

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1318

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AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-16.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE APRIL 1, 2014]: **Sec. 16.3. (a) "De minimis change", with respect to a certified voting system's hardware, refers to a change to the hardware, the nature of which will not materially alter the system's reliability, functionality, capability, or operation.**

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

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

**(c) The following are not de minimis changes:**

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

SECTION 2. IC 3-5-2-31.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE



APRIL 1, 2014]: **Sec. 31.7. "Modification", for a certified voting system, refers to a change:**

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

SECTION 3. IC 3-5-2-40.5, AS AMENDED BY P.L.118-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 40.5. (a) Except as provided in subsection (b), "proof of identification" refers to a document that satisfies all the following:

- (1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.
- (2) The document shows a photograph of the individual to whom the document was issued.
- (3) The document includes an expiration date, and the document:
  - (A) is not expired; or
  - (B) expired after the date of the most recent general election.
- (4) The document was issued by the United States or the state of Indiana.

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

- (1) otherwise complies with the requirements of subsection (a); and
- (2) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

SECTION 4. IC 3-6-6-39, AS AMENDED BY P.L.194-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

- (1) The individual is at least sixteen (16) years of age but not



eighteen (18) years of age or older.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter but is not required to be a registered voter of the county.

(b) An individual appointed to a precinct election office or assistant under this section,

~~(1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and~~

~~(2) while serving as a precinct election officer or assistant:~~

~~(A) (1) is not required to obtain an employment certificate under IC 20-33-3; and~~

~~(B) (2) is not subject to the limitations on time and duration of employment under IC 20-33-3.~~

SECTION 5. IC 3-7-16-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 29. A designated individual may use any of the following methods to transmit voter registration applications or declinations under section 27 or 28 of this chapter:

(1) Hand delivery to the circuit court clerk or board of registration.

**(2) Certified Delivery by the United States Postal Service, using first class mail. return receipt requested.**

(3) Electronic transfer, after approval by the commission.

SECTION 6. IC 3-7-18-21, AS AMENDED BY P.L.42-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 21. A designated individual may use any of the following methods to transmit voter registration applications or declinations under section 19 of this chapter:

(1) Hand delivery to the ~~circuit court clerk or board of county~~



**voter registration office.**

(2) ~~Certified Delivery by the United States Postal Service, using first class mail. return receipt requested.~~

(3) Electronic transfer, after approval by the commission.

SECTION 7. IC 3-7-36-10, AS AMENDED BY P.L.225-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 10. (a) The county voter registration office shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the ~~tenth~~ **eighth** day before the election.

(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.

SECTION 8. IC 3-7-36-14, AS AMENDED BY P.L.219-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

- (1) beginning on the ~~ninth~~ **seventh** day before election day; and
- (2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period applicable to the voter under this chapter and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the county voter registration office:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the ~~tenth~~ **eighth** day before election day, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the ~~tenth~~ **eighth** day before election day, of:

- (i) the voter;
- (ii) the voter's spouse; or



(iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

(1) Complete an application for an absentee ballot.

(2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

(1) Certify in writing that the voter registered under this section.

(2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

SECTION 9. IC 3-7-40-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: **Sec. 8. When notified by a local public official or plan commission under section 3 of this chapter, the county voter registration office shall, as soon as practicable, amend the entry for the voter in the computerized list under IC 3-7-26.3 to be consistent with the information submitted under section 3 of this chapter.**

SECTION 10. IC 3-7-48-2, AS AMENDED BY P.L.271-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 2. A certificate of error issued under section 1 of this chapter:

(1) may be issued at any time after:

(A) the production of the certified list under IC 3-7-29; or

(B) the downloading of the information into an electronic poll list book under IC 3-7-29-6(c);

(2) shall be executed by the circuit court clerk, or in a county with a board of registration, by both members of the board; and

(3) shall be numbered serially in the method prescribed for entry in the computerized list maintained under IC 3-7-26.3.



SECTION 11. IC 3-7-48-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. In a county with a board of registration, the circuit court clerk or board of registration shall promptly transmit all certificates of error to the board of registration.~~

SECTION 12. IC 3-8-1-23, AS AMENDED BY P.L.146-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 23. (a) A candidate for the office of county assessor must:

- (1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana;
- (2) own real property located in the county upon taking office; and
- (3) fulfill the requirements of subsections (b) through (d), as applicable.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

(c) A candidate for the office of county assessor who:

- (1) did not hold the office of county assessor on January 1, 2012; and
- (2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

(d) A candidate for the office of county assessor who:

- (1) held the office of county assessor on January 1, 2012; and
- (2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

SECTION 13. IC 3-8-1-23.6, AS ADDED BY P.L.146-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 23.6. (a) A ~~person who runs in an election after June 30, 2008;~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who runs in an election after June 30, 2008,** must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) A ~~person who runs in an election after January 1, 2012;~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who:**

- (1) **did not hold the office of township assessor on January 1, 2012; and**
- (2) **runs in an election after January 1, 2012;**

must have attained the certification of a level three assessor-appraiser



under IC 6-1.1-35.5 before taking office.

**(c) A candidate for the office of township assessor under IC 36-6-5-1 who:**

**(1) held the office of township assessor on January 1, 2012;**  
**and**

**(2) runs in an election after January 1, 2016;**

**must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.**

SECTION 14. IC 3-8-2-2.5, AS AMENDED BY P.L.217-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 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.

~~(A)~~ (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

~~(B)~~ (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 sign initial each of the statement statements required by this subdivision.

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

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

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

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that





the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

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

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

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

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

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

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

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

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

(g) The commission shall provide that the form of a declaration of intent to be a write-in candidate includes the following information: ~~near the separate signature required by subsection (b)(7):~~

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

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

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



shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

SECTION 15. IC 3-8-2-7, AS AMENDED BY P.L.194-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

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

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

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



office.

