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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE ENROLLED ACT No. 466

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-3, AS AMENDED BY P.L.221-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. "Ballot" means:

(1) the paper ballot prepared, printed, and supplied for use at an election;

(2) the ballot label **or electronic display** 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.

SECTION 2. IC 3-5-2-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. "Polls" means the room in a structure where the voters of a precinct vote by casting ballots **on election day.**

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

(1) the secretary of state or the election division; or

(2) a circuit court clerk or a political subdivision.

(b) **Notwithstanding IC 4-1-2-2,** if the final day 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.

SECTION 4. IC 3-5-4-8, AS AMENDED BY P.L.194-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Except as provided in subsection (e), but notwithstanding any other statute, whenever the ~~commission~~ **election division** acts under ~~IC 3-6-4.1-14~~ **IC 3-6-4.2-12** 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~~ **election division** to comply with this title after the effective date of the ~~commission's~~ **election division'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~~ **election division** 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~~ **election division** 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~~ **election division** 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~~ **election division** 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~~ **federal law** or this title; and

(2) ~~commission~~ **election division** 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~~ **election division** determines is used primarily by the election division. The ~~commission~~ **election division** 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.

(g) A form approved by the commission under this section before July 1, 2015, is considered to be approved by the election division without any further action by the election division being required.

SECTION 5. IC 3-5-5-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.3. Notwithstanding any other law, the additions and amendments to IC 3-5-2 or this chapter made by legislation enacted in the 2015 regular session of the general assembly do not affect any:**

(1) rights or liabilities accrued;

(2) penalties incurred;

(3) violations committed; or

(4) proceedings begun;

before July 1, 2015. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if the legislation had not been enacted.

SECTION 6. IC 3-5-5-7, AS AMENDED BY P.L.258-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. **(a)** Subject to section 6 of this chapter, a person does not gain residency in a precinct ~~into~~ **in** which the person ~~moves~~ **is physically present** for:

(1) temporary employment;

(2) educational purposes, **except as provided in subsection (b);**

(3) preparing to purchase or occupy a residence; or

(4) other purposes;

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

(b) The following apply to a student attending a postsecondary educational institution in Indiana:

(1) A student who applies to register to vote shall state the student's residence address.

(2) A student has only one (1) residence for purposes of this title.

(3) A student may state the student's residence as either of the following, but not both:

(A) The address where the student lives when the student attends the postsecondary educational institution where the student pursues the student's education.

(B) The address where the student lives when the student is not attending the postsecondary educational institution where the student pursues the student's education.

SECTION 7. IC 3-5-8-2.5, AS ADDED BY P.L.103-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.5. (a) The ~~commission~~ **election division** 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~~ **election division** 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.

SECTION 8. IC 3-6-4.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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)~~ **(3)** 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.

SECTION 9. IC 3-6-4.2-12, AS AMENDED BY HEA 1138-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 52 U.S.C. 20302(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 52 U.S.C. 20302(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 (52 U.S.C. 21001 through 52 U.S.C. 21006) and this title, and appoint members of the committee established under 52 U.S.C. 21005.

(7) Submit reports required under 52 U.S.C. 21008 to the federal Election Assistance Commission concerning the use of federal

funds under Title II, Subtitle D, Part I of HAVA.

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

SECTION 10. IC 3-6-6-37, AS AMENDED BY P.L.230-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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) A precinct election officer is not entitled to receive credentials as a challenger, pollbook holder, or watcher. Except as provided in IC 3-11-8-10.5, which permits a poll clerk to maintain a list of voters to make available to a watcher or pollbook holder, or under any provision of IC 3-11-8 that permits a precinct election officer to challenge a voter as part of the official duties of the precinct election officer, a precinct election officer while serving as a precinct election officer may not perform the functions of a challenger, pollbook holder, or watcher.

~~(c)~~ **(d)** 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.

SECTION 11. IC 3-6-8-4, AS AMENDED BY P.L.221-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. 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 **(except when a precinct election officer enters a confidential login or password to obtain access to an electronic poll book or to operate a voting system).**

(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.

SECTION 12. IC 3-6-8-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7. A political party may appoint up to two (2) watchers under this chapter for each satellite office established under IC 3-11-10-26.3. A watcher appointed under this section is entitled to:**

(1) enter, leave, and reenter the satellite office at any time the office is open;

(2) inspect the voting systems before absentee ballots are received at the satellite office each day;

(3) inspect the work being done by any elected official, absentee board member, or county employee at the satellite office (except when an individual enters a confidential login or password to obtain access to an electronic poll book or the statewide voter registration system or to operate a voting system used for absentee voting); and

(4) witness any proceeding of the county election board or an absentee voting board at the satellite office.

SECTION 13. IC 3-6-9-13, AS AMENDED BY P.L.221-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 **(except when a precinct election officer enters a confidential login or password to obtain access to an electronic poll book or to operate a voting system).**

(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.

SECTION 14. IC 3-6-10-5.5, AS AMENDED BY P.L.221-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 **(except when a precinct election officer enters a confidential login or password to obtain access to an electronic poll book**

or to operate a voting system).

(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.

SECTION 15. IC 3-7-11-3, AS AMENDED BY HEA 1138-2015, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 52 U.S.C. 20510(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 **electronic mail, if a usable electronic mail address is available, or 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.

SECTION 16. IC 3-7-12-27, AS AMENDED BY P.L.258-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** 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.

SECTION 17. IC 3-7-13-12, AS AMENDED BY P.L.1-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **may** 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,~~ **incomplete.** 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.

SECTION 18. IC 3-7-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The ~~commission~~ **election division** shall prescribe the design of the registration form required under section 5 of this chapter.

SECTION 19. IC 3-7-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The ~~commission~~ **election division** shall prescribe the design of the registration form for each office listed in section 2 of this chapter.

SECTION 20. IC 3-7-15-5, AS AMENDED BY HEA 1138-2015,

SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** under IC 3-7-31 and in compliance with 52 U.S.C. 20506(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 52 U.S.C. 20506(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.".

SECTION 21. IC 3-7-16-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. The ~~commission~~ **election division** shall prescribe the design of the registration form to

be used under this chapter.

SECTION 22. IC 3-7-16-12, AS AMENDED BY HEA 1138-2015, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** under IC 3-7-31 and in compliance with 52 U.S.C. 20506(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 52 U.S.C. 20506(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.

SECTION 23. IC 3-7-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** may prescribe forms to implement this chapter.

SECTION 24. IC 3-7-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The ~~commission~~ **election division** shall prescribe the design of the registration form to be used under this chapter.

SECTION 25. IC 3-7-18-4, AS AMENDED BY HEA 1138-2015, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** under IC 3-7-31 and in compliance with 52 U.S.C. 20506(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 52 U.S.C. 20506(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.".

SECTION 26. IC 3-7-22-3, AS AMENDED BY HEA 1138-2015, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. As provided in 52 U.S.C. 20505(a)(2) and 52 U.S.C. 21083, a county voter registration office shall accept and use a mail voter registration form prescribed by the ~~commission~~ **election division** that complies with 52 U.S.C. 20508(b)(2), 52 U.S.C. 21083, and this article.

