

First Regular Session of the 119th General Assembly (2015)

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

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

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

HOUSE ENROLLED ACT No. 1139

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-6-4.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The co-directors shall employ other employees as necessary in the execution of the powers and duties of the ~~commission~~. **election division**.

SECTION 2. IC 3-6-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) A county election board shall remove a ~~member of a precinct election board officer~~ and declare the office vacant if:

- (1) at any time before or during an election the county election board is notified by the affidavit of two (2) or more voters of the precinct that the ~~member officer~~ is not qualified; and
- (2) the board determines that the statements made in the affidavit concerning the disqualification of the precinct election ~~board member officer~~ are true.

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

SECTION 3. IC 3-7-26.3-34, AS ADDED BY SEA 466-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2015]: Sec. 34. Beginning not later than January 7, 2016, the secretary of state and the co-directors of the election division shall provide the information regarding:

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

(A) names of candidates who; **and**

(B) **public questions that;**

will appear on ballots in an election;

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

SECTION 4. IC 3-7-38.2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section applies to an absent uniformed services voter or an overseas voter with an address in the county's voter registration record that does not include an "APO" or "FPO" designation.

(b) If a county voter registration office:

- (1) is advised under this chapter that the voter's residence may have changed; and
- (2) determines that the voter is subject to this section;

the voter registration office may disregard the notification of change of residence and is not required to act under this chapter concerning the voter's registration.

SECTION 5. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. A declaration of candidacy for:

- (1) a federal office;
- (2) a state office;
- (3) a legislative office; or
- (4) the local office of:

(A) judge of a circuit, superior, probate, ~~county~~, or small claims court; or

(B) prosecuting attorney of a judicial circuit;

shall be filed with the secretary of state.

SECTION 6. IC 3-8-2-19, AS AMENDED BY P.L.179-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

- (1) The title of each office.
- (2) The name of each individual who has filed a request to be placed on the presidential primary ballot.
- (3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the



primary election ballot, **except for an individual with a restricted address under IC 36-1-8.5.**

(4) The text of any public question to be placed on the ballot.

(5) The date of the primary election.

(6) The hours during which the polls will be open.

(b) The county election board shall do the following:

(1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.

(2) File a copy of the information described in subsection (a):

(A) with the election division; and

(B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

(1) compilation of the information described in subsection (a) has occurred; or

(2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

SECTION 7. IC 3-8-4-3, AS AMENDED BY P.L.230-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section applies to each political party that elects delegates to the party's state convention at a primary election.

(b) Delegates to a state convention shall be chosen at the primary election conducted by the political party on the first Tuesday after the first Monday in May ~~2006~~ **2016** and every two (2) years thereafter. If provided in the rules of the state committee of the political party, delegates may be elected from delegate districts in each county.

(c) Not later than noon November 30 of the year preceding the year in which the state convention is to be conducted, the state chairman of a political party shall certify the following to the election division and to each county committee of the party:

(1) The number of delegates to be elected in each county.

(2) Whether the delegates are to be elected from districts or at large in each county.

(3) If a county is to elect delegates from districts, how many districts must be established in each county.



(d) The county committee shall establish any delegate districts required to be established under subsection (c) and file descriptions setting forth the district boundaries with the county election board not later than noon December 31 of the year preceding the year the state convention is to be conducted. If the county committee does not timely file district descriptions under this subsection, the county election board shall establish districts not later than the first day that a declaration of candidacy may be filed under IC 3-8-2-4, and apportion the delegates to be elected from each district in accordance with subsection (c).