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

(7) ~~This subdivision does not apply to a candidate for federal office.~~ **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.**

~~(A)~~ **(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**

~~(B)~~ **(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 **sign initial each of the statement statements** required by this subdivision.

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

(9) If the candidate is subject to IC 3-9-1-5, a statement that the



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

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information: ~~near the separate signature required by subsection (a)(7):~~

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

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

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

SECTION 16. IC 3-8-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. **(a)** Not ~~more later~~ than **the close of** one (1) **business** day after a person files a declaration of candidacy in the office of the election division or circuit court clerk, the election division or circuit court clerk shall **send a statement to the candidate by:**

**(1) hand deliver delivery;**

**(2) first class United States mail; or**

**(3) electronic mail.**

to the candidate (or mail to the candidate at the address listed in the declaration) a statement showing

**(b) The election division or circuit court clerk shall send the statement (or a scanned copy of the statement, if the statement is sent by electronic mail) to the mailing address or electronic mail address set forth in the declaration of candidacy.**

**(c) The statement must show the following:**

(1) That the candidate has filed a declaration.

(2) The name of the candidate.



(3) The office for which the ~~declarant~~ **individual** is a candidate.

(4) The date on which the declaration was filed.

SECTION 17. IC 3-8-2.5-2, AS AMENDED BY SEA 24-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 2. (a) A candidate for a school board office must file a petition of nomination in accordance with ~~IC 3-8-6~~ **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 county voter registration office certifies the petition is certified~~ under ~~section 5~~ of this chapter; and

(2) qualified to vote for the candidate.

(c) The petition of nomination must be signed by the number of voters required for the school board office under IC 20-23 or IC 20-25.

(d) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

SECTION 18. IC 3-8-2.5-2.5, AS ADDED BY P.L.194-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: 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 19. IC 3-8-5-10.5, AS AMENDED BY P.L.225-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

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



election.

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

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

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

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

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

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

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

(4) The candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat.

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

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

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

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

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

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

**(9) That the candidate:**

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



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

~~(6)~~ (10) The candidate's signature.

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

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

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

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

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

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

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

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

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

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





the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 20. IC 3-8-6-12, AS AMENDED BY P.L.225-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 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.**

~~(A)~~ **(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**

~~(B)~~ **(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 sign **initial each of the statement statements** required by this subdivision.



- (3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.
- (4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:
- (A) The candidate receives more than five hundred dollars (\$500) in contributions.
  - (B) The candidate makes more than five hundred dollars (\$500) in expenditures.
- (5) A statement indicating whether or not each candidate:
- (A) has been a candidate for state or local office in a previous primary or general election; and
  - (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.
- (6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.
- (7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.
- (8) Any statement of economic interests required under IC 3-8-1-33.
- (c) The statement required under subsection (b)(7) must:
- (1) be certified by each circuit court clerk; and
  - (2) indicate the number of votes cast for secretary of state:
    - (A) at the last election for secretary of state; and
    - (B) in the part of the county included in the election district of the office sought by the individual filing the petition.
- (d) The person with whom the petition of nomination must be filed under subsection (a) shall:
- (1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and
  - (2) do one (1) of the following:
    - (A) If the petition includes a sufficient number of signatures,



certify the petition.

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

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

(1) certify; or

(2) deny certification under subsection (d) to;

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

(f) The commission shall provide that the form of a petition of nomination includes the following information: ~~near the separate signature required by subsection (b)(2):~~

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

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

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

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

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

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

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

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

**SECTION 21. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~Either the chairman and secretary of a state convention or~~ **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.

~~(b)~~ **(c)** The certificate must **be in writing and** state the following:

**(1) The name of each candidate nominated as:**

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

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

**(2) Each candidate's residence address.**

~~(+)~~ **(3)** Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

~~(±)~~ **(4)** That the candidate:

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

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

The candidate must separately sign the statement required by this subdivision.

~~(±)~~ **(d)** The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information near the separate signature required by subsection ~~(b)(2)~~: **(c)(4)**:

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

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

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

**(f) The certificate of nomination must be signed by the state chairman and state secretary of the political party holding the convention, and set forth the name and residence of the chairman and secretary. The chairman and secretary shall acknowledge the**



**certificate before an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the certificate of nomination executed under this section.**

SECTION 22. IC 3-8-7-8, AS AMENDED BY HEA 1318-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 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.**

~~(A)~~ **(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

~~(B)~~ **(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 ~~sign~~ **initial each of the statement statements** required by this subdivision.

(d) The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information: ~~near the separate signature required by subsection (c)(4):~~

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

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

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

(f) The certificate of nomination must be signed by the state chairman and state secretary of the political party holding the convention, and set forth the name and residence of the chairman and secretary. The chairman and secretary shall acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the certificate of nomination executed under this section.

SECTION 23. IC 3-8-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 10. **(a) This section applies to a county, city, or town convention conducted by a political party described by IC 3-8-4-1.**

**(b)** A certificate of nomination by convention or primary election must satisfy all of the following:

(1) Be in writing.



(2) Contain all of the following information for each person nominated:

(A) The name of each person nominated as:

- (i) the person wants the person's name to appear on the ballot; and
- (ii) the person's name is permitted to appear on the ballot under IC 3-5-7.

(B) Each person's residence address.

(C) The office for which each person is nominated.

~~(3) Designate a title for the political party or principle that the convention or primary election represents; together with a simple figure or device by which its lists of candidates may be designated on the ballot.~~

~~(4) (3) Be signed by the chairman and secretary of the convention; or by the chairman and secretary of the state, county, city, or town committee, who shall also give their respective places of residence and acknowledge the certificate before an officer authorized to take acknowledgments of deeds. The certificate of acknowledgment must be appended to the certificate of nomination: 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 24. IC 3-8-9-4, AS ADDED BY P.L.90-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 4. **(a) This section does not apply to a candidate for either of the following:**

- (1) Judge of a circuit, superior, probate, or small claims court.**
- (2) Prosecuting attorney of a judicial circuit.**

**(b)** A candidate for a local office or school board office shall file a written statement of economic interests as provided in this chapter.

