



2011 Indiana Election Legislation Summary

Prepared by the Indiana Election Division

This document summarizes the election-related legislation that passed the Indiana General Assembly and became law in 2011. Bills may be obtained by contacting the Legislative Information Center at 200 West Washington Street, Room 230, Indianapolis, Indiana 46204-2731; (317) 232-9856, or by downloading documents from the General Assembly's website at www.in.gov/legislative.

This document is intended to serve as an overview of information concerning Indiana election laws. Although the Election Division takes every effort to ensure the accuracy of the information in this document, **where your legal rights are involved, do not rely on this document. Instead, review the law yourself or consult with your attorney.**

The 2011 Regular Session of the Indiana General Assembly enacted the following election-related bills:

Public Law 1-2011 (Senate Enrolled Act 32): Vote Centers
Public Law 118-2011 (House Enrolled Act 1109): Military-Issued Voter Identification
Public Law 141-2011 (Senate Enrolled Act 80): Public Inspection of Provisional Ballot Materials
Public Law 179-2011 (House Enrolled Act 1074): School Board Elections during General Election
Public Law 190-2011 (House Enrolled Act 1190): Ballots and Voting Systems
Public Law 214-2011 (House Enrolled Act 1601): State Legislative Districts and Precinct Changes
Public Law 215-2011 (House Enrolled Act 1602): Congressional Districts
Public Law 225-2011 (House Enrolled Act 1242): Miscellaneous Election Matters
Public Law 229-2011 (House Enrolled Act 1001): State Budget (and election-related provisions)

The following bills made technical or non-election related amendments to election statutes:

Public Law 32-2011 (Senate Enrolled Act 67): Administrative Orders and Procedures Act
Public Law 42-2011 (Senate Enrolled Act 295): Technical Corrections
Public Law 70-2011 (House Enrolled Act 1054): Crimes Outside of Title 35
Public Law 117-2011 (House Enrolled Act 1025): Public Official Bonding
Public Law 126-2011 (House Enrolled Act 1311): Zoning Law
Public Law 198-2011 (House Enrolled Act 1238): Controlled Project and School Tax Levy Referenda
Public Law 201-2011 (House Enrolled Act 1266): Courts
Public Law 220-2011 (Senate Enrolled Act 490): Technical Corrections

The 2011 Regular Session of the Indiana General Assembly enacted two joint resolutions proposing amendments to the Constitution of the State of Indiana:

Public Law 230-2011 (Senate Enrolled Joint Resolution 9): Approving a constitutional amendment concerning the right to hunt and fish

Public Law 231-2011 (House Enrolled Joint Resolution 6): Provides that: (1) only marriage between one man and one woman shall be valid or recognized as a marriage in Indiana; and (2) a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.

NOTE: These proposed amendments have not been previously agreed to by the General Assembly so, before either becomes law, an identical resolution must be approved by the 2013 or 2014 General Assembly and then ratified by a majority of the state's voters voting on the joint resolution as a public question on the November 2014 General Election ballot.

VOTER REGISTRATION

“Active Voter” Definition

The definition of “active voter” is amended to: (1) clarify that the definition of this term in current law applies for purposes of the precinct boundary laws; and (2) add a new definition of “active voter” for purposes of the vote center laws, which specifies that an “active voter” means a voter who has not been made inactive in the Statewide Voter Registration System pursuant to a voter list maintenance program.

(SEA 32 § 3; Effective Date: December 31, 2010 [retroactive]; Citation affected: 3-11-18.1-2[New])
(HEA 1242 § 2; Effective date: July 1, 2011; Citation affected: 3-5-2-2-1.7)

County Boards of Voter Registration

After June 30, 2011, the county executive may adopt an order by unanimous vote to: (1) establish a board of registration; (2) rescind a previously adopted order establishing a board of registration; or (3) abolish a board of registration established by IC 3-7-12-3 (before its repeal) because the county's population exceeded 125,000. If an order abolishes an existing board of registration, the circuit court clerk becomes the voter registration officer of the county. The order is effective immediately unless it is adopted in the final 60 days before an election. If the order is adopted during the final 60 days before an election, the order becomes effective on the day following the election. An order described above may not be adopted in Marion County, Lake County or Tippecanoe County.

A board of registration is established by statute in Marion County (which had a board of registration under former law due to its population size).

(HEA 1242 §§ 3, 8, 9, 10, 11, 12 and 93; Effective date: July 1, 2011; Citations affected: 3-5-2-16.2; 3-7-12-1; 3-7-12-2.5 [New]; 3-7-12-3 [repealed]; 3-7-12-4; 3-7-12-5; 3-7-12-5.5 [New])

Statewide Voter Registration File Information

If a person or entity (such as a state party committee) is entitled to receive the entire statewide voter registration file from the Indiana election division, then the Indiana election division may also provide the person or entity with partial reports that includes information from the statewide voter registration file (such as date of birth) that the Indiana election division may not otherwise provide in response to requests from other persons or entities.

The election division may also provide purely statistical reports from the statewide voter registration system that contain otherwise restricted information, such as gender or vote history, if no individual voter is identifiable in the report. However, any report produced from the statewide voter registration system may not contain the complete Social Security number of any individual.