SECTION 27. IC 3-7-26.3-33, AS ADDED BY P.L.258-2013, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 33. (a) The computerized list must have the capacity to receive vote history and other information from an electronic ~~pollbook~~ **poll book** 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:

(1) the voter's registration application; **or**

(2) a more recent signature of a voter from an absentee application, poll list electronic poll book, or registration document;

if available, to be downloaded in connection with a voter's record on any electronic poll ~~list~~ **book** certified by the secretary of state under IC 3-11-18.1-12.

(c) The computerized list must have the capacity to receive the uploading of voter registration signatures from electronic poll books and assign each signature to the record of the corresponding voter.

SECTION 28. IC 3-7-26.3-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 34. Beginning not later than January 7, 2016, the secretary of state and the co-directors of the**

election division shall provide the information regarding:

(1) the location of polling places and vote center locations; and

(2) the names of candidates who will appear on ballots in an election;

necessary for Indiana to participate in the Voting Information Project sponsored by The Pew Charitable Trusts.

SECTION 29. IC 3-7-26.4-4, AS AMENDED BY P.L.225-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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.

(e) The election division may provide the registration information described in section 8 of this chapter, including an individual's voting history, as follows:

(1) To states and local governments in states that are implementing the voter list maintenance program described in IC 3-7-38.2-5.

(2) Upon written request, to law enforcement officials conducting an investigation.

SECTION 30. IC 3-7-29-1, AS AMENDED BY P.L.64-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **section 6(a)(1)** 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~~ **section 6(a)(1)** 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.

SECTION 31. IC 3-7-29-2, AS AMENDED BY P.L.271-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** 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.

SECTION 32. IC 3-7-29-3, AS AMENDED BY P.L.258-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** 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.

SECTION 33. IC 3-7-29-4, AS AMENDED BY P.L.64-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** 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.

SECTION 34. IC 3-7-29-6, AS AMENDED BY P.L.64-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) ~~If~~ A county election board ~~adopts~~ **may adopt** an order to provide an electronic poll book to the inspector for use at ~~a~~ **the following:**

(1) Polling ~~place,~~ **places,** an office of the circuit court clerk (under IC 3-11-10-26), ~~or~~ at ~~a~~ satellite ~~office~~ **offices** established under IC 3-11-10-26.3, **and vote centers established under IC 3-11-18.1-4.** Electronic poll books shall be used at an election (rather than certified poll lists prepared under this chapter) in all ~~precincts~~ **locations** in which the election is to be conducted.

(2) Only at an office of the circuit court clerk (under IC 3-11-10-26) and satellite offices established under IC 3-11-10-26.3.

(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) **at each location that an electronic poll book is used.**

(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.

SECTION 35. IC 3-7-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The ~~commission~~ **election division** 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.

SECTION 36. IC 3-7-31-2, AS AMENDED BY P.L.258-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Except as provided under section 3 of this chapter, the county voter registration office shall use the forms prescribed by the ~~commission~~ **election division** under section 1 of this chapter.

SECTION 37. IC 3-7-31-5, AS AMENDED BY P.L.258-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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; **and**

(6) if the form is a mail registration form:

(A) include the age and citizenship questions listed in IC 3-7-22-5; and

(B) contain a receipt to be given by an individual to an applicant who transmits the application to the individual.

The receipt provided under ~~subdivision~~ **subdivisions** (5) **and (6)** 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.

SECTION 38. IC 3-7-32-8, AS AMENDED BY P.L.64-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **who initially received** the **completed** application **from the voter registration applicant received the application;** or

(2) the deadline set by state law for filing the application with the county voter registration office;

whichever occurs first. **The ten (10) day filing requirement applies to the delivery of a mail registration form whether prescribed by the United States Election Assistance Commission or the election division.**

(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.

SECTION 39. IC 3-7-33-5, AS AMENDED BY HEA 1138-2015,

SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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) **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.

As required under 52 U.S.C. 20507(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 52 U.S.C. 20302(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.

SECTION 40. IC 3-7-38.2-2, AS AMENDED BY HEA 1138-2015, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

(1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (52 U.S.C. 10101);

(2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and

(3) be completed not later than ninety (90) days before a primary, general, or municipal election.

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

(1) listed in the voter's registration record; and

(2) determined by the county voter registration office not to be the voter's current residence address.

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

(1) The United States Postal Service National Change of Address Service.

(2) A court regarding jury duty notices returned because of an unknown or insufficient address.

(3) The return of a mailing sent by the county voter registration office to all active voters (as defined in IC 3-11-18.1-2) in the county because of an unknown or insufficient address.

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(5) The return by the United States Postal Service after the expiration of the seven (7) day pending period of a notice regarding the disposition of a voter registration application under IC 3-7-33-5 because of an unknown or insufficient address.

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

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

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

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

(2) include a postage prepaid return card that:

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

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

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

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

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

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

(f) ~~If a 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.

SECTION 41. IC 3-7-38.2-5, AS AMENDED BY P.L.2-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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, **if the first name, last name, and date of birth of the Indiana voter is identical to the first name, last name, and date of birth of the voter registered in the other state.** The county voter registration office shall determine whether the individual:

(1) identified in the report provided by the NVRA official under this subsection is the same individual who is a registered voter of the county;

(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.

SECTION 42. IC 3-7-38.2-16, AS AMENDED BY P.L.64-2014, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) During each even-numbered year, the NVRA official shall conduct a residency confirmation and outreach procedure under this chapter. The NVRA official (or a contractor

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

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

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

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

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

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

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

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

SECTION 44. IC 3-7-39-7, AS AMENDED BY HEA 1138-2015, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 52 U.S.C. 20507(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~~ **IC 3-7-29-6(a)(1)** 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~~ **election division** 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.

SECTION 45. IC 3-7-39-10, AS AMENDED BY HEA 1138-2015, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. **(a)** Except as provided in section 9 of this chapter, and as required under 52 U.S.C. 20504(a)(2), the ~~circuit court clerk or board of~~ **county voter** registration **office** shall:

(1) 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; **and**

(2) if the information received from a license branch indicates that the voter has moved from Indiana to another state, send a notice to the voter as provided by IC 3-7-38.2-2.

SECTION 46. IC 3-7-41-2, AS AMENDED BY P.L.64-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **IC 3-7-29-6(a)(1)** 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~~ **election division** 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.

SECTION 47. IC 3-7-41-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **(a)** 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.

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

SECTION 48. IC 3-7-43-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A request from a voter under this chapter must be in writing and may be on a form prescribed by the ~~commission~~ **election division** or other forms provided by the circuit court clerk or board of registration (including jury notices) if the voter signs the request for removal.

SECTION 49. IC 3-7-46-9, AS AMENDED BY P.L.164-2006, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** under this article.

SECTION 50. IC 3-7-48-5, AS AMENDED BY HEA 1138-2015, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 52 U.S.C. 20507(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~~ **IC 3-7-29-6(a)(1)** 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~~ **election division** 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.

SECTION 51. IC 3-8-1-2, AS AMENDED BY P.L.194-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 **or a county chairman of a major political party of a county in which any part of the election district is located** must file a sworn statement with the election division or election board:

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

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

(d) 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.