SECTION 25. IC 3-8-9-5, AS AMENDED BY P.L.194-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 5. An individual required to file a statement under section 4 of this chapter shall file the statement as follows:

- (1) With the individual's:
  - (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
  - (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6;
  - (C) certificate of nomination under IC 3-10-2-15 or IC 3-10-6-12;
  - (D) statement consenting to be a replacement candidate under IC 3-8-6-17;



(E) declaration of intent to be a write-in candidate under IC 3-8-2-2.5; or

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

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

SECTION 26. IC 3-10-1-7.1, AS AMENDED BY P.L.258-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 7.1. (a) This subsection does not apply to a county in which electronic poll ~~lists~~ **books** are used under IC 3-7-29-6 or IC 3-11-18.1. Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll ~~lists~~ **books** are used under IC 3-7-29-6 or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 27. IC 3-10-1-14.1, AS AMENDED BY P.L.194-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 14.1. (a) All the candidates for each office who have qualified in the manner prescribed by IC 3-8 for placement on the primary election ballot shall be grouped together under the name of the office and printed in type with uniform capital letters, with uniform space between each name. At the head of each group, a statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be nominated) candidates for this office."

~~(b) This subsection does not apply to a candidate for a political party office. A candidate's given name and surname as set forth in the candidate's voter registration record shall be printed in full:~~

~~(c)~~ **(b)** In addition to the candidate's given name and surname, the candidate may use:





(1) initials; or

(2) a nickname by which the candidate is commonly known;

if the candidate's choice of initials or nickname does not exceed twenty (20) characters. Any nickname used must appear in parentheses between the candidate's given name and the candidate's surname.

(d) (c) A candidate may not use a designation such as a title or degree or a nickname that implies a title or degree.

(e) (d) A candidate's name must be printed on the ballot exactly as the name appears on the candidate's certificate of nomination, petition of nomination, or declaration of candidacy.

SECTION 28. IC 3-10-1-18, AS AMENDED BY P.L.221-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 18. (a) Except as provided by subsection (b), the names of all candidates for each office who have qualified under IC 3-8 shall be arranged in alphabetical order by surnames under the designation of the office.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The names of all candidates for each office who have qualified under IC 3-8, except for a school board office, precinct committeeman, or state convention delegate, shall be arranged in random order by surnames under the designation of the office. The random order shall be determined using a lottery. The lottery held in accordance with this subsection shall be conducted in public by the county election board. The lottery shall be held not later than fifteen (15) days following the last day for a declaration of candidacy under IC 3-8-2-4. All candidates whose names are to be arranged by way of the lottery shall be notified at least five (5) days prior to the lottery of the time and place at which the lottery is to be held. Each candidate may have one (1) designated watcher, and each county political party may have one (1) designated watcher who shall be allowed to observe the lottery procedure.

(c) For paper ballots, the left margin of the ballot for each political party must show the name of the uppermost candidate printed to the right of the number 1, the next candidate number 2, the next candidate number 3, and so on, consecutively to the end of the ballot as prescribed in section 19 of this chapter. **The same order shall be followed for the printing of ballot labels and their placement on If ordered by a county election board or a board of elections and registration under IC 3-11-15-13.1(b), a ballot number or other candidate designation uniquely associated with the candidate must be displayed on the electronic voting system and for the printing of**



**printed on the** ballot cards.

(d) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). If there is insufficient room on a row to list each candidate of a political party, a second or subsequent row may be utilized. However, a second or subsequent row may not be utilized unless the first row, and all preceding rows, have been filled.

SECTION 29. IC 3-10-1-24, AS AMENDED BY SEA 185-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. In a vote center county using an electronic poll ~~list~~, **book**, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll ~~list~~: **book**. The poll clerks shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll ~~list~~: **book**:

(1) The voter's name.

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

(3) The name of the voter's party.

(b) The poll clerks shall:

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

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

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

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

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



(e) If the voter makes:

(1) a written affirmation on the poll list **(or if an electronic poll book is used, a written affirmation in the manner described in IC 3-7-39-7)** that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7; the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.

SECTION 30. IC 3-11-3-11, AS AMENDED BY SEA 24-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

(2) The ~~local~~ sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The ~~local~~ ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.

(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be



provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

- (1) has adopted an order under IC 3-7-29-6; or
- (2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll ~~list~~ **book** in each precinct or vote center.

SECTION 31. IC 3-11-3-29.4, AS ADDED BY P.L.194-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: 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.

SECTION 32. IC 3-11-7-15, AS AMENDED BY P.L.221-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 15. (a) A vendor may apply for approval of a proposed improvement or change to a ballot card voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or change must be in the form prescribed by the commission.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 42 U.S.C. 15371. The vendor shall pay any testing expenses incurred under this



subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the proposed improvement or change to the voting system and **the results of the testing by the independent laboratory under subsection (c) and** report the results of the review to the commission. The review must indicate **whether the proposed improvement or change:**

- (1) ~~whether the proposed improvement or change~~ has been approved by an independent laboratory accredited under 42 U.S.C. 15371; ~~and~~
- (2) ~~whether the proposed improvement or is a de minimis change or a modification;~~
- (3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and**
- (4) would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.**

(e) After the commission has approved the application for an improvement or change (**including a de minimis change**) to a ballot card voting system, the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified under section 19(a) of this chapter.