(HEA 1242 § 13; Effective date: July 1, 2011; Citation affected: 3-7-26.4-4)

Deceased Voter Report

The county voter registration office shall send reports concerning the cancellation of deceased voters to a county chairman following the receipt of a request from the county chairman (a reference to an obsolete monthly report of deceased voters from the State Department of Health is repealed). The deceased voter list requested by the county chairman need only include the cancellations of deceased voters for the time period specified in the request.

(HEA 1242 § 15; Effective date: July 1, 2011; Citation affected: 3-7-28-12)

Disfranchised Voter Report

The county voter registration office shall send reports concerning the cancellation of disfranchised voters to a county chairman following the receipt of a request from the county chairman (a reference to an obsolete monthly report of disfranchised voters from the State Department of Correction is repealed). The list requested by the county chairman need only include the cancellations of disfranchised voters for the time period specified in the request.

(HEA 1242 § 16; Effective date: July 1, 2011; Citation affected: 3-7-28-13)

Cancelled Voter Report

The county voter registration office shall send reports concerning the cancellation of voters (such as those cancelled upon request of the voter) to county chairman upon receipt of a request from the county chairman (a reference to an expedited procedure to send these reports beginning 60 days before the election is repealed). The list requested by the county chairman need only includes the cancellations of voters made within the time period specified in the request.

(HEA 1242 § 17; Effective date: July 1, 2011; Citation affected: 3-7-28-14)

Voter Registration Applications Filed with Indiana Election Division

A voter registration application is timely filed if delivered by hand to the Indiana election no later than 5 p.m. on the twenty-ninth day before the election. A voter registration application received by the Indiana election division by mail is timely filed if the application is postmarked not later than the twenty-ninth day before the election. If a postmark on an application submitted by mail is missing or illegible, the application is timely if the application is received by the election division not later than the Monday following the close of the registration period. The election division shall promptly forward a registration application received to the county voter registration office of the county where the applicant resides.

(HEA 1242 § 18; Effective date: May 13, 2011; Citation affected: 3-7-33-3.7[New])

Incomplete Registrations Received from BMV

If the Indiana election division has been notified by a county voter registration office that the office has received an incomplete registration application from a BMV license branch or other full-service voter registration agency, the agency is not required to wait for "receipt of notice" from the Indiana election division before supplying the missing information to the county voter registration office. The agency may respond directly to the county voter registration office before receiving notice from the Indiana election division.

(HEA 1242 § 20; Effective date: July 1, 2011; Citation affected: 3-7-34-7)

Repeal of Manual Procedure for Recording Conversion of Rural Route Addresses to 911 Addresses

The law requiring the county voter registration office to correct the original paper voter registration record to reflect an address conversion from a rural route address to a 911 address is repealed. The amendment of the voter registration record only need be made in the Statewide Voter Registration System.

(HEA 1242 § 23; Effective date: July 1, 2011; Citation affected: 3-7-40-6)

Updating Voter History

A county voter registration office is required to update voter history no later than 60 days after an election unless a recount or contest is filed in the county. If a recount or contest is filed in the county, the county voter registration office is required to update voter history no later than 60 days following the completion of the recount or contest.

(HEA 1242 § 45; Effective date: July 1, 2011; Citation affected: 3-10-1-31.2[New])

Bureau of Motor Vehicles (BMV) Voter Registration Procedures

The BMV may deliver paper copies of voter registrations to the county voter registration office by first-class mail (rather than by certified mail). A county voter registration office that receives an electronic copy a voter

registration application from the BMV via the Statewide Voter Registration System is not required to receive the paper copy of a voter registration application before processing a voter registration application, including approving or denying the application and sending the acknowledgement notice.

The co-directors of the Indiana election division must provide the BMV the addresses of each county voter registration office but are not required to provide the BMV with pre-addressed packets to the BMV for the transmission of paper copies of voter registration applications.

(HEA 1242 § 88 and 89; Effective date: July 1, 2011; Citations affected: 9-24-2.5-6; 9-24-2.5-8)

POLLING PLACES, POLL WORKERS and PARTISAN WORKERS

Vote Centers

A "vote center" is defined as a polling place where a voter who resides anywhere in the county may vote without regard to the precinct in which the voter resides.

Wayne, Cass and Tippecanoe Counties are redesignated as vote center counties and are subject to the same statutory requirements that apply to counties which adopt vote center plans under the new law. To the extent that a current vote center plan for a county does not comply with these new requirements, the county must adopt an amended vote center plan.

Any other Indiana county may adopt the use of vote centers. To do so, a county election board must develop a "vote center plan" that meets detailed requirements set forth in state law.

To implement vote centers, a county election board must prepare a draft vote center plan. The county election board must hold a public hearing on the draft plan and receive comment from the public at the public hearing. The county election board must also permit the submission of additional public comment for at least 30 days after the initial public meeting on the draft vote center plan.

After this 30-day comment period, the board shall hold another public meeting to consider the draft plan, written public comments, and any other public comment that the board may permit on the draft plan. The board may then: (1) adopt an order approving the draft plan; (2) adopt an order approving an amended plan; or (3) not adopt any vote center plan. The county election board may only adopt an order approving a vote center plan by unanimous vote of the entire membership of the board. All the members of the county election board must sign the order adopting the plan.