SECTION 52. IC 3-8-2-2.5, AS AMENDED BY P.L.76-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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~~ **election division** shall provide that the form of a declaration of intent to be a write-in candidate includes the following information:

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

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

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter

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

SECTION 53. IC 3-8-2-7, AS AMENDED BY P.L.76-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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~~ **election division** shall provide that the form of a declaration of candidacy includes the following information:

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

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

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

SECTION 54. IC 3-8-2-8, AS AMENDED BY P.L.194-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **election division.** 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.

SECTION 55. IC 3-8-2.5-2, AS AMENDED BY P.L.76-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **election division.** 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.

SECTION 56. IC 3-8-2.5-2.5, AS AMENDED BY P.L.76-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

SECTION 57. IC 3-8-3-2, AS AMENDED BY P.L.194-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2015]: 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.~~ **election division.** 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.

SECTION 58. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **may** 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.

(c) If a political party's state convention does not:

(1) nominate candidates for presidential electors and alternate electors; or

(2) elect the delegates and alternate delegates to the national convention of the political party;

the candidates shall be nominated or the delegates elected as provided in the state party's rules.

SECTION 59. IC 3-8-5-10.5, AS AMENDED BY P.L.76-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: 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) A statement indicating whether or not the candidate:

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

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

~~(10)~~ **(11)** The candidate's signature.

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

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

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

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

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

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

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

(1) noon August 1 before the municipal election if the town nominates its candidates by convention; and

(2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

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

SECTION 60. IC 3-8-6-6, AS AMENDED BY P.L.64-2014, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **election division.** 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.

SECTION 61. IC 3-8-6-12, AS AMENDED BY P.L.76-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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~~ **election division** shall provide that the form of a petition of nomination includes the following information:

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

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

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

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

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

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

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

using the procedure in IC 3-8-1-2 and section 14 of this chapter that

applies to questions concerning the validity of a petition of nomination.

SECTION 62. IC 3-8-6-17, AS AMENDED BY P.L.124-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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;~~ **election division;**

(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.

SECTION 63. IC 3-8-7-5, AS AMENDED BY P.L.221-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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:

(1) the address of each candidate and delegate; and

(2) the United States congressional district in which each ~~candidate and~~ delegate resides.

SECTION 64. IC 3-8-7-8, AS AMENDED BY P.L.76-2014, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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~~ **election division** shall prescribe the form of the certificate of nomination for the offices. The ~~commission~~ **election division** 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.

SECTION 65. IC 3-8-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **election division.**

(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.

SECTION 66. IC 3-8-7-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

SECTION 67. IC 3-8-7-25.5, AS AMENDED BY P.L.225-2011, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** 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.

SECTION 68. IC 3-8-7-28, AS AMENDED BY HEA 1008-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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) August 1 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. **IC 3-8-8-7 and** 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. **IC 3-8-8-7 and** the filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

SECTION 69. IC 3-8-7-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 30. (a) Not later than noon ~~August 1,~~ **on the date specified under section 16 of this chapter,** 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.

SECTION 70. IC 3-8-9-9, AS ADDED BY P.L.90-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. The ~~commission~~ **election division** shall prescribe the form of the statement.

SECTION 71. IC 3-9-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** under ~~IC 3-6-4.1-14(a)(3).~~ **IC 3-6-4.2-12(8).**

SECTION 72. IC 3-9-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The election division shall **prescribe and** furnish forms ~~prescribed by the commission~~ for making the reports and statements required to be filed under this article.

SECTION 73. IC 3-9-4-4, AS AMENDED BY P.L.164-2006, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** 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.

SECTION 74. IC 3-9-4-17, AS AMENDED BY P.L.225-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **title in the county.**

(k) Money in the ~~campaign finance enforcement~~ account **established under subsection (j)** 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.

SECTION 75. IC 3-9-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The treasurer of each committee shall file reports of receipts and expenditures on forms prescribed or approved by the ~~commission.~~ **election division.**

SECTION 76. IC 3-9-5-20.1, AS AMENDED BY P.L.221-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** shall prescribe the form for the report required by this section.

SECTION 77. IC 3-9-5-22, AS ADDED BY P.L.221-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** shall prescribe the form for the report required by this section.

SECTION 78. IC 3-10-1-7.1, AS AMENDED BY P.L.76-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **IC 3-7-29-6(a)(1)** 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~~ **IC 3-7-29-6(a)(1)** 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.

SECTION 79. IC 3-10-1-31.1, AS AMENDED BY HEA 1139-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

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

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

(1) IC 3-12-6-19 or IC 3-12-11-16; or

(2) 52 U.S.C. 10301;

requires the continued preservation of the ballots or other material.

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

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

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

~~(f)~~ **(g)** This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public 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)~~ **(h)** After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

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

preservation of the disc or medium is issued under the following:

(1) IC 3-12-6-19.

(2) IC 3-12-11-16.

(3) 52 U.S.C. 10301.

SECTION 80. IC 3-10-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **election division.** 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".

SECTION 81. IC 3-10-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. ~~(a)~~ **If** 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.~~

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.

SECTION 82. IC 3-10-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

SECTION 83. IC 3-10-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. The ~~commission~~ **election division** shall prescribe the form of the affidavit required by this chapter.

SECTION 84. IC 3-10-11-4, AS AMENDED BY P.L.194-2013, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

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

SECTION 85. IC 3-10-11-5, AS AMENDED BY P.L.64-2014, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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) Responses to the questions listed in IC 3-7-22-5(3) and IC 3-7-22-5(4).

~~(7)~~ **(8)** The person's voter identification number to permit transfer of the registration under IC 3-7-13-13.

SECTION 86. IC 3-10-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The ~~commission~~ **election division** 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.

SECTION 87. IC 3-10-12-4, AS AMENDED BY P.L.194-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

(e) This subsection applies to a county that has adopted an order under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1-1. A voter may make a written affirmation under section 3.4 of this chapter on election day using the affidavit described by IC 3-10-11-4. If the voter makes an oral affirmation under section 3.4 of this chapter, the poll clerks shall reduce the substance of the affirmation to writing using the affidavit described by IC 3-10-11-4 and initial the affirmation.

SECTION 88. IC 3-11-1.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **not** more than ~~one~~ **two** thousand ~~two hundred (1,200)~~ **(2,000)** 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~~ **two** thousand ~~two hundred (1,200)~~ **(2,000)** 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~~ **not** more than ~~one~~ **two** thousand ~~five~~ **three** hundred ~~(1,500)~~ **(2,300)** active voters.

(c) A county executive is not required to establish precincts so that a precinct contains not more than ~~one~~ **two** thousand ~~two hundred (1,200)~~ **(2,000)** 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~~ **two** thousand ~~four~~ **two** hundred ~~(1,400)~~ **(2,200)** active voters.

SECTION 89. IC 3-11-1.5-10.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10.9. A reference to a census block identified as required by section 15(2) of this chapter in an order described in section 14 of this chapter refers to the census block as it existed on the date of the adoption of the order. A change in a census block issued by the Bureau of the Census following the date of adoption of the order does not alter the precincts established by the order.**

SECTION 90. IC 3-11-3-11, AS AMENDED BY HEA 1138-2015, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 52 U.S.C. 21082.