SECTION 8. IC 3-8-7-28, AS AMENDED BY SEA 466-2015, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 28. (a) Except as provided in subsections (b) and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or IC 3-10-1 desires to withdraw as the nominee, the nominee must file a notice of withdrawal in writing with the public official with whom the certificate of nomination was filed by noon:

- (1) ~~August 1~~ **July 15** before a general or municipal election;
- (2) August 1 before a municipal election in a town subject to IC 3-8-5-10;
- (3) on the date specified for town convention nominees under IC 3-8-5-14.5;
- (4) on the date specified for declared write-in candidates under IC 3-8-2-2.7;
- (5) on the date specified for a school board candidate under IC 3-8-2.5-4; or
- (6) forty-five (45) days before a special election.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. IC 3-8-8-7 and the filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. IC 3-8-8-7 and the filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

SECTION 9. IC 3-10-1-4.5, AS AMENDED BY P.L.164-2006, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.5. (a) Except as provided in section 4.6 of this chapter, precinct committeemen shall be elected on the first Tuesday after the first Monday in May ~~2006~~ **2018** and every four (4) years



thereafter.

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

SECTION 10. IC 3-10-1-4.6, AS ADDED BY P.L.164-2006, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.6. (a) This section applies to precinct committeemen elected by the Indiana Republican Party.

(b) Precinct committeemen shall be elected on the first Tuesday after the first Monday in May ~~2008~~ **2016** and every four (4) years thereafter.

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

SECTION 11. IC 3-10-1-31.1, AS AMENDED BY HEA 1138-2015, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

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

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

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



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

requires the continued preservation of the ballots or other material.

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

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

(f) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

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

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

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

SECTION 12. IC 3-10-2-3, AS AMENDED BY P.L.230-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. Electors for President and Vice-President of the United States shall be elected in ~~2008~~ **2016** and every four (4) years thereafter at a general election held in accordance with 3 U.S.C. 1.

SECTION 13. IC 3-10-2-4, AS AMENDED BY P.L.230-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. United States Senators shall be elected at a general election held in accordance with 2 U.S.C. 1 and as follows:

- (1) One (1) in ~~2006~~ **2016** and every six (6) years thereafter.
- (2) One (1) in ~~2010~~ **2018** and every six (6) years thereafter.

SECTION 14. IC 3-10-2-6, AS AMENDED BY P.L.230-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The following public officials shall be elected in ~~2008~~ **2016** and every four (4) years thereafter:

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

SECTION 15. IC 3-10-2-7, AS AMENDED BY P.L.230-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The following public officials shall be elected in ~~2006~~ **2018** and every four (4) years thereafter:

- (1) Secretary of state.
- (2) Auditor of state.
- (3) Treasurer of state.

SECTION 16. IC 3-10-2-12, AS AMENDED BY P.L.230-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. A prosecuting attorney shall be elected in each judicial circuit in ~~2006~~ **2018** and every four (4) years thereafter in accordance with Article 7, Section 16 of the Constitution of the State of Indiana.

SECTION 17. IC 3-10-6-3, AS AMENDED BY P.L.230-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter each political party shall, at the primary election in:



(1) May ~~2006~~ **2018** and every four (4) years thereafter; and
 (2) May ~~2007~~ **2019** and every four (4) years thereafter;
 nominate candidates for the election to be held under section 6(a) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be conducted under this chapter.

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

(1) May ~~2006~~ **2016** and every four (4) years thereafter; and
 (2) May ~~2008~~ **2018** and every four (4) years thereafter;
 nominate candidates for the election to be held under section 6(b) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be conducted under this chapter.

(c) Notwithstanding section 2 of this chapter, in a town that adopted an ordinance under section 2.6 of this chapter each political party shall, at the primary election in May ~~2008~~ **2016** and every four (4) years thereafter, nominate candidates for the election to be held under section 6(c) of this chapter, unless a primary election is not required under section 4 of this chapter. The primary election shall be held under this chapter.

SECTION 18. IC 3-10-6-6, AS AMENDED BY P.L.230-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter shall:

(1) at the general election in November ~~2006~~ **2018** and every four (4) years thereafter; and
 (2) at the municipal election in November ~~2007~~ **2019** and every four (4) years thereafter;
 elect town council members for terms of four (4) years to those offices whose terms expire at noon January 1 following the election, as provided in IC 36-5-2-3. The election shall be conducted under this chapter.