A county election board's order adopting a vote center plan must be filed with the Indiana election division, accompanied by a resolution adopted by the county executive, and a resolution adopted by the county council, approving the designation of the county as a vote center county. The designation of a county as a vote center county takes effect immediately upon the filing of the order with the election division unless otherwise specified by the county election board. Once an order approving a vote center plan goes into effect, it remains in effect until the county election board adopts a new order by unanimous vote either rescinding or amending a previous order and filing the order with the Indiana election division. The state is no longer required to approve a county plan or an amendment to a plan.

To amend an existing vote center plan, the county election board must unanimously approve and sign the plan amendment and file the amendment with the election division. The amendment takes effect upon filing with the election division unless otherwise specified by the county election board in the plan amendment.

While not an exhaustive list of requirements, some of the items a vote center plan must include are the following:

- 1) The total number and location of the vote centers and satellite absentee voting locations.
- 2) The number and title of precinct election officers who will be appointed at each vote center.
- 3) A description of the hardware, firmware, software and procedures established for the electronic poll list used at vote centers. The county must ensure that that the information concerning a voter entered into any electronic poll list at a vote center county is immediately accessible to the county election board and every other electronic poll list used in vote centers in the county.
- 4) Security and contingency plans to prevent a disruption of voting at vote centers.
- 5) A certification that the vote center locations comply with accessibility requirements applicable to polling places under IC 3-11-8;

Minimum standards are established with respect to the number of vote centers and satellite absentee locations established in a vote center plan. When the total number of "active voters" in a county equals at least twenty-five thousand (25,000), a vote center plan must establish at least 1 vote center for each 10,000 active voters and provide an additional vote center for any additional fraction of 10,000 active voters. For purposes of establishing vote centers, an "active voter" is "a voter who is not an inactive voter under IC 3-7-38.2," meaning that an active voter is a registered voter of the county that has not designated as "inactive" in the Statewide Voter Registration System pursuant to a voter list maintenance program.

With respect to satellite absentee locations, a vote center plan must identify at least one vote center as a satellite absentee office to be open on the two Saturdays immediately preceding an election.

The electronic poll list may not be connected to a voting system, may not permit access to voter information other than information provided on the certified list of voters in counties using the traditional precinct voting method, and must be configured so that the coordinated action of two precinct officers who are not of the same party is required to access the electronic poll list. The electronic poll list may include an electronic image of the signature of a voter taken from the voter's registration and may be in a format approved by the secretary of state.

Before adopting an order approving a vote center plan, the county election board must determine that electronic poll list provided for in the plan will be securely connected to the county election board and that secure connection: 1) provides for the transfer of information in a way that prevents any voter from voting more than once; and 2) prevents unauthorized persons from obtaining access to information on the electronic poll list or computerized voter registration list maintained by the county.

The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct separate from the ballots cast in any other precinct so that the votes cast for each candidate and on each public question in each precinct may be determined and included in the canvass of election results.

(SEA 32 §§ 1, 2, and 3; Effective date: December 31, 2010 [Retroactive]; Citations affected: IC 3-5-2-49.8 [New]; 3-11-8-10.3 [New]; 3-11-18.1[New])

(HEA 1242 §§ 2, 69, 70, 71; Effective date: Various; Citations affected: IC 3-5-2-1.7 [effective July 1, 2011]; 3-11-18.1-10 [effective December 31, 2010-retroactive]; 3-11-18.1-4 [effective December 31, 2010-retroactive]; 3-11-18.1-15 [effective December 31, 2010-retroactive])

Photo Identification and Military Documents

A document issued by the U.S. Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana national guard that: (1) otherwise complies with the requirements of state law concerning “proof of identification”; and (2) has no expiration date or states that the document has an indefinite expiration date is sufficient proof of identification for a voter casting a ballot in person.

(HEA 1109 § 1; Effective date: July 1, 2011; Citation affected: 3-5-2-40.5)

17 Year Old Serving as Poll Worker

Current law is clarified to provide that a person who is 17 years of age (as well as a person who is 16) may serve as a precinct election official (except inspector) if approved by unanimous vote of the county election board. A person who is 17 must meet all other requirements of state law to serve as a precinct election official.

(HEA 1242 § 7; Effective date: July 1, 2011; Citation affected: 3-6-6-39)

PRECINCTS

Precinct Boundary Confirmation and Changes

The office of census data shall file the following information with the Indiana election division: (1) a list of the census blocks comprising Indiana precincts used by the Census Bureau in reporting the 2010 federal decennial census, as supplemented by the office of census data; and (2) electronic maps (called “ESRI shape files”) depicting the boundaries of Indiana precincts.

The Indiana election division shall immediately notify the county executive and county election board (or board of elections and registration), in the county in which the precincts are located, of the filing made by the office of census data.