(6) Copies of the instructions for a provisional voter required by 52 U.S.C. 21082. 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;~~ **IC 3-7-29-6(a)(1);** 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.

SECTION 91. IC 3-11-3-16, AS AMENDED BY P.L.64-2014, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **IC 3-7-29-6(a)(1)** 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).

SECTION 92. IC 3-11-3-29, AS AMENDED BY P.L.194-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **shall** print ballots containing the name of the new candidate, **except as provided in section 29.5 of this chapter.**

(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.

SECTION 93. IC 3-11-3-29.3, AS ADDED BY P.L.194-2013, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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.~~

(e) If a deceased candidate receives the most votes in a primary election, a candidate vacancy occurs that the candidate's party may fill under IC 3-13.

SECTION 94. IC 3-11-3-29.4, AS AMENDED BY P.L.76-2014, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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.~~

(e) If a deceased candidate receives the most votes in a primary election, a candidate vacancy occurs that the candidate's party may fill under IC 3-13.

SECTION 95. IC 3-11-4-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2015]: **Sec. 1.5. The provisions of this chapter relating to an absentee ballot application do not apply to a voter who votes:**

(1) in person under IC 3-11-10-26 or IC 3-11-10-26.3; and

(2) in a county using an electronic poll book.

SECTION 96. IC 3-11-4-2, AS AMENDED BY P.L.64-2014, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **voter** may designate an individual **eligible to assist the voter under IC 3-11-9-2(a)** to sign the application on behalf of the voter **and add the individual's name to the application.** 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.~~ **election division.** 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.

SECTION 97. IC 3-11-4-3, AS AMENDED BY P.L.219-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 **is:**

(A) ~~is~~ a mailed application;

(B) transmitted by electronic mail;

~~(B) was~~ **(C)** transmitted by fax; or

~~(C) was~~ **(D)** 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.

(c) This subsection applies whenever a special election is conducted during a year in which a general or municipal election is not scheduled. An application for an absentee ballot for a primary being conducted in the following year may not 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) earlier than the date the registration period resumes under IC 3-7-13-10.

SECTION 98. IC 3-11-4-4, AS AMENDED BY HEA 1139-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Applications may be made on application forms approved by the ~~commission~~ **election division** 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; 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.

SECTION 99. IC 3-11-4-5.1, AS AMENDED BY P.L.64-2014, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) The ~~commission~~ **election division** shall prescribe the form of an application for an absentee ballot.

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

(1) Require the applicant to swear to or affirm under the penalties 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~~ **election division** shall require that a voter who:

(1) requests an absentee ballot; and

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

IC 3-10-12;

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

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

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

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

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

(e) An application form submitted by a voter must:

(1) comply with subsection (d); or

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

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

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

(2) the applicant's legal ~~residence~~ **address** 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.

SECTION 100. IC 3-11-4-5.7, AS AMENDED BY HEA 1138-2015, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.7. (a) As used in this section, "MOVE" refers to the Military and Overseas Voter Empowerment Act (P.L. 111-84, Division A, Title V, Subtitle H (Section 575 et seq.)).

(b) As used in this section, "voter" refers only to either of the following:

(1) An absent uniformed services voter.

(2) An overseas voter.

~~(b)~~ **(c)** 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)~~ **(d)** To implement 52 U.S.C. 20302, electronic mail, fax, and web publication are designated as means of communication for ~~an absent uniformed services voter or an overseas~~ **a** 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)~~ **(e)** An office described in subsection ~~(c)~~ **(d)** 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)~~ **(f)** As required by 52 U.S.C. 20302, to the extent practicable and permitted under ~~state~~ **Indiana** law (including IC 3-7 and IC 5-14-3), an office described in subsection ~~(c)~~ **(d)** 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)~~ **(e)** is protected throughout the process of making the request or being sent the application.

~~(f)~~ **(g)** As required under 52 U.S.C. 20302, an office described in subsection ~~(c)~~ **(d)** 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)~~ **(h)** 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.

SECTION 101. IC 3-11-4-7, AS AMENDED BY HEA 1138-2015, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) An absentee ballot application under section 6 of this chapter must be made on a standard form approved under 52 U.S.C. 20301(b) or on the form prescribed by the ~~commission~~ **election division** 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.

SECTION 102. IC 3-11-4-18, AS AMENDED BY HEA 1139-2015, SECTION 19, AND BY HEA 1138-2015, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** 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 transmitted:

(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 52 U.S.C. 21081, 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 52 U.S.C. 21081, when an absentee ballot is transmitted 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.

SECTION 103. IC 3-11-4-18.5, AS ADDED BY P.L.103-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** 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.

SECTION 104. IC 3-11-4-21, AS AMENDED BY HEA 1138-2015, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 52 U.S.C. 20302(b) **and with the name of the precinct completed by the county election board,** 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)~~ **(1)** 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)~~ **(2)** The voter's complete residence address, including the name of the city or town and county.

~~(4)~~ **(3)** That the voter is entitled to vote in the precinct, the type of election to be held, and the date of the election.

~~(5)~~ **(4)** 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)~~ **(5)** 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.

SECTION 105. IC 3-11-7-15, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY AND BY HEA 1138-2015, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **election division.**

(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 52 U.S.C. 20971. 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:

(1) whether the proposed improvement or change has been approved by an independent laboratory accredited under 52 U.S.C. 20971;

(2) whether the proposed improvement 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) whether the proposed improvement or change 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.

SECTION 106. IC 3-11-7.5-2, AS AMENDED BY P.L.221-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A person may submit an application for approval of an electronic voting system in the form prescribed by the ~~commission.~~ **election division.**

SECTION 107. IC 3-11-7.5-5, AS AMENDED BY HEA 1138-2015, SECTION 173, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **election division.**

(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 52 U.S.C. 20971. 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 **in accordance with procedures approved by the commission** 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:

(1) whether the proposed improvement or change has been approved by an independent laboratory accredited under 52 U.S.C. 20971;

(2) whether the proposed improvement **or change** is a de minimis change or a modification **as indicated by a report from an independent laboratory;**

(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 **as indicated by a report from an independent laboratory;** and

(4) whether the proposed improvement or change 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.

SECTION 108. IC 3-11-8-3, AS AMENDED BY P.L.258-2013, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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) **Unless the county election board adopts an order under IC 3-11-8-4.3,** 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.

SECTION 109. IC 3-11-8-10.3, AS AMENDED BY P.L.76-2014, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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 **of** 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~~ **the current** 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~~ **received** 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.~~ **received a ballot.**

(7) The electronic poll book must transmit the information in subdivision (6) to the county ~~election board~~ **server** so that:

(A) the ~~board~~ **server** may transmit the information immediately to every other polling place or satellite absentee office in the county; **or**

(B) the server makes the information immediately available to every other polling place or satellite 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 **(as defined in IC 3-7-26.3-2).**

(10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from:

(A) the voter's registration application; **or** ~~if available.~~

(B) a more recent signature of a voter from an absentee application, poll list, electronic poll book, or registration document.