(b) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall:

(1) at the general election in November ~~2006~~ **2016** and every four (4) years thereafter; and
 (2) at the general election in November ~~2008~~ **2018** and every four (4) years thereafter;



elect town council members for terms of four (4) years to those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

(c) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall, at the general election in November ~~2008~~ **2016** and every four (4) years thereafter, elect a town clerk-treasurer and town court judge (if a town court has been established under IC 33-35-1-1) to those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

SECTION 19. IC 3-10-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Each circuit court clerk or town clerk-treasurer who receives a writ ordering a special election shall publish in accordance with IC 5-3-1:

(1) under the proper political party or independent candidate designation:

(A) the title of office; and

(B) the names and addresses of all ~~persons for whom nomination papers candidates who~~ **have been filed for election to the office, except for an individual with a restricted address under IC 36-1-8.5;**

if an elected office will be on the ballot at the special election;

(2) the text of any public question to be submitted to the voters;

(3) the date of the election; and

(4) the hours during which the polls will be open.

(b) The county election board or town election board shall file a notice of a special election conducted under this chapter with the election division not later than noon ~~thirty (30) days before the election is conducted.~~ **seven (7) days after receiving the writ.**

SECTION 20. IC 3-11-4-4, AS AMENDED BY P.L.219-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Applications may be made on application forms approved by the commission by any of the following means:

(1) In person.

(2) By fax transmission.

(3) By mail (including United States mail or bonded courier).

(4) By electronic mail with a digital image of the application and signature of the applicant, if transmitted by an absent uniformed services voter or an overseas voter acting under section 6 of this chapter.

(b) Application forms shall:

(1) be furnished to a central committee of the county at the



request of the central committee;

(2) be:

(A) mailed;

(B) transmitted by fax; or

(C) transmitted by electronic mail with a digital image of the application;

upon request, to a voter; ~~applying by mail; by telephone; by electronic mail; or by fax;~~ and

(3) be delivered to a voter in person who applies at the circuit court clerk's office.

(c) A county election board shall accept an application for an absentee ballot transmitted by fax even though the application is delivered to the county election board by a person other than the person submitting the application.

(d) When an application is received under subsection (a)(4), the circuit court clerk's office (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.4, the office of the board of elections and registration) shall send an electronic mail receipt acknowledging receipt of the voter's application.

SECTION 21. IC 3-11-4-18, AS AMENDED BY HEA 1138-2015, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be ~~mailed:~~ **transmitted:**

(1) on the day of the receipt of the voter's application; or

(2) not more than five (5) days after the date of delivery of the



ballots under section 15 of this chapter; whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under IC 3-7-33-5(f) that the applicant is a registered voter.

(d) As required by 52 U.S.C. 21081, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(e) As provided by 52 U.S.C. 21081, when an absentee ballot is ~~mailed~~ **transmitted** under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 22. IC 3-11-10-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) Not later than noon ~~ten (10)~~ **fifty (50)** days before ~~absentee voting begins under section 26 of this chapter;~~ **election day**, each county election board shall notify the county chairmen of the two (2) political parties that have appointed members on the county election board of the number of absentee voter boards to be appointed under section 36 of this chapter.

(b) The county chairmen shall make written recommendations for the appointments to the county election board not later than noon ~~three (3)~~ **forty-six (46)** days before ~~absentee voting begins under section 26 of this chapter;~~ **election day**. The county election board shall make the appointments as recommended. If a county chairman fails to make any recommendations, then the county election board may appoint any voters of the county who comply with section 36 of this chapter.