Not later than 30 days after the date the notice is provided by the election division, the county executive shall notify the election division if the census block lists and electronic maps contain any errors or are otherwise incorrect or incomplete. This notice must state one of the following: (1) the county executive will submit to the Indiana election division, not later than January 1, 2012, additional information for, or corrections to, the information provided by the Indiana election division; or (2) the county executive will adopt a new precinct establishment order for the county as provided by law (IC 3-11-1.5).

The election division shall forward any additional information and corrections submitted by a county executive to the office of census data. The office shall add the additional information and corrections to the

GIS. Information or corrections provided by the county executive become the precinct boundaries for the county for purposes of an election conducted after January 1, 2012.

If a county executive does not file a notice with the Indiana election division by the end of the 30 day period indicating that the electronic precinct maps or list of census blocks contains errors, or is otherwise incorrect or incomplete, or that the county executive will adopt a new precinct establishment order for the county, then the precinct descriptions filed by the office of census data become the precinct boundaries for the county for purposes of an election conducted after January 1, 2012. A registered voter of the county may not file an objection to the precinct descriptions filed by the office of census data.

No later than January 1, 2012, the county executive shall: (1) correct a Precinct Summary Statement (state form IEC-8) submitted before January 1, 2011 if the form contains incorrect information as the result of the 2011 congressional or state legislative district plans; and (2) file the corrected form with the election division.

(HEA 1601 § 13; Effective date: May 10, 2011; Citation affected: 3-11-1.5-38)

Precinct Boundary Descriptions; Aerial Photographs

When a county submits a precinct establishment order to change a precinct boundary one or more aerial photographs or a metes and bounds description may be used to show a precinct boundary when the precinct boundary splits a census block and follows a visible feature. Former law only permitted a metes and bounds description to be used.

(HEA 1242 §§ 50 and 51; Effective date: July 1, 2011; Citations affected: 3-11-1.5-15.5; 3-11-1.5-16)

ELECTION ADMINISTRATION

New Congressional and State Legislative Districts Established

The general assembly established new election districts for the offices of U.S. Representative, Indiana Senate and Indiana House.

(HEA 1601 §§ 1 through 12, 14 and 15; Effective date: July 1, 2011 except as otherwise indicated; Citations affected: 2-1-9-1; 2-1-9-3; 2-1-9-4; 2-1-9-6; 2-1-9-12-1-7; 2-1-9-8; 2-1-9-9; 2-1-9-10; 2-1-9-11; 2-1-9-13 [New-effective May 10, 2011]; 2-1-12 [New]; 2-1-13 [New]; 2-1-10 [Repealed effective November 6, 2012]; 2-1-11 [Repealed effective November 6, 2012])

(HEA 1602 §§ 1, 2 and 3; Effective date: July 1, 2011; Citations affected: 3-3-4[New]; 3-3-5[New]; 3-3-3[repealed])

Late Election and Registration Filings

Current law is clarified to specify that the general rule prohibiting an election office from accepting an election related document offered after the applicable filing deadline does not apply to a campaign finance filing or a voter registration application.

(HEA 1242 § 4; Effective date: July 1, 2011; Citation affected: 3-5-4-1.9)

Certification of Ballot Symbols

The election division must certify political party ballot symbols to the counties not later than noon 74 days before the general election, the same deadline for state certification of general election ballot candidates and ballot questions (rather than noon August 20).

A party that:

- (1) does not have a party symbol on file with the Indiana election division; and
- (2) has a candidate for local office on the general election ballot;

must file a copy of the party's device with the county election board no later than noon 74 days before the general election. If a party symbol is filed after the applicable deadline, the county election board responsible for printing the ballots is not required to alter the ballots to include the party symbol.

(HEA 1242 § 38; Effective date: July 1, 2011; Citation affected: 3-8-7-11)

Certification of Candidates for Special Election

For a special election called by the governor, a certificate of nomination must be filed not later than noon 74 days before the special election (rather than by noon 50 days before the election).

(HEA 1242 § 39; Effective date: July 1, 2011; Citation affected: 3-8-7-15)

Certification of State Public Question

The Indiana election division shall certify a statewide public question to each county election board not later than noon 74 days before a general election (rather than by noon August 20).

(HEA 1242 § 46; Effective date: July 1, 2011; Citation affected: 3-10-3-1)

Certification of Local Public Question

A person or entity responsible for certifying a local public question to a county election board for inclusion on the primary election ballot (school tax levy referendum, for example) shall do so not later than noon 74 days before the primary (rather than by noon 60 days before the primary).

(HEA 1242 § 49; Effective date: July 1, 2011; Citation affected: 3-10-9-3)

School Board Elections to Occur at General Elections, not Primary Elections

Beginning in 2012, all elections for school board member shall be held during a general election. No election for school board members will be permitted to be held during a primary election. The successor of a school board member elected at the 2008 primary election shall be elected at the 2012 general election and shall take office January 1, 2013. The successor of a school board member elected at the 2010 primary election shall be elected at the 2014 general election and take office January 1, 2015.

School board members who are currently elected in a general election year will continue to be elected in a general election year, but will take office on January 1 after their election (former law permitted school boards to specify that members elected in November take office on either January 1 or July 1 following their election).

A petition of nomination for a school board office must be filed not earlier than 104 days and not later than 90 days before the general election. A school board candidate write-in declaration must be filed not earlier than 90 days and not later than noon 50 days before the general election.

