; P.L.158-2013, SEC.44.

IC 3-14-3-20.5
Conspiracy to secure fraudulent registration or absentee ballot application

Sec. 20.5. (a) This section does not apply to activity subject to 18 U.S.C. 1341.

(b) An individual who knowingly:

(1) conspires to obtain property the individual would be entitled to receive as compensation for serving as an elected official by securing false or fraudulent absentee ballot applications or voter registration applications; and

(2) for the purpose of executing the conspiracy:

(A) causes the applications to be sent or delivered by a private or commercial carrier operating entirely within Indiana; or

(B) takes or receives from the private or commercial carrier the false or fraudulent applications, or causes the applications to be delivered by the carrier to another person;

commits a Level 6 felony.

As added by P.L.103-2005, SEC.39. Amended by P.L.158-2013, SEC.45.

IC 3-14-3-21
Influencing political opinions or actions of employees in the workplace

Sec. 21. A person who:

(1) pays employees the salary or wages due in pay envelopes upon which there is printed or in which there is enclosed a political motto, device, or argument containing threats intended or calculated to influence the political opinions or actions of the employees; or

(2) exhibits in the workplace of the person's employees a handbill or placard containing a threat, notice, or information that, if a particular ticket, candidate, or public question is elected, approved, or defeated:

(A) work in the person's place or establishment will cease in whole or in part;

(B) the person's establishment will be closed; or

(C) the wages of the employees will be reduced;

or that is otherwise intended or calculated to influence the political opinions or actions of the employees;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.484; P.L.10-1988, SEC.214; P.L.158-2013, SEC.46.

IC 3-14-3-21.5
Voter intimidation

Sec. 21.5. A person who knowingly or intentionally intimidates,

threatens, or coerces an individual for:

(1) voting or attempting to vote;

(2) urging or aiding another individual to vote or attempt to vote; or

(3) exercising any power or duty under this title concerning registration or voting;

commits voter intimidation, a Level 6 felony.

As added by P.L.103-2005, SEC.40. Amended by P.L.158-2013, SEC.47.

IC 3-14-3-22

Repealed

(Repealed by P.L.11-1992, SEC.5.)

IC 3-14-3-23

Violation of IC 3-6-11-5 or IC 3-6-11-7; classification

Sec. 23. A proprietor, a manager, or an association of co-owners who violates IC 3-6-11-5 or IC 3-6-11-7 commits a Class C infraction.

As added by P.L.7-1990, SEC.51.

IC 3-14-3-24

Violation of IC 3-6-11-7.5; classification

Sec. 24. An organization that violates IC 3-6-11-7.5 commits a Class C infraction.

As added by P.L.7-1990, SEC.52.

IC 3-14-4

Chapter 4. Procedural Violations by Election Officers

IC 3-14-4-1

Unlawfully serving as precinct election board member

Sec. 1. A person who knowingly serves as a member of a precinct election board in violation of IC 3-6-6 commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.486; P.L.158-2013, SEC.48.

IC 3-14-4-2

Inspectors; negligent or knowing failure to appear at election board's office

Sec. 2. An inspector who negligently or knowingly fails to appear at the county election board's office in person or by representative as required by IC 3-11-3 commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.487; P.L.158-2013, SEC.49.

IC 3-14-4-3

Omission in performance of required duties

Sec. 3. A precinct election officer or public official upon whom a duty is imposed by this title who knowingly omits to perform the duty commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.50.

IC 3-14-4-3.5

Voter registration information violations

Sec. 3.5. A circuit court clerk, a member of a board of registration, a county official, or another person responsible for maintaining computerized voter registration information who recklessly fails to comply with IC 3-7-26.3 more than thirty (30) days after being required to perform a duty under IC 3-7-26.3 commits a Class B misdemeanor.

As added by P.L.3-1993, SEC.234. Amended by P.L.12-1995, SEC.89; P.L.3-1995, SEC.135; P.L.209-2003, SEC.193; P.L.164-2006, SEC.133.