(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~~ **capturing device** 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,~~ **capturing devices,** bar code ~~scanners,~~ **capturing devices,** 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.~~

After December 31, 2015, a vendor shall provide sufficient training to election officials and poll workers to completely

familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with VSTOP (as described in IC 3-11-18.1-12).

(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;~~ **received a ballot;** 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 **or an independent testing facility** 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.~~ **industry standard reporting formats.**

(E) A clear model of the electronic poll book system architecture and the following documentation:

(i) End user documentation.

(ii) System-level **and administrator 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, **receipt,** 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 **check in and** 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~~ **so that the signature may be assigned** to the voter's registration record.

SECTION 110. IC 3-11-8-10.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10.4. (a) This section applies to a county if the county election board has adopted an order under IC 3-7-29-6(a)(2) for the use of electronic poll books only at an office of the circuit court clerk and satellite offices established under IC 3-11-10-26.3.**

(b) Notwithstanding section 10.3 of this chapter, the county election board is not required to do either of the following:

(1) Transmit information electronically from electronic poll books to precincts on election day.

(2) Generate reports for watchers, political parties, or independent candidates for election day.

SECTION 111. IC 3-11-8-11, AS AMENDED BY HEA 1138-2015, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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) At the time described in subsection (a), an individual designated by the circuit court clerk shall:

(1) determine the end of the line of voters who are waiting to vote, but have not yet passed the challengers; and

(2) use one (1) of the following methods to identify the voters in the line who may vote if otherwise qualified to vote according to law:

(A) Write down the name of each voter.

(B) Stamp each voter's hand.

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

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

ballot to the voters in accordance with IC 3-11.7.

SECTION 112. IC 3-11-8-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 17.5. (a) Voters may use cellular telephones or other electronic devices in the polls as long as electioneering or loud or disruptive conversations do not occur.**

(b) A voter may not do the following:

(1) Take a digital image or photograph of the voter's ballot while the voter is in a polling place, an office of the circuit court clerk (under IC 3-11-10-26), a satellite office established under IC 3-11-10-26.3, or a vote center established under IC 3-11-18.1-4, except to document and report to a precinct election officer, the county election board, or the election division a problem with the functioning of the voting system.

(2) Distribute or share the image described in subdivision (1) using social media or by any other means.

SECTION 113. IC 3-11-8-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **in a loud or disruptive manner** while at the polls.

SECTION 114. IC 3-11-8-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 18.5. A voter may bring into the polling place a list of candidates and public questions for the voter's use in voting, including a list stored on a cellular telephone or similar electronic device, as long as electioneering does not occur.**

SECTION 115. IC 3-11-8-25.1, AS AMENDED BY SEA 199-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **voter's registration record provided by the county voter registration office under IC 3-7-29.** If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If:

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

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

the voter may then vote.

(k) The electronic poll book (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that the 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.

SECTION 116. IC 3-11-8-25.7, AS AMENDED BY P.L.271-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** shall prescribe the form of the affidavit required by this section.

SECTION 117. IC 3-11-9-2, AS AMENDED BY HEA 1138-2015, SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 52 U.S.C. 10508.

(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 absentee voter board or** 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.

SECTION 118. IC 3-11-10-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8.5. (a) This section does not apply to an application for an absentee ballot from a voter:**

(1) participating in the address confidentiality program under IC 5-26.5-2; or

(2) requesting to cast an absentee ballot in the office of the circuit court clerk, the office of the board of elections and registration, or a satellite office.

(b) Before a voter's application for an absentee ballot is attached to the ballot envelope under section 5, 6, or 8 of this chapter, the application must be scanned or otherwise copied for public inspection.

SECTION 119. IC 3-11-10-24, AS AMENDED BY SEA 522-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.
(12) The voter is a serious sex offender (as defined in IC 35-42-4-14(a)).
(13) The voter is prevented from voting due to the unavailability of transportation to the polls.

(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.~~ **election division.** 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.

SECTION 120. IC 3-11-10-25, AS AMENDED BY HEA 1138-2015, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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)~~ **nineteen (19)** 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 52 U.S.C. 21081, 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 52 U.S.C. 21081, 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.

SECTION 121. IC 3-11-10-26, AS AMENDED BY HEA 1138-2015, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 **do the following before being permitted to vote:**

(1) **This subdivision does not apply to a county that uses electronic poll books for voting under this section.** Sign an application on the form prescribed by the ~~commission~~ **election division** under IC 3-11-4-5.1. ~~and~~ **The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.**

(2) This subdivision applies only to a county that uses electronic poll books for voting under this section. The voter must do both of the following:

(A) Make and subscribe to the affidavit prescribed by IC 3-11-4-21.

(B) Sign the electronic poll book.

~~(2)~~ **(3)** 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 52 U.S.C. 21081, 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 52 U.S.C. 21081, 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.

SECTION 122. IC 3-11-10-26.2, AS AMENDED BY P.L.64-2014, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **record.**

(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.

SECTION 123. IC 3-11-10-26.3, AS AMENDED BY P.L.194-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 **under section 26 of this chapter.**

(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.

SECTION 124. IC 3-11-10-27, AS AMENDED BY P.L.55-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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) A resolution adopted under subsection (d) may also provide that a precinct designation is not required to be preprinted on absentee ballots printed immediately before the ballot is delivered to a voter, but may be added in the same manner as the initials of the county election board or the board's representatives under IC 3-11-4-19 are added under subsection (e).

~~(f)~~ **(g)** No other initialing of the absentee ballot is necessary.

SECTION 125. IC 3-11-10-31, AS AMENDED BY P.L.194-2013, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2015]: 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.

(c) If the voter has requested but not received an absentee ballot, the voter may vote if the voter executes an affidavit affirming that the voter has not received an absentee ballot.

SECTION 126. IC 3-11-13-19, AS AMENDED BY P.L.55-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. (a) Except as provided in ~~subsection~~ **subsections** (b) **and (c),** 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~~ **poll clerk's initials** 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.

(c) In a vote center county using an electronic poll book, the circuit court clerk may print or stamp the precinct number or designation:

(1) before the election as provided by subsection (a); or

(2) at the time the ballot card is printed immediately before the ballot card is delivered to a voter as provided by subsection (b).

SECTION 127. IC 3-11-13-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. **(a) This section applies to:**

(1) a ballot card voting system; and

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

~~(a)~~ **(b)** At least fourteen (14) days before election day, the county election board of each county planning to use automatic tabulating machines at the next election shall have 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)~~ **(c)** Public notice of the time and place shall be given at least forty-eight (48) hours before the test. The notice shall be published once in accordance with IC 5-3-1-4.

(d) If a county election board determines that:

(1) a ballot:

(A) must be reprinted or corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political party, or public question from the ballot; or

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

(i) ceased to be a candidate; and

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

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

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

SECTION 128. IC 3-11-13-24, AS AMENDED BY P.L.221-2005, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. **(a) This subsection applies to a ballot card voting system.** 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.