(HEA 1074 §§ 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33 and 34; Effective date: July 1, 2011; Citations affected: 3-5-4-11[New]; 3-8-2-2.2 [repealed]; 3-8-2-15; 3-8-2-19; 3-8-2.5 [New]; 3-10-1-19; 3-10-1-19.2; 3-10-1-32; 20-23-4-12, 20-23-4-29 [repealed]; 20-23-4-29.1 [New]; 20-23-4-30, 20-23-7-6; 20-23-7-8 [repealed]; 20-23-7-8 [repealed]; 20-23-7-8.1 [New]; 20-23-7-12; 20-23-8-7; 20-23-8-1; 20-23-10-8; 20-23-12-3; 20-23-12-8; 20-23-12-9; 20-23-13-1; 20-23-13-2 [repealed]; 20-23-13-2.1[New]; 20-23-13-3; 20-23-14-5; 20-23-14-8; 20-23-14-9; 20-25-3-4; 33-33-53-5; HEA 1242 §§ 24 Citation affected: IC 3-8-2-2.6 (amended effective July 1, 2011, but repealed by HEA 1074 § 34 with the same effective date).

School Corporation Organization Plan Change Petition Requirements

A change to a school corporation organization plan (changing from an appointed to an elected school board, for example) may be made by filing a petition. A school board plan may be initiated by filing a petition signed by at least 10% of the voters of the school corporation with the clerk of the circuit court. (Former law required a petition initiating a school plan change to be signed by at least 20% of the voters of the school corporation.)

(HEA 1074 § 18; Effective date: July 1, 2011; Citation affected: 20-23-8-10)

East Chicago School Board Members to be Elected

Members of the East Chicago school board shall be elected rather than appointed. Other provisions concerning the composition and organization of the East Chicago school board are included in the law.

(HEA 1074 §§ 9, 16 and 31; Effective date: July 1, 2011; Citations affected: 5-9-4-8; 20-23-8-5; 20-23-17.2 [New])

Mishawaka City School Board Public Question

A public question shall be placed on the ballot at the 2011 municipal election in Mishawaka asking the voters whether the method of choosing members of the governing body of the Mishawaka school corporation should be changed. If the voters of Mishawaka approve the public question, a governing body shall be established that consists of five members, three of whom are elected at large by the voters of the city, one of whom is appointed by the city executive, and one of whom is appointed by the city legislative body. Other provisions concerning the organization of the governing body are included in the law.

(HEA 1074 §§ 9, 30, 16, and 35; Effective date: July 1, 2011; Citations affected: 5-9-4-8; 20-23-8-5; 20-23-17 [New]; Noncode § 35)

ABSENTEE VOTING

Absentee Ballot Application Deadlines and Filing Procedures

Except for certain military or overseas absentee ballot applications, an absentee ballot application for the next election may be received not earlier than when registration resumes following the preceding election (December 1 following a general election for the following primary and 14 days after a primary election for the following general or municipal election.)

An absentee ballot application to vote by mail must be received no later than 11:59 p.m. on the eighth day before the election to be considered timely (rather than by midnight on the eighth day under former law).

An absentee ballot application received from a military or overseas voter requesting to vote by fax, a voter requesting to vote by traveling absentee voter board, or a voter requesting to vote by mail is timely if received by the Indiana election division by the applicable absentee ballot application deadline that applies to applications filed directly with the county election board. The Indiana election division shall immediately transmit the absentee ballot applications received by the election division to the appropriate county and is not required to transmit an affidavit with the absentee ballot applications that is otherwise required for individuals filing absentee ballot applications on behalf of others (state form ABS-17).

(HEA 1242 § 54; Effective Date: May 13, 2011; Citation affected: IC 3-11-4-3)

Absentee Ballot Applications from Military or Overseas Voters; Address Confidentiality Voters

A military or overseas voter may submit an absentee ballot application at any time on the Federal Post Card Application or a state form designated for use by military or overseas voters (currently state form ABS-15).

An absentee ballot application from a military or overseas voter or an address confidentiality program participant is considered an application for any election conducted after the application is filed through December 31 following the date the application is filed.

(HEA 1242 § 55; Effective Date: July 1, 2011; Citation affected: IC 3-11-4-6)

Emailed Ballots from Military or Overseas Voters

If a military or overseas voter elects to transmit a voted ballot to the county by email via a program administered by the Department of Defense, then the ballot must be transmitted in accordance with the procedures established under that program. A military or overseas voter who votes by email may also opt to transmit a voted ballot directly to the county election board of the county where the voter resides.

(HEA 1242 § 55; Effective Date: July 1, 2011; Citation affected: IC 3-11-4-6)

Absentee Voter Submitting Marked Absentee Ballot May Not Vote In Person at the Polls on Election Day

An absentee voter who has marked and returned an absentee ballot may not vote in person at the polls on election day (prior law permitted an absentee voter who returned a ballot to vote at the polls if they arrived at the poll before their name was entered on the poll list as having voted absentee). Procedures remain in place permitting an absentee voter to vote in person on election day in the following circumstances: 1) if the absentee voter was sent an absentee ballot but did not return a voted absentee ballot before election day; or 2) if a voter's voted absentee ballot was returned but rejected as defective.