SECTION 33. IC 3-11-7.5-5, AS AMENDED BY P.L.221-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 5. (a) A vendor may apply for approval of a proposed improvement or change to an electronic voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or a change must be in the form prescribed by the commission.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 42 U.S.C. 15371. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the improvement or change to the voting



system and **the results of the testing by the independent laboratory under subsection (c) and** report the results of the review to the commission. The review must indicate **whether the proposed improvement or change:**

- (1) **whether the proposed improvement or change** has been approved by an independent laboratory accredited under 42 U.S.C. 15371; **and**
- (2) **whether the proposed improvement or is a de minimis change or a modification;**
- (3) **if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and**
- (4) **would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.**

(e) After the commission has examined and approved the application for an improvement or change to an electronic voting system **(including a de minimis change)**, the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified by section 28(a) of this chapter.

SECTION 34. IC 3-11-7.5-7, AS AMENDED BY P.L.221-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 7. The commission may not approve the marketing, sale, lease, installation, or implementation of an electronic voting system unless the system meets the specifications in sections 8 through ~~19~~ **18** of this chapter and in IC 3-11-15.

SECTION 35. IC 3-11-7.5-19 IS REPEALED [EFFECTIVE APRIL 1, 2014]. ~~Sec. 19: An electronic voting system must have the frame in which the ballot label is placed constructed with a transparent protective sheet in order that the names cannot be mutilated or altered.~~

SECTION 36. IC 3-11-8-10.3, AS AMENDED BY SEA 385-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

(b) An electronic poll book must satisfy all of the following:

- (1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not



members of the same political party is necessary to access the electronic poll book.

(2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both the following apply:

(A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.

(B) All ballot related data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

(3) An electronic poll book may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll ~~book~~ **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 ~~encrypted~~ **secure** and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) a local version of the electronic poll ~~book;~~ **list;** and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll book must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.



- (6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has voted at the election.
- (7) The electronic poll book must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county.
- (8) The electronic poll book must permit reports to be:
- (A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and
  - (B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.
- (9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list.
- (10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.
- (11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.
- (12) The electronic poll book must include a bar code reader or tablet that:
- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and
  - (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.
- (13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log





into the electronic poll book system.

- (14) The electronic poll book must be compatible with:
- (A) any hardware attached to the electronic poll book, such as signature pads, bar code scanners, and network cards;
  - (B) the statewide voter registration system; and
  - (C) any software system used to prepare voter information to be included on the electronic poll book.
- (15) The electronic poll book must have the ability to be used in conformity with this title for:
- (A) any type of election conducted in Indiana; or
  - (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.
- (16) The procedures for setting up, using, and shutting down an electronic poll book must:
- (A) be reasonably easy for a precinct election officer to learn, understand, and perform; and
  - (B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.
- (17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:
- (A) has been set up correctly;
  - (B) is working correctly so as to verify the eligibility of the voter;
  - (C) is correctly recording that a voter has voted; and
  - (D) has been shut down correctly.
- (18) The electronic poll book must include the following documentation:
- (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll book.
  - (B) Training materials that:
    - (i) may be in written or video form; and
    - (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.
  - (C) Failsafe data recovery procedures for information included in the electronic poll book.
  - (D) Usability tests:
    - (i) that are conducted by the manufacturer of the electronic poll list book using individuals who are representative of the general public;
    - (ii) that include the setting up, using, and shutting down of



- the electronic poll book; and
- (iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.
- (E) A clear model of the electronic poll book system architecture and the following documentation:
- (i) End user documentation.
  - (ii) System-level documentation.
  - (iii) Developer documentation.
- (F) Detailed information concerning:
- (i) electronic poll book consumables; and
  - (ii) the vendor's supply chain for those consumables.
- (G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll book.
- (H) Repair and maintenance policies for the electronic poll book.
- (I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:
- (i) A list of customers who are using or have previously used the vendor's electronic poll book.
  - (ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.
- (19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.
- (20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, ~~included on the electronic poll book~~, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.
- (21) The electronic poll book must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.



(22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

(A) permit a voter to sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature and its assignment to the voter's registration record.

SECTION 37. IC 3-11-8-25.1, AS AMENDED BY SEA 385-2014, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

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

(c) If:

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

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

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

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

(1) sign the poll list; and

(2) receive a provisional ballot.

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

(f) After a voter has passed the challengers or has been sworn in, the



voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll list. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

(1) The voter's name.

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

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

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

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

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

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

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll list. **book.** If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

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

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

the voter may then vote.

(k) The electronic poll book (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an



electronic poll book is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll book and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll book.

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

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

SECTION 38. IC 3-11-8-26.1, AS AMENDED BY P.L.271-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 26.1. (a) If a voter:

- (1) cannot sign; or
- (2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list or enter the information into the electronic poll ~~list~~ **book**:

- (1) The voter's name.
- (2) Except as provided in subsection (e), the voter's current residence address.
- (c) The poll clerks shall:
  - (1) ask the voter to provide or update the voter's voter identification number;
  - (2) tell the voter the number the voter may use as a voter identification number; and
  - (3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.



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

SECTION 39. IC 3-11-13-28, AS AMENDED BY HEA 1096-2014, SECTION 5, AND AS AMENDED BY SEA 185-2014, SECTION 7, IS REPEALED [EFFECTIVE APRIL 1, 2014]. ~~Sec. 28. (a) This section does not apply to a ballot card voted by absentee ballot.~~

(b) ~~Except as provided in subsection (c), the two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:~~

- (1) ~~at the time the card is issued to a voter; or~~
- (2) ~~in the case of a ballot marked by a marking device for an optical scan ballot; before the ballot is placed into the tabulating device.~~

~~The initials must be in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.~~

(c) ~~In a vote center county using an electronic poll list and a printer separate from the electronic poll list, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system may be printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.~~

(d) ~~Except as provided in IC 3-12-1-12, a ballot card is not valid unless, immediately before the ballot card is delivered to the voter:~~

- (1) ~~the ballot card is initialed by both poll clerks; or~~
- (2) ~~the initials of both poll clerks are printed on the back of the ballot card in accordance with subsection (c).~~