(b) This subsection applies to a voting system that includes features of a ballot card voting system and a direct record electronic voting system. The test required by section 22 of this chapter must:

(1) be conducted by the entry of:

(A) a preaudited group of ballots; and

(B) at least ten (10) ballots cast by using the headphone or a sip/puff device;

so as to record a predetermined number of valid votes for each candidate and on each public question; and

(2) include at least one (1) ballot for each office and public question that has votes in excess of the number allowed by law in order to test the ability of the voting system to reject the overvotes.

SECTION 129. IC 3-11-13-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.~~ **election division.** One (1) copy shall be filed with the election returns, and one (1) copy must be delivered to the election division.

SECTION 130. IC 3-11-14.5-1, AS ADDED BY P.L.221-2005, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~At least fourteen (14) days before election day,~~ **(a)** 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.

(b) The testing under subsection (a) must begin before absentee voting starts in the office of the circuit court clerk under IC 3-11-10-26.

(c) If a county election board determines that:

(1) a ballot provided by an electronic voting system:

(A) must be corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political party, or public question from the ballot; or

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

(i) ceased to be a candidate; and

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

(2) voting system units used in the test conducted under this section did not contain a ballot that was reprinted or corrected to remove the omission of a candidate, political

party, or public question, or indicate the name of the successor candidate;

the county election board shall conduct an additional public test described in subsection (a) using the voting system units previously tested and containing the reprinted or corrected ballots.

SECTION 131. IC 3-11-14.5-2, AS ADDED BY P.L.221-2005, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Except as provided by 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.

(b) This subsection applies to an additional public test conducted under section 1(c) of this chapter. Notice of the time and place of the additional test shall be given in accordance with IC 5-14-1.5, but publication of the notice in accordance with IC 5-3-1-4 is not required.

SECTION 132. IC 3-11-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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,~~ **election division,** 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.

SECTION 133. IC 3-11-15-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. Each application under this chapter must be in writing on a form prescribed by the ~~commission~~ **election division** and must comply with the requirements of this chapter.

SECTION 134. IC 3-11-18.1-14, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. **(a)** 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.

(b) This subsection applies to a county described under section 12 of this chapter on and after the date absentee ballots are first transmitted to voters. A person that receives a certification for an electronic poll book shall file not later than forty-eight (48) hours

after the discovery of an anomaly or problem with the poll book a written report describing the anomaly or problem with the secretary of state.

SECTION 135. IC 3-11.5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.

(3) A major political party of a county is entitled to appoint the number of watchers equal to the number of teams of absentee ballot counters.

SECTION 136. IC 3-11.5-4-8, AS AMENDED BY P.L.76-2014, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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;~~ **IC 3-7-29-6(a)(1);** 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.

SECTION 137. IC 3-11.5-4-9, AS AMENDED BY P.L.76-2014, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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;~~ **IC 3-7-29-6(a)(1);** 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.

SECTION 138. IC 3-11.5-4-11, AS AMENDED BY P.L.76-2014, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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;~~ **IC 3-7-29-6(a)(1);** 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.

SECTION 139. IC 3-11.5-4-15, AS AMENDED BY P.L.64-2014, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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;~~ **IC 3-7-29-6(a)(1);** 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.

SECTION 140. IC 3-11.5-4-18, AS AMENDED BY P.L.194-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 18. **(a)** If a voter has not returned an absentee ballot, 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 ~~county election board.~~ **inspector.** The absentee ballot shall be marked "canceled" and preserved with the rejected ballots.

(c) If the voter has requested but not received an absentee ballot, the voter may vote if the voter executes an affidavit affirming that the voter has not received an absentee ballot.

SECTION 141. IC 3-11.5-4-21.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 21.5. Rejected absentee ballots may not be opened, except on order of a court or the state recount commission.**

SECTION 142. IC 3-11.5-4-22, AS AMENDED BY P.L.76-2014, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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;~~ **IC 3-7-29-6(a)(1);** 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.

SECTION 143. IC 3-11.5-4-24, AS AMENDED BY P.L.76-2014, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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;~~ **IC 3-7-29-6(a)(1);** 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.

SECTION 144. IC 3-11.5-5-3, AS AMENDED BY P.L.76-2014, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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;~~ **IC 3-7-29-6(a)(1);** 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.

SECTION 145. IC 3-11.5-6-3, AS AMENDED BY P.L.76-2014, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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;~~ **IC 3-7-29-6(a)(1);** 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.

SECTION 146. IC 3-11.7-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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)~~ **fifty (50)** days before a general, primary, **special,** 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.

SECTION 147. IC 3-11.7-5-2.5, AS AMENDED BY P.L.225-2011, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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,~~ **election division,** 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,~~ **election division,** 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.

SECTION 148. IC 3-12-3.5-8, AS ADDED BY P.L.76-2014, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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,~~ **precinct,** 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. **Before ordering an audit, the county election board shall recheck the computations reported by the inspector and judge under subsection (b).**

(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)~~ **thirteen (13)** days after the election. The certification must be on the form prescribed by the ~~commission.~~ **election division.** 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)~~ **thirteen (13)** days after the election, notice shall be given by posting at or near the office of the county election board.

SECTION 149. IC 3-12-8-17, AS AMENDED BY P.L.221-2005, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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. **If the court rules that the contestee is ineligible, and no other individual was a candidate for nomination or election, the court shall declare that no candidate has been:**

(1) nominated at the primary, and that a ballot vacancy exists that the political party may fill under IC 3-13-1 or IC 3-13-2; or

(2) elected at the general or municipal election, and that an office vacancy exists that may be filled under IC 3-13, subject to the right of an individual currently serving in the office to hold over in that office under Article 15, Section 3 of the Constitution of the State of Indiana.

(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.

SECTION 150. IC 3-12-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 recount proceedings under IC 3-12-12 resulting from a public question voted on by the electorate of the entire state.

~~(b)~~ **(c)** 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.

SECTION 151. IC 3-12-12-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **The state recount commission shall conduct a recount proceeding under this section and** shall immediately transmit a certificate ~~prepared under section 22 of this chapter~~ to the election division **showing for each precinct in which a recount was conducted the total vote for and against the public question.**

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

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

SECTION 152. IC 3-13-1-9, AS AMENDED BY HEA 1139-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. The call for a meeting under section 3, 4, 5, or 6 of this chapter must:

(1) be in writing on a form prescribed by the ~~commission;~~ **election division;**

(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.

SECTION 153. IC 3-13-1-10.5, AS AMENDED BY P.L.76-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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~~ **election division** 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) **This subdivision applies to a candidate filing a declaration of candidacy for a state office, legislative office, local office of judge of a circuit, superior, probate, or small claims court, or local office of prosecuting attorney of a judicial circuit.** 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) This subdivision applies to a candidate filing a declaration of candidacy for a local office not described in subdivision (1) or school board office. A statement that the candidate understands that if the candidate is selected to fill the candidate vacancy, the candidate is required to file a statement of economic interests under IC 3-8-9-5.

~~(2)~~ **(3)** 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)~~ **(4)** 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)~~ **(5)** 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.

SECTION 154. IC 3-13-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 **or IC 3-8-9-5** to file a statement of economic interests.