(HEA 1242 §§ 60, 61, 64, 65, 72, 73, 74 and 93; Effective Date: July 1, 2011; Citations affected: IC 3-11-10-17; 3-11-10-24, 3-11-10-30; 3-11-10-32, 3-11-10-33 [repealed]; 3-11.5-1-4; 3-11.5-4-9; 3-11.5-4-12; 3-11.5-4-19 [repealed])

In-Person Absentee Voting

A voter may cast an absentee ballot in-person at one location of the office of the circuit court clerk (or Lake County board of elections and registration) and at any additional satellite absentee locations established by unanimous resolution of the county election board (or Lake County board of elections and registrations).

If a resolution is adopted to establish satellite absentee locations for a primary election, the locations of the satellite offices and the hours during which absentee voting may occur at the satellite offices established for the primary election must be used for the general or municipal election immediately following the primary election.

(HEA 1242 §§ 62 and 63; Effective Date: July 1, 2011; Citations affected: IC 3-11-10-26; 3-11-10-26.3)

CAMPAIGN FINANCE AND CAMPAIGNING

Dissolution of Campaign Finance Committees

The Indiana election commission or county election board may administratively disband a campaign finance committee that has failed to file campaign finance reports for 3 years and whose last report showed no more than \$1,000 cash on hand. Civil penalties assessed against the committee, and debts owed by the

committee, remain enforceable against the committee's chairman or treasurer after the committee is administratively disbanded.

The Commission or board may waive any outstanding civil penalties for campaign finance violations imposed by the Commission or board if the Commission or board finds that the prudent use of public resources makes further efforts to collect outstanding civil penalties wasteful or unjust. However, even where the Commission or board waives a civil penalty, the committee's chairman and treasurer remain liable for other debts of the committee.

(HEA 1242 § 41; Effective date: July 1, 2011; Citation affected: 3-9-1-12)

Clear and Conspicuous Disclaimer Requirement

Disclaimers that are required to be placed on campaign material must be placed on the material in a clear and conspicuous manner. Type size and color contrast requirements are established as minimum standards for disclaimers. A 12 point type size satisfies the size requirement when the disclaimer is used for a yard sign, a poster, a flyer, a newspaper, a magazine, or a direct mailing. The color contrast requirement is met if the disclaimer is printed in black text on a white background or the degree of color contrast between the background and the text of the disclaimer is not less than the color contrast between the background and the largest text used in the communication.

Notwithstanding the above type size and contrast requirements, a disclaimer satisfies the requirements of law if the minimum type size of the disclaimer is 7 point type and the color of the disclaimer contrasts with the background color.

The Indiana election commission or county election board may impose a civil penalty of not more than \$1,000 for each communication circulated or published (but not for each of the copies of the communication actually circulated or published) plus any investigative costs if the commission or board finds that the communication contains a disclaimer that is not presented in a clear and conspicuous manner as required by law.

However, a person whose sole act in participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer is performed in the person's normal course of business then the person is not liable for a disclaimer that violates the statute.

(HEA 1242 §§ 42, 43 and 44; Effective date: July 1, 2011; Citations affected: 3-9-3-2.5; 3-9-4-16; 3-9-4-17)

BALLOTS AND VOTING SYSTEMS

Ballot Format- Public Questions

On traditional hand-counted paper ballots and optical scan ballots used in a primary election, local public questions shall be placed after the voting instructions and before any offices. The public question must be

placed in a separate column on traditional hand-counted paper ballots. The public question may be placed in the same column as offices on optical scan ballots.

On an electronic voting system used in a primary election, a local public question shall be placed on a ballot after the voting instructions and before any of the offices or on a separate screen for a public question. The public question may be placed in the same column as offices on an electronic voting system.

On traditional hand-counted paper ballots and optical scan ballots used in a general election, public questions regarding the ratification of a state constitutional amendment and local public questions shall be placed first and second, respectively, after the voting instructions and before any offices on the ballot. The public questions must be placed in a separate column on traditional hand-counted paper ballots. In contrast, the public questions may be placed in the same column as offices on optical scan ballots.

On an electronic voting system used in a general election, the public questions shall be placed on the ballot after the voting instructions and before any of the offices or on a separate screen for a public question. The public questions may be placed in the same column as offices on an electronic voting system.

On all voting systems judicial retention public questions shall remain, along with local nonpartisan judges, at the end of the ballot.

(HEA 1190 §§ 1, 2, 3, 4, 5, 7, 8, 10 and 11; Effective date: July 1, 2011; Citations affected: 3-10-1-19; 3-10-1-19.5; 3-10-7-32; 3-11-2-10; 3-11-2-12, 3-11-2-13; 3-11-2-14, 3-11-13-11; 3-11-14-3.5)

Ballot Format- School Board Offices Not Required in Separate Column

School board offices are no longer required to be placed in a separate column from other offices on any type of voting system. School board offices may be listed in the same column as other offices. When school board offices are listed in the same column as other offices the school board offices must be placed under a nonpartisan title.