SECTION 40. IC 3-11-13-28.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE APRIL 1, 2014]: **Sec. 28.1. (a) This section does not apply:**

- (1) to a ballot card voted by absentee ballot; or**
- (2) in a vote center county using an electronic poll book and a printer separate from the electronic poll book.**



**(b) Except as provided in subsection (c), the two (2) poll clerks of each precinct shall place their initials in ink on the back of each ballot card:**

- (1) at the time the card is issued to a voter; or**
- (2) in the case of a ballot marked by a marking device for an optical scan ballot, before the ballot is placed into the tabulating device.**

**The initials must be in the poll clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.**

**(c) In a vote center county using an electronic poll list and a printer separate from the electronic poll list, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system may be printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.**

**(d) Except as provided in IC 3-12-1-12, a ballot card is not valid unless, immediately before the ballot card is delivered to the voter:**

- (1) the ballot card is initialed by both poll clerks; or**
- (2) the initials of both poll clerks are printed on the back of the ballot card in accordance with subsection (c).**

**SECTION 41. IC 3-11-13-28.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 28.2. (a) This section:**

- (1) does not apply to a ballot card voted by absentee ballot; and**
- (2) applies in a vote center county using an electronic poll book and a printer separate from the electronic poll book.**

**(b) The printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log onto the electronic poll book system may be printed by a printer separate from the electronic poll book on the back of each ballot card immediately before the ballot card is delivered to the voter.**

**(c) Except as provided in IC 3-12-1-12, a ballot card is not valid unless immediately before the ballot card is delivered to the voter:**

- (1) the ballot card is initialed by both poll clerks; and**
- (2) the initials of both poll clerks are printed on the back of the ballot in accordance with subsection (b).**

**SECTION 42. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 31.7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory**



standards to define what constitutes a vote on an optical scan voting system.

(b) After receiving ballot cards, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by marking the connectable arrows, circles, ovals, or squares immediately beside:

(A) the candidates' names; or

(B) the numbers referring to the candidates; and

(2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:

(A) the word "yes" or "no" under the question; or

(B) the number referring to the word "yes" or "no" on the ballot.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or independent ticket (described in IC 3-11-2-6), the voter may mark:

(1) the circle enclosing the device; or

(2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;

that designates the candidates of that political party or independent ticket (described in IC 3-11-2-6). The voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

**(d) This subsection applies to a voter casting a ballot on a voting system that includes features of both an optical scan ballot card voting system and a direct record electronic voting system. After entering into a booth used with the voting system, the voter shall indicate the candidates for whom the voter desires to vote and the voter's preference on each public question by:**

**(1) inserting a paper ballot or an optical scan ballot into the voting system; or**

**(2) using headphones to listen to a recorded list of political parties, candidates, and public questions.**

**(e) A voter using a voting system described in subsection (d) may indicate the voter's selections by:**

**(1) touching a device on or in the squares immediately adjacent to the name of a political party, candidate, or**





**response to a public question; or**  
**(2) indicating the voter's choices by using a sip puff device that enables the voter to indicate a choice by inhaling or exhaling.**

SECTION 43. IC 3-11-14-3.5, AS AMENDED BY P.L.194-2013, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label ~~or paster~~ must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.



(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:



- (1) under the name of the office that the candidates are seeking;
- (2) in the party order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

- (1) placed on the ballot label; or
- (2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive



point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 44. IC 3-11-18.1-4, AS AMENDED BY SEA 385-2014, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 4. The plan required by section 3 of this chapter must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center.
- (3) The effective date of the order.
- (4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:
  - (A) The total number of voters within the county.
  - (B) The number of active voters within the county.
  - (C) The number of inactive voters within the county.
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer consistent with section 13 of this chapter for an election that is not being held in each precinct of the county.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
  - (A) the number and type of ballot variations that will be provided at the vote center; and



- (B) whether these ballots will be:
  - (i) delivered to the vote center before the opening of the polls; or
  - (ii) printed on demand for a voter's use.
- (10) A detailed description of any hardware, firmware, or software used:
  - (A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or
  - (B) to **establish manage data in an electronic poll book through** a secure electronic connection between the county election board and the precinct election officials administering a vote center.
- (11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll book used by precinct election officers at a vote center is immediately accessible to:
  - (A) the county election board; and
  - (B) the electronic poll books used by precinct election officers at all other vote centers in the county.
- (12) For each precinct designated under subdivision (5), the number of electronic poll books to be provided for the precinct.
- (13) This subdivision applies to a county in which ballot cards are used at a vote center. For each vote center designated under subdivision (2), whether each ballot card printed will have the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system printed on the back of the ballot card immediately before the ballot card is delivered to a voter.
- (14) The security and contingency plans to be implemented by the county to do all of the following:
  - (A) Prevent a disruption of the vote center process.
  - (B) Ensure that the election is properly conducted if a disruption occurs.
  - (C) Prevent access to an electronic poll ~~list~~ **book** without the coordinated action of two (2) precinct election officers who are not members of the same political party.
- (15) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.
- (16) A sketch depicting the planned layout of the vote center, indicating the location of:
  - (A) equipment; and



(B) precinct election officers;  
within the vote center.

(17) The total number and locations of satellite offices to be established under IC 3-11-10-26.3 at vote center locations designated under subdivision (2) to allow voters to cast absentee ballots in accordance with IC 3-11. However, a plan must provide for at least one (1) vote center to be established as a satellite office under IC 3-11-10-26.3 on the two (2) Saturdays immediately preceding an election day.

(18) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data shall be provided to all persons entitled to the data without unreasonable delay.

(19) That the county election board shall adopt a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of absentee ballots applicable to the county (if the board has not already done so).

(20) For a plan adopted after July 1, 2014, in a county in which a majority of votes are cast on optical scan ballot cards, any additional procedures to provide for efficient and secure voting at each vote center, including ballot on demand printing.