SECTION 23. IC 3-13-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **As used in this section, "county committee" refers to the precinct committeemen and vice committeemen of a major political party representing a precinct within the county.**

~~(a)~~ (b) Except as provided in subsection ~~(b)~~; (c), a candidate vacancy for a local office shall be filled by:

- (1) a caucus comprised of the precinct committeemen who are



eligible to participate under section 10 of this chapter; or
 (2) the county chairman of the political party or a caucus comprised of the chairman, vice chairman, secretary, and treasurer of the county committee of the party, if:

(A) authorized to fill vacancies under this chapter by majority vote of the county committee; ~~and~~

(B) the election district for the local office is entirely within one (1) county; **and**

(C) documentation of the authority given under clause (A) is attached to the certification of candidate selection filed under section 15 of this chapter.

~~(b)~~ **(c)** A candidate vacancy for the office of circuit court judge or prosecuting attorney in a circuit having more than one (1) county shall be filled by a caucus comprised of the precinct committeemen who constitute the county committees of the political party for all of the circuit.

SECTION 24. IC 3-13-1-8, AS AMENDED BY P.L.225-2011, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A meeting under section ~~7~~ **3, 4, 5, or 6** of this chapter shall be called and chaired by:

(1) the state chairman, or a person designated by the state chairman, for a caucus or committee acting under section 3, 4, 5, or ~~6(b)~~ **6(c)** of this chapter; or

(2) the county chairman of the county in which the greatest percentage of the population of the election district is located, or an individual designated by the county chairman, for a caucus or committee acting under section ~~6(a)~~ **6(b)** of this chapter.

SECTION 25. IC 3-13-1-9, AS AMENDED BY P.L.225-2011, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The call for a meeting under section ~~7~~ **3, 4, 5, or 6** of this chapter must:

- (1) be in writing on a form prescribed by the commission;
- (2) state the name of the chairman of the meeting;
- (3) state the purpose of the meeting;
- (4) state the date, time, and place of the meeting;
- (5) be sent by first class mail, at least ten (10) days before the meeting, to all persons eligible to participate in the meeting; and
- (6) be filed not later than noon ten (10) days before the meeting with the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter.

SECTION 26. IC 3-13-1-10, AS AMENDED BY P.L.230-2005,



SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) To be eligible to participate in a caucus called under section **7 4, 5, or 6** of this chapter, an elected precinct committeeman must be entitled to vote for the office for which a candidate is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the ballot vacancy occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under section **7 4, 5, or 6** of this chapter if the precinct committeeman was a committeeman thirty (30) days before the vacancy occurred.

(c) For purposes of a candidate vacancy resulting from the failure of a candidate to be nominated at a primary at which precinct committeemen were elected, an appointed precinct committeeman is eligible to serve if the committeeman has been reappointed following the primary in accordance with the rules of the committeeman's political party.

SECTION 27. IC 3-13-1-11, AS AMENDED BY P.L.225-2011, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) At a meeting called under section **7 3, 4, 5, or 6** of this chapter, the eligible participants shall:

- (1) establish the rules of procedure for the caucus or meeting, except as otherwise provided in this chapter; and
- (2) select, by a majority vote of those casting a vote for a candidate, a person to fill the candidate vacancy described in the call for the meeting.

(b) If more than one (1) person seeks to fill the vacancy, the selection shall be conducted by secret ballot.

SECTION 28. IC 3-13-1-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) Except as provided in this section, voting by proxy is not permitted in a caucus called under section **7 4, 5, or 6** of this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus called under section **7 4, 5, or 6** of this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

- (1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter.
- (2) The vice committeeman's precinct committeeman is not present at the caucus.
- (3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is



eligible to participate in a caucus called under section ~~7~~ **4, 5, or 6** of this chapter and vote the precinct committeeman's proxy, regardless of when the ballot vacancy occurred, if the vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(d) If a vice committeeman is not eligible under subsection (c), the vice committeeman is eligible to participate in a caucus called under section ~~7~~ **4, 5, or 6** of this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred.