IC 3-14-4-4

Allowing observance of voter preparing ballot

Sec. 4. A member of a precinct election board who recklessly allows a booth or compartment in which a voter is preparing a ballot to be used:

(1) without a screen; or

(2) with a screen arranged so as not to shield the preparation of the ballot from observation;

commits a Level 6 felony.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.488; P.L.158-2013, SEC.51.

IC 3-14-4-5
Repealed
(Repealed by P.L.5-1989, SEC.120.)

IC 3-14-4-6
Deposit of ballots not initialed or ballots externally defaced
Sec. 6. An inspector, or person acting in the inspector's behalf, who knowingly deposits:
(1) a ballot upon which the initials of the poll clerks or authorized assistant poll clerks do not appear; or
(2) a ballot on which appears externally a distinguishing mark or defacement;
commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.490; P.L.158-2013, SEC.52.

IC 3-14-4-7
Disclosure of how voter voted or information regarding appearance of ballot voted
Sec. 7. A member of a precinct election board or a person otherwise entitled to the inspection of the ballots who knowingly:
(1) reveals to another person how a voter has voted; or
(2) gives information concerning the appearance of any ballot voted;
commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.158-2013, SEC.53.

IC 3-14-4-8
Opening or marking ballot or ascertaining how voter voted
Sec. 8. A member of a precinct election board, an absentee ballot counter appointed under IC 3-11.5-4-22, or a provisional ballot counter appointed under IC 3-11.7-3 who knowingly:
(1) opens or marks, by folding or otherwise, a ballot presented by a voter, except as provided by law; or
(2) tries to find out how the voter voted before the ballot is deposited in the ballot box or cast on a ballot card voting system or an electronic voting system or counted by the absentee ballot counter;
commits a Level 6 felony.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1987, SEC.491; P.L.3-1993, SEC.235; P.L.19-1993, SEC.5; P.L.126-2002, SEC.90; P.L.221-2005, SEC.139; P.L.158-2013, SEC.54.

IC 3-14-4-9
Disclosure of votes or electioneering
Sec. 9. An election officer who knowingly:
(1) discloses to a person the name of a candidate for whom a voter has voted or how a voter voted on a public question; or
(2) does any electioneering on election day;

commits a Class A misdemeanor.
As added by P.L.5-1986, SEC.10. Amended by P.L.10-1988, SEC.215; P.L.66-2003, SEC.53.

IC 3-14-4-10
Provision of information concerning absentee vote count before closing of polls

Sec. 10. A person who knowingly violates:
(1) IC 3-11.5-5;
(2) IC 3-11.5-6;
(3) IC 3-12-2-1;
(4) IC 3-12-3-14; or
(5) IC 3-12-3.5-7;

by providing any other person with information concerning the number of votes a candidate received for an office or cast to approve or reject a public question on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a Level 6 felony.
As added by P.L.3-1993, SEC.236 and P.L.19-1993, SEC.6. Amended by P.L.3-1995, SEC.136; P.L.221-2005, SEC.140; P.L.158-2013, SEC.55.

IC 3-14-5

Chapter 5. Enforcement Provisions

IC 3-14-5-1

Affidavit against illegal voter

Sec. 1. (a) This section applies during an election whenever a voter makes an affidavit before the inspector in a precinct that a person who has voted is an illegal voter in the precinct. This section does not apply to an affidavit executed by an individual who:

(1) is subject to the requirements set forth in IC 3-7-33-4.5;

(2) is challenged solely as a result of the individual's inability or refusal to comply with IC 3-7-33-4.5; and

(3) subsequently complies with IC 3-7-33-4.5 before the close of the polls on election day.

(b) Immediately after the close of the polls the inspector shall deliver the affidavit to the county election board for delivery by the prosecuting attorney for the county to the grand jury under section 2 of this chapter. The prosecuting attorney for the county shall:

(1) proceed as if the affidavit had been made before the prosecuting attorney; and

(2) ensure that the grand jury notifies the NVRA official under section 2 of this chapter if a violation of NVRA appears to have occurred.