SECTION 45. IC 3-11.5-4-1, AS AMENDED BY P.L.271-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 1. Each circuit court clerk shall do the following:

(1) Keep a separate absentee ballot record for each precinct in the county.

(2) This subdivision applies to a county in which the county voter registration office prepares a certified list of all voters registered to vote in each precinct in the county under IC 3-7-29-1. Certify to each inspector or the inspector's representative, at the time that the ballots and supplies are delivered under IC 3-11-3, the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

(3) This subdivision applies to a county that has adopted an order to use an electronic poll **list book** under IC 3-7-29-6 or is a voter center county under IC 3-11-18.1. Certify at the time the county voter registration office downloads information to an electronic poll **list book** under IC 3-7-29-6(c), the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots



in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

SECTION 46. IC 3-11.5-4-8, AS AMENDED BY P.L.271-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 8. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll ~~list~~ **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 47. IC 3-11.5-4-9, AS AMENDED BY P.L.271-2013, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 9. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll ~~list~~ **book** under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll ~~list~~ **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 ~~16~~ **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 48. IC 3-11.5-4-11, AS AMENDED BY P.L.258-2013, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: 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 ~~list~~ **book** under IC 3-7-29-6; or
- (2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll ~~lists~~ **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 49. IC 3-11.5-4-16, AS AMENDED BY P.L.271-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) This subsection does not apply to a county that:

(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

If a proper affidavit by a qualified person in the form required by IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

(e) (d) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under IC 3-11-7. IC 3-11.7-5.

SECTION 50. IC 3-11.5-4-22, AS AMENDED BY P.L.271-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: 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 **list book** under IC 3-7-29-6; or

(B) is a vote center county under IC 3-11-18.1.

(c) An otherwise qualified person is eligible to serve on an absentee voter board or as an absentee ballot counter or a courier unless the person:

- (1) is unable to read, write, and speak the English language;
- (2) has any property bet or wagered on the result of the election;
- (3) is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state convention delegate; or
- (4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:

- (1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and
- (2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.

SECTION 51. IC 3-11.5-4-24, AS AMENDED BY P.L.271-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 24. (a) This section does not apply to a county that:

- (1) has adopted an order to use an electronic poll **list book** under IC 3-7-29-6; or
- (2) is a vote center county under IC 3-11-18.1.

(b) In addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

- (1) mark the poll list; and
- (2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;

in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board



according to the certificate supplied under section 1 of this chapter.

(c) The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

(1) marked the poll list; and

(2) attached the certificates described in subsection (b)(2);

under this section in the presence of both poll clerks.

(d) The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

SECTION 52. IC 3-11.5-5-3, AS AMENDED BY P.L.271-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: 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 ~~list~~ **book** under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll ~~lists~~ **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 53. IC 3-11.5-6-3, AS AMENDED BY P.L.271-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: 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 ~~list~~ **book** under IC 3-7-29-6; or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll ~~lists~~ **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 54. IC 3-12-1-17, AS AMENDED BY SEA 385-2014, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) This section applies only to an absentee ballot sent by mail.

(b) Notwithstanding IC 3-11-10-14 and ~~IC 3-11.5-4-10; IC 3-11.5-4-7~~, an absentee ballot received from an overseas voter is not considered as arriving too late if both of the following apply:

(1) The absentee ballot envelope is postmarked not later than the date of the election.

(2) The absentee ballot is received not later than noon ten (10) days following the election.

(c) If the postmark on the absentee ballot envelope is unclear, the county election board, by unanimous vote of the entire membership of the board, determines the postmark date. If the board is unable to determine the postmark date, the absentee ballot may not be counted.

SECTION 55. IC 3-12-3.5-8, AS ADDED BY SEA 385-2014, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 8. (a) After each electronic voting system has been secured and the paper vote total printouts obtained, the inspector shall announce the total number of votes cast on all electronic voting systems located within the polling place, including any absentee ballots cast, to determine if the total number of votes cast on the electronic



voting systems is ~~greater than~~ **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 is ~~greater than~~ **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); is ~~greater than~~ **and**

(2) the number of voters who received a ballot at the polls or returned an absentee ballot according to the poll lists; ~~by~~

**differs by** five (5) votes or more, then the county election board shall order an audit of the votes cast in that precinct under this section.

(d) The county election board shall confirm that the votes cast in an election:

(1) for each candidate and each public question; and

(2) on a direct record electronic voting system in the precinct;

were correctly counted.

(e) The county election board shall conduct an audit by means of tests and procedures that are approved by the commission and independent of the provider of the direct record electronic voting system being audited.

(f) The county election board shall certify the results of the audit not later than noon twelve (12) days after the election. The certification must be on the form prescribed by the commission. One (1) copy shall be filed with the election returns, and one (1) copy must be delivered to the election division.

(g) Public notice of the time and place of an audit shall be given at least forty-eight (48) hours before the audit. The notice shall be published once in accordance with IC 5-3-1-4. However, if publication in accordance with IC 5-3-1-4 will not allow the county election board to certify the results of the audit within twelve (12) days after the election, notice shall be given by posting at or near the office of the county election board.

SECTION 56. IC 3-12-4-12, AS AMENDED BY P.L.221-2005, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 12. ~~Not later than noon on the second Monday~~ After the county election board certifies the election results under section 9 of this chapter, the circuit court clerk shall



furnish, **upon request**, to the county chairman of each political party a copy of the statement.

SECTION 57. IC 3-12-12-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.7. As used in this chapter, "petitioner" refers to the individual voter whose name is listed first on the petition filed under section 2 of this chapter.**

SECTION 58. IC 3-12-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The petition filed under section 2 of this chapter must also be signed by a number of voters within the election district ~~that voted on the public question~~ equal to at least ten percent (10%) of the voters who cast ballots on the public question in the election.