SECTION 29. IC 3-13-1-12, AS AMENDED BY P.L.96-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) If a tie vote occurs among participants acting under section 3, 4, 5, or ~~6(b)~~ **6(c)** of this chapter, the chairman of the meeting may cast the tiebreaking vote. If a tie vote occurs among participants acting under section ~~6(a)~~ **6(b)** of this chapter, the county chairman **or an individual designated by the county chairman** may cast the tiebreaking vote.

(b) If a quorum required under the rules of a meeting held under this chapter is not present, the county chairman shall fill the candidate vacancy.

SECTION 30. IC 3-13-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. If no person is eligible to participate in the filling of a candidate vacancy for an office under section ~~6(a)~~ **6(b)** of this chapter, the county chairman entitled to call the meeting under section 8 of this chapter shall appoint a person to fill the vacancy.

SECTION 31. IC 3-13-1-15, AS AMENDED BY P.L.225-2011, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A county chairman filling a candidate vacancy under section ~~6(a)(2)~~ **6(b)(2)** of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

- (1) The name of each candidate as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
 - (2) The residence address of each candidate.
- (b) The certificate shall be filed with:
- (1) the election division for:



(A) a committee acting under section 3, 4, 5, or ~~6(b)~~ **6(c)** of this chapter; or

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

(2) the circuit court clerk, for a committee acting under section ~~6(a)~~ **6(b)** of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not later than noon three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 32. IC 3-13-1-21, AS ADDED BY P.L.124-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) This section applies to a certificate of candidate selection filed under section 15 or 20 of this chapter.

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

(1) a notice of a caucus or meeting;

(2) a declaration of candidacy filed by the individual selected as the candidate; or

(3) the certificate of candidate selection;

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

SECTION 33. IC 3-13-11-8, AS AMENDED BY P.L.96-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in this chapter, the caucus shall establish the caucus rules of procedure. The chairman **or an individual designated by the chairman** shall break any tie vote that occurs in the caucus.

(b) If a quorum required under the rules of a meeting held under this chapter is not present, the county chairman **or an individual designated by the county chairman** shall fill the vacancy that exists in the local office.



SECTION 34. IC 3-14-1-17, AS AMENDED BY SEA 466-2015, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) As used in this section, "government employee" refers to any of the following:

- (1) An employee of the state.
- (2) An employee of a political subdivision.
- (3) A special state appointee (as defined in IC 4-2-6-1).
- (4) An employee of a charter school (as defined in IC 20-24-1-4).

(b) As used in this section, "government employer" refers to the state or a political subdivision.

(c) As used in this section, "property" refers only to the following:

- (1) Equipment, goods, and materials, including mail and messaging systems.
- (2) Money.

(d) A government employee may not knowingly or intentionally use the property of the employee's government employer to do any of the following:

- (1) Solicit a contribution.
- (2) Advocate the election or defeat of a candidate.
- (3) Advocate the approval or defeat of a public question.

(e) A government employee may not knowingly or intentionally distribute or display campaign materials advocating:

- (1) the election or defeat of a candidate; or
- (2) the approval or defeat of a public question;

on the government employer's real property during regular working hours.

(f) This section does not prohibit the following:

- (1) Activities permitted under IC 6-1.1-20.
- (2) A government employee from carrying out administrative duties under the direction of an elected official who is the government employee's supervisor.

(g) A government employee who knowingly or intentionally performs several actions described in subsection (d) or (e) in a connected series that are closely related in time, place, and circumstance may be charged with only one (1) violation of this section for that connected series of actions.

(h) A government employee who violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

SECTION 35. IC 12-14-25-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A designated employee may use any of the following methods to transmit voter



registration applications or declinations under section 3 or 4 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.~~

SECTION 36. IC 20-23-12-9, AS AMENDED BY P.L.179-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in ~~2012~~ **2016** and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in ~~2014~~ **2018** and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the general election to be held in ~~2012~~ **2016** and every four (4) years thereafter.