As added by P.L.5-1986, SEC.10. Amended by P.L.12-1995, SEC.90; P.L.2-1996, SEC.207; P.L.3-1997, SEC.407; P.L.230-2005, SEC.66.

IC 3-14-5-2

Affidavits; packaging, sealing, endorsing, and delivery to grand jury; inquiry by grand jury

Sec. 2. (a) Each precinct election board shall, at the close of the polls, place all affidavits prescribed by this title for use on election day to determine the eligibility of a precinct election officer (or a person who wishes to cast a ballot) in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

(b) The inspector and judge of the opposite political party shall deliver the sealed bag or envelope to the county election board. The county election board shall do the following:

(1) Remove the affidavits from the bag or envelope.

(2) Mail a copy of each affidavit to the secretary of state.

(3) Replace the affidavits within the bag or envelope.

(4) Reseal the bag or envelope with the endorsement of the name of each county election board member on the back of the bag or envelope.

(5) Carefully preserve the resealed bag or envelope and deliver it, with the county election board's seal unbroken, to the foreman of the grand jury when next in session.

(c) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.

(d) The grand jury shall file a report of the result of its inquiry with:

(1) the court; and

(2) the NVRA official if a violation of NVRA appears to have occurred.

As added by P.L.5-1986, SEC.10. Amended by P.L.12-1995, SEC.91; P.L.2-1996, SEC.208; P.L.3-1997, SEC.408; P.L.230-2005, SEC.67.

IC 3-14-5-3

Duty to report violations to prosecuting attorney and violator; presentation to grand jury

Sec. 3. (a) This section does not apply to a violation of NVRA or IC 3-7.

(b) The commission and each county election board shall report a violation of this title as a felony or misdemeanor to the appropriate prosecuting attorney and the alleged violator.

(c) The commission and boards may have the report transmitted and presented to the grand jury of the county in which the violation was committed at its first session after making the report and at subsequent sessions that may be required. The commission and boards shall furnish the grand jury any evidence at their command necessary in the investigation and prosecution of the violation.

As added by P.L.5-1986, SEC.10. Amended by P.L.12-1995, SEC.92; P.L.2-1996, SEC.209; P.L.81-2005, SEC.31.

IC 3-14-5-4

Prosecution of violators

Sec. 4. In addition to the duties prescribed by IC 33-39, the prosecuting attorney of each circuit shall prosecute each resident of the circuit who the prosecutor believes has violated IC 3-14-1-7, IC 3-14-1-10, IC 3-14-1-13, IC 3-14-1-14, or IC 3-14-1-14.5 in any circuit of the state.

As added by P.L.5-1986, SEC.10. Amended by P.L.3-1995, SEC.137; P.L.3-1997, SEC.409; P.L.98-2004, SEC.45.

IC 3-14-5-5

Indictment or information; allegations

Sec. 5. When an election offense is committed, an indictment or information for the offense is sufficient if it alleges that the election was authorized by law without stating the names of the officers holding the election, the candidates voted for, or the offices filled at the election.

As added by P.L.5-1986, SEC.10.

IC 3-14-5-6

Criminal prosecutions; self-incrimination defense not available to witness

Sec. 6. In a criminal prosecution for violation of IC 3-14-1-7, IC 3-14-1-10, IC 3-14-1-13, IC 3-14-1-14, or IC 3-14-1-14.5, a witness, except the person who is accused and on trial, may not be

excused from answering a question or producing a book, paper, or other thing on the ground that the witness' answer or the thing to be produced may tend to incriminate the witness or render the witness liable to a penalty. However, the witness' answer or the thing produced by the witness may not be used in a proceeding against the witness, except in a prosecution for perjury in so testifying.
As added by P.L.5-1986, SEC.10. Amended by P.L.3-1995, SEC.138; P.L.3-1997, SEC.410.

IC 3-14-5-7
Informants; immunity

Sec. 7. If a person who has given or received money or other property to or from another person for the purpose of influencing any voter's vote at an election informs upon and testifies against the person receiving or giving the money in a criminal prosecution, the person informing and testifying may not be prosecuted in connection with the transaction.
As added by P.L.5-1986, SEC.10.