SECTION 59. IC 3-12-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) This section does not apply to a petitioner if it is determined that the result of the public question is other than what was shown on the face of the election returns.

(b) If a cash deposit was not made as required by section 5 of this chapter, the ~~petitioners~~ **petitioner** shall pay to the circuit court clerk within ten (10) days after the recount is completed all costs of the recount.

SECTION 60. IC 3-12-12-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. On the day when the order of a recount is made and entered by the court, the circuit court clerk shall send a certified copy of the order by certified mail to the ~~first name on each petition filed under section 2 of this chapter~~ **petitioner** at the address stated in the petition. The clerk shall charge the cost of mailing the order to each petitioner.

SECTION 61. IC 3-12-12-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) After a recount is ordered under section 9 of this chapter, the recount commission shall convene at a place fixed by order of the court and expeditiously complete the recount of all votes ordered recounted.

(b) The ~~petitioners~~ **petitioner** may designate a watcher to be present at the recount and may also be present in person. Representatives of the media may also attend the recount.

SECTION 62. IC 3-13-1-10.5, AS AMENDED BY P.L.225-2011, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the



commission with:

- (1) the chairman of the caucus or committee conducting a meeting under this chapter; and
- (2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter; at least seventy-two (72) hours before the time fixed for the caucus or committee meeting.

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

**(c) A candidate's declaration of candidacy must contain the following statements:**

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

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

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

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

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

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

**(4) A statement that the candidate:**

**(A) is aware of the provisions of IC 3-9 regarding**



**campaign finance and the reporting of campaign contributions and expenditures; and**

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

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

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

SECTION 63. IC 3-13-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) The selection of a person as a candidate under this chapter is not effective unless:

(1) the person's written consent is obtained and filed:

(A) in the office in which certificates and petitions of nomination must be filed; and

(B) when the certificate is filed; and

(2) the candidate has complied with any requirement under IC 3-8-1-33 to file a statement of economic interests.

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

**(c) A candidate's consent must contain the following statements:**

**(1) A statement that the candidate has attached either of the following to the consent:**

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

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

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

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





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

**(4) A statement that the candidate:**

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

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

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

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

SECTION 64. IC 33-42-4-1, AS AMENDED BY HEA 1041-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following may subscribe and administer oaths and take acknowledgments of all documents pertaining to all matters where an oath is required:

(1) Notaries public.

**(2) An official court reporter acting under IC 33-41-1-6.**

~~(2)~~ **(3) Justices and judges of courts, in their respective jurisdictions.**

~~(3)~~ **(4) The secretary of state.**

~~(4)~~ **(5) The clerk of the supreme court.**

~~(5)~~ **(6) Mayors, clerks, clerk-treasurers of towns and cities, and township trustees, in their respective towns, cities, and townships.**

~~(6)~~ **(7) Clerks of circuit courts and master commissioners, in their respective counties.**

~~(7)~~ **(8) Judges of United States district courts of Indiana, in their respective jurisdictions.**

~~(8)~~ **(9) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.**

~~(9)~~ **(10) A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.**

~~(10)~~ **(11) A member of the Indiana election commission, a co-director of the election division, or an employee of the election division under IC 3-6-4.2.**

~~(11)~~ **(12) County auditors, in their respective counties.**

~~(12)~~ **(13) Any member of the general assembly anywhere in**



Indiana.

(13) (14) The adjutant general of the Indiana National Guard, specific active duty members, reserve duty members, or civilian employees of the Indiana National Guard designated by the adjutant general of the Indiana National Guard, for any purpose related to the service of an active or reserve duty member of the Indiana National Guard.

SECTION 65. IC 36-2-15-5, AS AMENDED BY P.L.146-2008, SECTION 693, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

- (1) Countywide equalization.
- (2) Selection and maintenance of a countywide computer system.
- (3) Certification of gross assessments to the county auditor.
- (4) Discovery of omitted property.
- (5) In:
  - (A) a township in which the transfer of duties of the elected township assessor is required by subsection (c); or
  - (B) a township in which the duties relating to the assessment of tangible property are not required to be performed by a township assessor elected under IC 36-6-5;

performance of the assessment duties prescribed by IC 6-1.1.

- (b) A transfer of duties between assessors does not affect:
  - (1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or
  - (2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

- (c) If:
  - (1) for a particular general election after June 30, 2008, the person elected to the office of township assessor has not attained the certification of a level two assessor-appraiser; or
  - (2) for a particular general election after January 1, ~~2012~~, **2016**, the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser;

as provided in IC 3-8-1-23.6 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be



performed in the township by the township assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor if at a later election a person who has attained the required level of certification referred to in subdivision (1) or (2) is elected to the office of township assessor.

(d) If assessment duties in a township are transferred to the county assessor under subsection (c), the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor.

(e) A referendum shall be held under sections 7.4 through 11 of this chapter in each township in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000) to determine whether to transfer to the county assessor the assessment duties prescribed by IC 6-1.1 that would otherwise be performed by the elected township assessor of the township.

SECTION 66. IC 36-4-1.5-2, AS AMENDED BY SEA 24-2014, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A town may be changed into a city through the following:

(1) The town legislative body must adopt a resolution submitting to the town's voters the question of whether the town should be changed into a city. The town legislative body shall adopt a resolution described in this subdivision if at least the number of registered voters of the town equal to ten percent (10%) of the total votes cast in the town at the last election for secretary of state sign a petition requesting the town legislative body to adopt such a resolution. In determining the number of signatures required under this subdivision, any fraction that exceeds a whole number shall be disregarded.