SECTION 37. IC 20-23-14-9, AS AMENDED BY P.L.179-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the general election to be held in ~~2012~~ **2016** and every four (4) years thereafter.

(2) Two (2) of the members are elected at the general election to be held in ~~2014~~ **2018** and every four (4) years thereafter.

SECTION 38. IC 20-23-17.2-3, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the general election held in the county in ~~2012~~ **2016** and each four (4) years thereafter.

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



SECTION 39. IC 20-23-17.2-9, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. The members of the governing body of the school corporation shall be elected at the general election to be held in ~~2012~~ **2016** and every four (4) years thereafter.

SECTION 40. IC 24-5-14-5, AS AMENDED BY SEA 466-2015, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section does not apply to any of the following messages:

- (1) Messages from school districts to students, parents, or employees.
- (2) Messages to subscribers with whom the caller has a current business or personal relationship. ~~or~~
- (3) Messages advising employees of work schedules.
- ~~(4) Messages to voters from a county election board (established by IC 3-6-5-1); a county board of elections and registration (established by IC 3-6-5.2-3 or IC 3-6-5.4-3); or a county voter registration office (as defined in IC 3-5-2-16.2).~~

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

- (1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or
- (2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.

SECTION 41. IC 36-1.5-4-23, AS AMENDED BY P.L.202-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. The legislative body of a reorganizing political subdivision shall certify the legislative body's final action on a plan of reorganization or revised plan of reorganization, as modified by the legislative body, in the manner prescribed by the department of local government finance, to the following:

- (1) The clerk of each reorganizing political subdivision.
- (2) The county fiscal officer of each county in which a reorganizing political subdivision is located.
- (3) The county recorder of each county in which a reorganizing political subdivision is located.
- (4) The county voter registration office of each county in which a reorganizing political subdivision is located.**

SECTION 42. IC 36-1.5-4-28, AS AMENDED BY P.L.202-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) ~~For a public question voted on by voters after June 30, 2013;~~ A public question under this chapter shall



be placed on the ballot in all of the precincts that are located in the reorganizing political subdivisions in substantially the following form:

(Insert a brief description of the structure of the proposed reorganized political subdivision that will succeed the reorganizing political subdivisions.)

"Shall _____ (insert name of political subdivision) and _____ (insert name of political subdivision) reorganize as a single political subdivision?"

(b) The public question must appear on the ballot in the form approved by the county election board. A brief description of the reorganized political subdivision that will succeed the reorganizing political subdivisions, and the public question described in subsection (a), shall be placed on the ballot in the form prescribed by IC 3-10-9-4. ~~For a public question voted on by voters after June 30, 2013,~~ The county election board shall submit the language to the department of local government finance for review.

(c) The department of local government finance shall review the language of the public question to evaluate whether the description of the reorganized political subdivision that will succeed the reorganizing political subdivisions is accurate and is not biased against either a vote in favor of the reorganization or a vote against the reorganization. The department of local government finance may:

- (1) approve the ballot language as submitted; or
- (2) modify the ballot language as necessary to ensure that the description of the reorganized political subdivision that will succeed the reorganizing political subdivisions is accurate and is not biased.

The department of local government finance shall certify its approval or recommendations to the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified under IC 3-10-9-3 unless the department of local government finance has first certified the department's final approval of the ballot language for the public question **to the county recorder.**

(d) When the county recorder receives final approval of the ballot language under this section, the county recorder shall immediately certify the public question to the county election



board under IC 3-10-9-3 and file a notice of the certification with the county auditor. The county election board shall place the public question on the ballot in accordance with IC 3-10-9 at the next regularly scheduled general or municipal election that will occur in all of the precincts of the reorganizing political subdivisions.

SECTION 43. IC 36-5-1-8, AS AMENDED BY P.L.76-2014, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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 seventy-four (74) and not more than 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.

(8) The election division.

SECTION 44. 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: _____

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