SECTION 155. IC 3-13-1-15, AS AMENDED BY HEA 1139-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(b)(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~~ **election division** 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(c) of this chapter; or

(B) a committee acting under section 6(b) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, or small claims court or prosecuting attorney; or

(2) the circuit court clerk, for a committee acting under section 6(b) 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.

(e) A certificate filed under this section is not effective unless the candidate selected to fill the candidate vacancy has filed a statement of economic interests under IC 3-8-9-5.

SECTION 156. IC 3-13-2-8, AS AMENDED BY P.L.2-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** 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.

(d) A certificate filed under this section is not effective unless the candidate selected to fill the candidate vacancy has filed a statement of economic interests under IC 3-8-9-5.

SECTION 157. IC 3-14-1-17, AS AMENDED BY P.L.168-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 **or display** 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.

SECTION 158. IC 3-14-2-11, AS AMENDED BY P.L.168-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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, **IC 3-10-10-4, IC 3-10-11-4, IC 3-10-12-4,** 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.

SECTION 159. IC 3-14-3-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.1. Notwithstanding any other law, the additions and amendments to this chapter made by legislation enacted in the 2015 regular session of the general assembly do not affect any:**

(1) rights or liabilities accrued;

(2) penalties incurred;

(3) offenses committed; or

(4) proceedings begun;

before July 1, 2015. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if the legislation had not been enacted.

SECTION 160. IC 3-14-3-1.1, AS AMENDED BY P.L.158-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. A person who knowingly does any of the following commits a Level 6 felony:

(1) Procures or submits **a** voter registration ~~applications~~ **application** known by the person to be materially false, fictitious, or fraudulent.

(2) Procures, casts, or tabulates ~~ballots~~ **a ballot** known by the person to be materially false, fictitious, or fraudulent.

SECTION 161. IC 3-14-3-14, AS AMENDED BY P.L.158-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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~~ **election division** or a county election board;

commits a Level 6 felony.

SECTION 162. IC 5-4-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.2. (a) This section

does not apply to an individual:

(1) appointed or elected to an office the establishment or qualifications of which are expressly provided for in the Constitution of the State of Indiana or the Constitution of the United States; **or**

(2) holding over in an office under Article 15, Section 3 of the Constitution of the State of Indiana.

(b) Subject to subsection (c), an individual appointed or elected to an office of a political subdivision may take the oath required under section 1 of this chapter at any time after the individual's appointment or election.

(c) An individual appointed or elected to an office of a political subdivision must take the oath required by section 1 of this chapter and deposit the oath as required by section 4 of this chapter not later than thirty (30) days after the beginning of the term of office.

(d) If an individual appointed or elected to an office of a political subdivision does not comply with subsection (c), the office becomes vacant.

SECTION 163. IC 6-1.1-20-3.6, AS AMENDED BY P.L.219-2013, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8 of this chapter, this section applies only to a controlled project described in section 3.5(a) of this chapter.

(b) If a sufficient petition requesting the application of the local public question process has been filed as set forth in section 3.5 of this chapter, a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project unless the political subdivision's proposed debt service or lease rental is approved in an election on a local public question held under this section.

(c) Except as provided in subsection (k), the following question shall be submitted to the eligible voters at the election conducted under this section:

"Shall _____ (insert the name of the political subdivision) issue bonds or enter into a lease to finance _____ (insert a brief description of the controlled project), which is estimated to cost not more than _____ (insert the total cost of the project) and is estimated to increase the property tax rate for debt service by _____ (insert increase in tax rate as determined by the department of local government finance)?".

The public question must appear on the ballot in the form approved by the county election board. If the political subdivision proposing to issue

bonds or enter into a lease is located in more than one (1) county, the county election board of each county shall jointly approve the form of the public question that will appear on the ballot in each county. The form approved by the county election board may differ from the language certified to the county election board by the county auditor. If the county election board approves the language of a public question under this subsection, the county election board shall submit the language to the department of local government finance for review.

(d) The department of local government finance shall review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. The department of local government finance may either approve the ballot language as submitted or recommend that the ballot language be modified as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local government finance shall certify its approval or recommendations to the county auditor and the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified by the county auditor under subsection (e) unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.

(e) The county auditor shall certify the finally approved public question under IC 3-10-9-3 to the county election board of each county in which the political subdivision is located. The certification must occur not 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.

Subject to the certification requirements and deadlines under this subsection and except as provided in subsection (k), the public question shall be placed on the ballot at the next primary election, general election, or municipal election in which all voters of the political subdivision are entitled to vote. However, if a primary

election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this section and if the political subdivision requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon seventy-four (74) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1 (if the special election is to be held in November). The fiscal body of the political subdivision that requests the special election shall pay the costs of holding the special election. The county election board shall give notice under IC 5-3-1 of a special election conducted under this subsection. A special election conducted under this subsection is under the direction of the county election board. The county election board shall take all steps necessary to carry out the special election.

(f) The circuit court clerk shall certify the results of the public question to the following:

(1) The county auditor of each county in which the political subdivision is located.

(2) The department of local government finance.

(g) Subject to the requirements of IC 6-1.1-18.5-8, the political subdivision may issue the proposed bonds or enter into the proposed lease rental if a majority of the eligible voters voting on the public question vote in favor of the public question.

(h) If a majority of the eligible voters voting on the public question vote in opposition to the public question, both of the following apply:

(1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.

(2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than ~~one (1) year~~ **three hundred fifty (350) days** after the date of the election.

(i) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

(j) A political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.5 of this chapter.

(k) This subsection applies to a political subdivision for which a petition requesting a public question has been submitted under section 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of the political subdivision may adopt a resolution to withdraw a

controlled project from consideration in a public question. If the legislative body provides a certified copy of the resolution to the county auditor and the county election board not later than sixty-three (63) days before the election at which the public question would be on the ballot, the public question on the controlled project shall not be placed on the ballot and the public question on the controlled project shall not be held, regardless of whether the county auditor has certified the public question to the county election board. If the withdrawal of a public question under this subsection requires the county election board to reprint ballots, the political subdivision withdrawing the public question shall pay the costs of reprinting the ballots. If a political subdivision withdraws a public question under this subsection that would have been held at a special election and the county election board has printed the ballots before the legislative body of the political subdivision provides a certified copy of the withdrawal resolution to the county auditor and the county election board, the political subdivision withdrawing the public question shall pay the costs incurred by the county in printing the ballots. If a public question on a controlled project is withdrawn under this subsection, a public question under this section on the same controlled project or a substantially similar controlled project may not be submitted to the voters earlier than ~~one (1) year~~ **three hundred fifty (350) days** after the date the resolution withdrawing the public question is adopted.

(l) If a public question regarding a controlled project is placed on the ballot to be voted on at a public question under this section, the political subdivision shall submit to the department of local government finance, at least thirty (30) days before the election, the following information regarding the proposed controlled project for posting on the department's Internet web site:

(1) The cost per square foot of any buildings being constructed as part of the controlled project.

(2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.

(3) The maximum term of the bonds or lease.

(4) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(6) The purpose of the bonds or lease.

(7) In the case of a controlled project proposed by a school corporation:

(A) the current and proposed square footage of school building

space per student;

(B) enrollment patterns within the school corporation; and

(C) the age and condition of the current school facilities.