(2) The town legislative body must adopt the resolution under subdivision (1) not later than thirty (30) days after the date on which a petition having a sufficient number of signatures is filed. A resolution adopted under subdivision (1) must fix the date for an election on the question of whether the town should be changed into a city as follows:

(A) If the election is to be on the same date as a general election or municipal election:

(i) the resolution must state that fact and be certified in accordance with IC 3-10-9-3; and

(ii) the election must be held on the date of the next general



election or municipal election, whichever is earlier, at which the question can be placed on the ballot under ~~IC 3-10-9-3~~. **IC 3-10-9.**

- (B) If the election is to be a special election, the date must be:
- (i) not less than ~~thirty (30)~~ **seventy-four (74)** and not more than ~~sixty (60)~~ **one hundred four (104)** days after the notice of the election; and
  - (ii) not later than the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under ~~IC 3-10-9-3~~. **IC 3-10-9.**

(3) The town legislative body shall file a copy of the resolution adopted under subdivision (1) with the circuit court clerk of each county in which the town is located. The circuit court clerk shall immediately certify the resolution to the county election board.

(4) The county election board shall give notice of the election in the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the election.

(5) The question described in subdivision (1) shall be placed on the ballot in the form prescribed by IC 3-10-9-4. The text of the question shall be: "Shall the town of \_\_\_\_\_ change into a city?"

(6) If a majority of the voters voting on the question described in subdivision (1) vote "yes", the town is changed into a city as provided in this chapter. If a majority of the voters voting on the question vote "no", the town remains a town.

SECTION 67. IC 36-5-1-8, AS AMENDED BY P.L.147-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The county executive may approve a petition for incorporation only if it finds all of the following:

- (1) That the proposed town is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes.
- (2) That the proposed town is reasonably compact and contiguous.
- (3) That the proposed town includes enough territory to allow for reasonable growth in the foreseeable future.
- (4) That a substantial majority of the property owners in the proposed town have agreed that at least six (6) of the following municipal services should be provided on an adequate basis:
  - (A) Police protection.
  - (B) Fire protection.
  - (C) Street construction, maintenance, and lighting.
  - (D) Sanitary sewers.



- (E) Storm sewers.
  - (F) Health protection.
  - (G) Parks and recreation.
  - (H) Schools and education.
  - (I) Planning, zoning, and subdivision control.
  - (J) One (1) or more utility services.
  - (K) Stream pollution control or water conservation.
- (5) That the proposed town could finance the proposed municipal services with a reasonable tax rate, using the current assessed valuation of properties as a basis for calculation.
- (6) That incorporation is in the best interest of the territory involved. This finding must include a consideration of:
- (A) the expected growth and governmental needs of the area surrounding the proposed town;
  - (B) the extent to which another unit can more adequately and economically provide essential services and functions; and
  - (C) the extent to which the incorporators are willing to enter into agreements under IC 36-1-7 with the largest neighboring municipality, if that municipality has proposed such agreements.

(b) If the county executive determines that the petition satisfies the requirements set forth in subsection (a), the county executive may do any of the following:

- (1) Adopt an ordinance under section 10.1 of this chapter incorporating the town.
- (2) Deny the petition.
- (3) Adopt a resolution to place a public question concerning the incorporation on the ballot at an election. The county executive shall request a date for the election as follows:
  - (A) If the county executive requests the public question be on the same date as a general election or primary election:
    - (i) the resolution must state that the election is to be on the same date as a general or primary election, and must be certified in accordance with IC 3-10-9-3; and
    - (ii) the election must be held on the date of the next general election or primary election, whichever is earlier, at which the question can be placed on the ballot under IC 3-10-9-3.
  - (B) If a petition contains a request for a special election, the county executive may request that the public question concerning the incorporation will be on the ballot of a special election. An election may be considered a special election only if it is conducted on a date other than the date of a general



election or primary election. The date of the special election must be:

- (i) at least ~~thirty (30)~~ **seventy-four (74)** and not more than ~~sixty (60)~~ **one hundred four (104)** days after the notice of the election is filed under IC 3-10-8-4; and
- (ii) not later than the next general election or primary election, whichever is earlier, at which the question can be placed on the ballot under IC 3-10-9-3.

If the public question is on the ballot of a special election, the petitioners shall pay the costs of holding the special election. If the county executive adopts a resolution under this subdivision, the county executive shall file the resolution and the petition with the circuit court clerk of each county that contains any part of the territory sought to be incorporated.

(c) After a resolution is filed with a circuit court clerk under subsection (b)(3), the circuit court clerk shall certify the resolution to the county election board. The county election board shall place the following public question on the ballot:

"Shall (insert a description of the territorial boundaries) be incorporated as a town?"

Only the registered voters residing within the territory of the proposed town may vote on the public question.

(d) Not earlier than sixty (60) days and not later than thirty (30) days before the election, the petitioners shall publish a notice in accordance with IC 5-3-1 in each county where the proposed town is located. The notice must include the following:

- (1) A description of the boundaries of the proposed town and the quantity of land contained in the territory of the proposed town.
- (2) The information provided under section 3(3) through 3(6) of this chapter.
- (3) The name, telephone number, and electronic mail address (if available) of the contact person for the petitioners.
- (4) A statement that the petition is available for inspection and copying in the office of the circuit court clerk of each county where the proposed town is located.

The petitioners shall submit proof of publication of the notice to the circuit court clerk of each county in which the proposed town is located. A defect in the form of the notice does not invalidate the petition.

(e) If a majority of the voters residing within the territory of the proposed town:

- (1) vote "no" on the public question, the territory is not



incorporated as a town, and a new petition for incorporation may not be filed within the period set forth in section 9 of this chapter; or

(2) vote "yes" on the public question, the county executive of each county in which the proposed town is located shall adopt an ordinance under section 10.1 of this chapter.

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

(1) The county executive of each county in which the proposed incorporated territory is located.

(2) The county auditor of each county in which the proposed incorporated territory is located.

(3) The department of local government finance.

(4) The department of state revenue.

(5) The state board of accounts.

**(6) The office of the secretary of state.**

**(7) The office of census data established by IC 2-5-1.1-12.2.**

**SECTION 68. An emergency is declared for this act.**



\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
President Pro Tempore

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