(HEA 1190 §§ 6, 10 and 11; Effective date: July 1, 2010; Citations affected: 3-11-2-12.9, 3-11-13-11; 3-11-14-3.5)

Sample Ballots

A sample ballot must be a copy of the official ballot altered so that marks on the ballot cannot be counted as votes on a voting system (by removing “timing marks” from ballot cards, for example).

(HEA 1190 § 9; Effective date: July 1, 2010; Citation affected: 3-11-13-9)

Unique Candidate or Number Designation on Ballot Permitted, but not Required

The county election board *may* require a voting system to display a ballot number or other unique designation associated with the candidate. (A unique designation was formerly *required* to be displayed next to a candidate’s name if the voting system could do so.)

(HEA 1190 § 12; Effective date: July 1, 2010; Citation affected: 3-11-15-13.1)

Write-in Candidate Space on Electronic Voting Systems Ballot

The same procedure for providing write-in spaces on ballots for write-in candidates that currently applies to paper ballots and optical scan ballot cards now applies to electronic voting systems. Write-in spaces must be provided for all federal candidates whether or not any write-in candidate filed a declaration of candidacy. However, a write-in space need not be provided for those state and local races in which no person has filed a declaration of candidacy as a write-in candidate.

(HEA 1242 § 67; Effective date: July 1, 2011; Citation affected: 3-11-14-3.5)

PROVISIONAL BALLOTS

Deadline to Count a Provisional Ballot

A county election board must decide whether or not to count a provisional ballot no later than 3 p.m., 10 days after Election Day. (Former law required this determination to be made not later than noon 10 days after Election Day.)

(HEA 1242 §§ 75 and 76; Effective date: July 1, 2011; Citations affected: 3-11.7-5-1; 3-11.7-5-2.5)

Some Provisional Ballot Materials are Public Records

Like other election materials, the clerk shall maintain provisional ballot materials under seal during the time allowed for a recount or contest petition to be filed. If a recount or contest petition is filed, then election materials remain confidential until the completion of the recount or contest and may be subject to an impoundment order issued by a court or the Indiana Recount Commission.

Upon the expiration of the time allowed for a recount or contest petition to be filed, or if a recount or contest petition is filed upon the expiration or any impoundment order issued by a court or the Indiana Recount Commission, election materials related to provisional ballots (excluding the provisional ballots themselves) are subject to requests for inspection and copying under the Public Records Law.

However, any information in the provisional ballot material that identifies an individual, *except for* the individual's name, address, and birth date (the voter's telephone number or email address, for example), remains confidential. The circuit court clerk will be required to redact that information before making the material available for inspection and copying under the Public Records Law.

(HEA 80 §§ 1 and 2; Effective date: July 1, 2011; Citations affected: 3-10-1-31.1; 3-11.7-6-3)

MILITARY AND OVERSEAS VOTERS

Extended Registration Deadline for Military and Overseas Voters

The deadline for a military or overseas voter to submit a voter registration application is the tenth day before an election (prior law stated that the deadline was when the certified poll list is printed, which is not a fixed day). A voter registration application received from a military or overseas voter after 29 days before the election, but not later than 10 days before the election, is subject to the same requirements and procedures as an application received from any other type of voter during the voter registration period ending 29 days before an election.

(HEA 1242 § 21; Effective date: July 1, 2011; Citations affected: 3-7-36-10)

CANDIDATES AND OFFICEHOLDERS

Filing and Challenge Deadlines for Candidates in the Primary (Other than President, U.S. Senate and Governor)

A major party candidate for nomination in the primary shall file a declaration not earlier than 118 days before the primary and not later than noon 88 days before the primary. A major party primary candidate may voluntarily withdrawal from the primary ballot not later than noon 85 days before the primary.

A challenge to a candidate in the primary election must be filed not later than noon 81 days before the primary and determined by the county election board or Indiana election commission not later than noon 68 days before the primary.

(HEA 1242 §§ 25, 27, 29, and 30; Effective date: July 1, 2011; Citations affected: 3-8-2-4; 3-8-2-14; 3-8-2-18; 3-8-2-20)

Filing Period for Candidates for U.S. Senator or Governor in the Primary

A major party candidate for nomination in the primary for U.S. Senator or Governor shall file petitions with county voter registration offices for certification not earlier than 118 before the primary and not later than noon 91 days before the primary. A major party primary candidate for U.S. Senator or Governor must file certified petitions with a declaration of candidacy with the Indiana election division not later than noon 88 days before the primary. A major party primary candidate for U.S. Senator or Governor may voluntarily withdrawal from the primary ballot not later than noon 85 days before the election.

A challenge to a major party primary candidate for U.S. Senator or Governor in the primary election must be filed not later than noon 81 days before the primary and determined by the Indiana election commission not later than noon 68 days before the primary.

(HEA 1242 §§ 26, 27, 29 and 30; Effective date: July 1, 2011; Citations affected: 3-8-2-10; 3-8-2-14; 3-8-2-18; 3-8-2-20)

Filing Period for Major Party Presidential Primary Candidates

A major party candidate in the presidential primary shall file petitions with county voter registration offices for certification not earlier than 118 days before the primary and not later than noon 98 days before the primary election. A major party presidential primary candidate must file certified petitions with a declaration of candidacy with the Indiana election division not later than noon 88 days before the primary. A major party presidential primary candidate may voluntarily withdrawal from the primary ballot not later than noon 85 days before the election.