SECTION 164. IC 9-24-2.5-13, AS AMENDED BY HEA 1138-2015, SECTION 225, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) As required under 52 U.S.C. 21083, the 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 information subject to verification under this section is the following:

(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.

(c) The agreement under subsection (b) must comply with 52 U.S.C. 21081 and IC 3-7-26.3.

(d) If an individual shown in the records of the Commissioner of Social Security is deceased, the county voter registration office shall cancel the individual's registration under IC 3-7-45-4, unless the county voter registration office determines that additional information is necessary to sufficiently document the individual's death.

SECTION 165. IC 24-5-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section does not apply to **any of the following** messages:

(1) **Messages** from school districts to students, parents, or employees.

(2) **Messages** to subscribers with whom the caller has a current business or personal relationship. ~~or~~

(3) **Messages** advising employees of work schedules.

(4) Messages to voters from a county election board (established by IC 3-6-5-1), a county board of elections and registration (established by IC 3-6-5.2-3 or IC 3-6-5.4-3), or a county voter registration office (as defined in IC 3-5-2-16.2).

(b) A caller may not use or connect to a telephone line an automatic dialing-announcing device unless:

(1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or

(2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.

SECTION 166. IC 33-33-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The Allen superior court consists of nine (9) judges as follows:

(1) Two (2) judges serve in the family relations division.

(2) Three (3) judges serve in the criminal division.

(3) Four (4) judges serve in the civil division.

A newly elected or appointed judge assumes the division assignment of the judge whom the judge replaces.

(b) If in the opinion of a majority of the judges there is an undue disparity in the number of cases in any division, the chief judge may assign specific cases normally assigned to that division to a judge in another division as directed by a majority of the judges.

(c) Not later than December 31 of the year immediately preceding a year in which the office of judge of the Allen superior court will be on the ballot, the clerk of the circuit court shall file with the election division a list containing the name, the division assignment, and the court number assigned by the roster of judicial officers maintained by the Supreme Court of Indiana, Division of State Court Administration, for each judge of the Allen superior court.

~~(c)~~ **(d)** During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for one (1) of the Allen superior court judgeships must file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2 that:

(1) is signed by the candidate; and

(2) designates the division and the ~~name of the incumbent judge~~ **court number** of the judgeship that the candidate seeks.

~~(d)~~ **(e)** A petition without the designation required under subsection (c) shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2).

~~(e)~~ **(f)** If an individual who files a declaration under subsection ~~(c)~~ **(d)** ceases to be a candidate after the final date for filing a declaration under subsection ~~(c),~~ **(d),** the election division may accept the filing of additional declarations of candidacy for that seat not later than noon on August 1.

SECTION 167. IC 33-33-53-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.5. Not later than December 31 of the year immediately preceding a year in which the office of**

judge of the Monroe circuit court will be on the ballot, the clerk of the circuit court shall file with the election division a list containing the name and seat designation for each judge of the Monroe circuit court.

SECTION 168. IC 33-33-82-31, AS AMENDED BY P.L.58-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 31. (a) The judge of the Vanderburgh circuit court and each of the seven (7) judges of the Vanderburgh superior court shall be elected in nonpartisan elections every six (6) years.

(b) Not later than December 31 of the year immediately preceding a year in which the office of judge of the Vanderburgh superior court will be on the ballot, the clerk of the circuit court shall file with the election division a list containing the name and the court number assigned by the roster of judicial officers maintained by the Supreme Court of Indiana, Division of State Court Administration, for each judge of the Vanderburgh superior court.

~~(b)~~ **(c)** During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for any one (1) of the eight (8) judgeships affected by this chapter shall file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and ~~designated which~~ **designating by court number the** judgeship the candidate seeks. Any petition without the designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

(1) domiciled in the county of Vanderburgh;
(2) a citizen of the United States; and
(3) admitted to the practice of law in Indiana.

(c) If an individual who files a declaration under subsection ~~(b)~~ **(c)** ceases to be a candidate after the final date for filing a declaration under subsection ~~(b),~~ **(c),** the election division may accept the filing of additional declarations of candidacy for that judgeship not later than noon August 1.

(d) All candidates for each respective judgeship shall be listed on the general election ballot in the form prescribed by IC 3-11, without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

(e) IC 3, where not inconsistent with this chapter, applies to elections under this chapter.

SECTION 169. IC 36-1-3-9 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The area inside the boundaries of a county comprises its territorial jurisdiction. However, a municipality has exclusive jurisdiction over bridges (subject to IC 8-16-3-1), streets, alleys, sidewalks, watercourses, sewers, drains, and public grounds inside its corporate boundaries, unless a statute provides otherwise.

(b) The area inside the corporate boundaries of a municipality comprises its territorial jurisdiction, except to the extent that a statute expressly authorizes the municipality to exercise a power in areas outside its corporate boundaries.

(c) Whenever a statute authorizes a municipality to exercise a power in areas outside its corporate boundaries, the power may be exercised:

(1) inside the corporate boundaries of another municipality, only if both municipalities, by ordinance, enter into an agreement under IC 36-1-7; or

(2) in a county other than the county in which the municipal hall is located, but not inside the corporate boundaries of another municipality, only if both the municipality and the other county, by ordinance, enter into an agreement under IC 36-1-7.

(d) If the two (2) units involved under subsection (c) cannot reach an agreement, either unit may petition the circuit or superior court of the county to hear and determine the matters at issue. The clerk of the court shall issue notice to the other unit as in other civil actions, and the court shall hold the hearing without a jury. There may be a change of venue from the judge but not from the county. The petitioning unit shall pay the costs of the action.

(e) If a political subdivision permits or authorizes the placement or display of materials:

(1) advocating the election or defeat of a candidate or public question; or

(2) supporting or opposing a political party;

on the real or personal property of the political subdivision, the political subdivision must permit the placement or display of these materials from any person on that real or personal property subject to the same time, place, and manner restrictions.

SECTION 170. IC 36-1-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) This section applies to:

(1) an ordinance adopted by a unit; **or**

(2) an order adopted by a county redistricting commission under IC 36-2-2 or IC 36-2-3;

to establish executive, fiscal, or legislative body election districts

within the unit.

(b) Except as otherwise provided in the ordinance **or order,** the ordinance **or order** takes effect immediately upon passage. However, a previously adopted ordinance **or order** establishing election districts remains in effect for the purpose of filling a vacancy in the executive, fiscal, or legislative body until the expiration of the term of that office.

(c) A reference in the ordinance **or order** to the boundary of a political subdivision, a precinct boundary, or an election district boundary refers to the precinct or boundary as the precinct or boundary existed on the date of adoption of the ordinance **or order.** A change in the boundary of a political subdivision, precinct, or election district following the date of adoption of the ordinance **or order** does not alter the boundaries of the election districts established by the ordinance **or order.**

(d) The adoption of an ordinance or order does not affect the right of an individual serving as a member of the executive, fiscal, or legislative body of the unit to continue to serve in office until the expiration of the member's current term specified under state law.

SECTION 171. **An emergency is declared for this act.**

President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____