IC 3-14-5-8
Person convicted of vote fraud felony or Class A misdemeanor; ineligibility to continue or obtain employment or contract with municipality or school corporation; attorney general petition; injunction; civil penalty

Sec. 8. (a) As used in this section, "governmental entity" refers to any of the following:

(1) A city.
(2) A town.
(3) A school corporation.
(4) An agency of a governmental entity referred to in any of subdivisions (1) through (3).

(b) As used in this section, "date of conviction" refers to the date when:

(1) in a jury trial, a jury publicly announces a verdict against a person for a felony or Class A misdemeanor;
(2) in a bench trial, the court publicly announces a verdict against a person for a felony or Class A misdemeanor; or
(3) in a guilty plea hearing, a person pleads guilty or nolo contendere to a felony or Class A misdemeanor.

(c) A person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for a governmental entity shall not:

(1) continue employment with;
(2) obtain future employment with;
(3) contract with; or
(4) be a subcontractor under a contract with;

any governmental entity for at least twenty (20) years after the date of conviction.

(d) For at least twenty (20) years after the person's date of conviction, a governmental entity may not:

(1) employ;

(2) offer employment to;

(3) contract with; or

(4) maintain a contractual relationship when a subcontractor is;

a person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for any governmental entity.

(e) If:

(1) a person was employed by a governmental entity;

(2) the person was convicted under IC 3-14-2 of a felony or Class A misdemeanor relating to an election for an office for a governmental entity;

(3) the person's employment with the governmental entity was discontinued under subsection (c) or (d); and

(4) the person's conviction is reversed, vacated, or set aside;

the governmental entity shall reemploy the person in the same position the person held before the person's conviction or in another position equivalent in benefits, pay, and working conditions to the position the person held before the person's conviction, and the person is entitled to receive any salary or other remuneration that the person would have received if the person's employment had not been discontinued under subsection (c) or (d).

(f) The attorney general may petition a court with jurisdiction for an injunction against a person who violates subsection (c) or a governmental entity that violates subsection (d).

(g) The attorney general may petition a court with jurisdiction to impose a civil penalty of not more than one thousand dollars ($1,000) on a person who violates subsection (c).

As added by P.L.164-2006, SEC.134.

IC 3-14-6
Chapter 6. Election Profiteering

IC 3-14-6-1
Repealed
(Repealed by P.L.164-2006, SEC.143.)

IC 3-14-6-1.1
Grant of request for voter information to be used in prohibited manner; second offense
Sec. 1.1. (a) A person who grants a request for voter registration information under IC 3-7-26.3 or IC 3-7-27 with knowledge that the information will be used in a manner prohibited by IC 3-7-26.3 or IC 3-7-27 commits a Class B infraction.
(b) A person who has previously received a judgment for committing an infraction under this section and knowingly, intentionally, or recklessly violates this section a second time commits a Level 6 felony.
As added by P.L.209-2003, SEC.195. Amended by P.L.164-2006, SEC.135; P.L.158-2013, SEC.56.

IC 3-14-6-2
Use of voter registration information for solicitation; infraction; misdemeanor
Sec. 2. (a) This section does not apply to:
(1) political activities; or
(2) political fundraising activities.
(b) A person who uses voter registration information obtained under IC 3-7-26.3 or IC 3-7-27 to solicit the sale of merchandise, goods, services, or subscriptions commits a Class B infraction.
(c) The court shall:
(1) keep a record; and
(2) send a copy of the record to the prosecuting attorney of the county in which the infraction proceeding was tried;
of a judgment for an infraction proceeding tried under this section.
(d) A person who:
(1) has previously received a judgment for committing an infraction under this section; and
(2) knowingly or intentionally uses voter registration information in violation of this section;
commits a Class A misdemeanor.
As added by P.L.13-1992, SEC.4. Amended by P.L.12-1995, SEC.94; P.L.3-1997, SEC.412; P.L.209-2003, SEC.196; P.L.164-2006, SEC.136.