A challenge to a major party primary candidate for president in the primary election must be filed not later than noon 81 days before the primary and determined by the Indiana election commission not later than noon 68 days before the primary.

(HEA 1242 §§ 26, 27, 29 and 30; Effective date: July 1, 2011; Citations affected: 3-8-3; 3-8-2-14; 3-8-2-18; 3-8-2-20)

Filing Period for Candidates for School Board Elected in the Primary

NOTE: This Indiana Code section has been rendered obsolete by HEA 1074, which abolishes school board elections held at the same time as the primary.

(HEA 1242 § 24; Effective date: July 1, 2011; Citation affected: 3-8-2-2.6)

Filing Period for Write-in Candidates in the General Election

A write-in candidate for the general election shall file a declaration not earlier than 118 days before the primary and not later than noon July 3 (the filing deadline did not change). A challenge to a write-in candidate for the general election must be filed not later than noon 88 days before the general election and determined by the county election board or Indiana election commission not later than noon 81 days before the general election.

(HEA 1242 §§ 25 and 27; Effective date: July 1, 2011; Citations affected: 3-8-2-4; 3-8-2-14)

Filing Period for Major Party and Libertarian Party Candidates in a Small Town

Major party or Libertarian Party candidates for office in a small town (less than 3,500 in population) may file a declaration of candidacy not earlier than 118 days before the primary and not later than noon August 1 (former law allowed these candidates to begin filing on January 1).

If a town convention for an office in a small town is required, the convention must be held not later than August 21 (former law required a small town convention to be held not later than noon August 20).

(HEA 1242 §§ 32 and 33; Effective date: July 1, 2011; Citations affected: 3-8-5-10; 3-8-5-10.5)

Filing Period for Minor Party and Independent Petition Candidates; Processing of Petitions

Minor party (other than Libertarian Party) and independent candidates who file petitions may file petitions with county voter registration offices for certification not earlier than 118 days before the primary and not later than noon June 30 (former law allowed petition candidates to begin filing petitions with county voter registration offices on January 1).

The county voter registration office shall certify signatures on petitions if the petitioner is registered on the date that the county voter registration office certifies the petition (former law required petitioners to be registered on the date they signed the petition).

For petitions filed with the Indiana election division, the secretary of state shall certify, or deny certification of, petition candidates based upon whether the petition contains a sufficient number of certified signatures not later than noon 74 days before the general election (the same date that other general election candidates are certified by the secretary of state rather than "August 20" as designated under former law).

(HEA 1242 §§ 37; Effective date: July 1, 2011; Citation affected: 3-8-6-12)

Processing Major Party Primary Petitions for President, U.S. Senator, and Governor

When a county voter registration office certifies petitions for major party primary candidates for President, U.S. Senator, and Governor as having valid signatures, the county voter registration office may, upon the request of candidate named in the petition, return the certified petitions to the candidate for filing with the secretary of state. (This procedure is consistent with current law for independent petition candidates seeking to be placed on the general election ballot and has been common practice for many years with respect to these primary candidate petitions.)

(HEA 1242 §§ 26 and 31; Effective date: July 1, 2011; Citations affected: 3-8-2-10; 3-8-3-4)

"Grandfathered" Petition Forms

A petition form approved by the Indiana election commission after December 1, 2010 for the offices of President, U.S. Senate, and Governor for the primary election is grandfathered and may be used by candidates in the 2012 primary, notwithstanding that the filing dates set forth on those petitions have been superseded by the new filing dates as set forth above as enacted by the General Assembly in 2011.

(HEA 1242 § 94; Effective date: July 1, 2011; Citation affected: Noncode)

Ballot Vacancy Filling Procedures

The county chairman of a major political party may designate a person to act as chairman of a caucus to fill a ballot vacancy.

The same procedures that apply to a caucus of precinct committeemen to fill a ballot vacancy also apply to: (1) a meeting of a major party state committee to fill a ballot vacancy for U.S. Senator or a statewide office; and (2) a meeting of a major party county chairman, vice chairman, secretary and treasurer; to fill a ballot vacancy for a local office.

The state committee members or county committee officers must: (1) adopt rules of procedure to fill the ballot vacancy; and 2) be sent a call for meeting by first class mail at least 10 days before the meeting, with a copy of the call filed with the circuit court clerk by noon 10 days before the meeting (or with the election division when a meeting is called by a state committee).

A candidate to fill the ballot vacancy must file a declaration of candidacy at least 72 hours before the meeting with the chairman of the meeting and the circuit court clerk's office (or with the election division when a meeting is called by a major party state committee).

(HEA 1242 §§ 79, 80, 81, and 82; Effective date: July 1, 2011; Citations affected: 3-13-1-8; 3-13-1-9, 3-13-1-10.5; 3-13-1-11)

Office Vacancy Procedures- Statewide Offices other than Governor, Lieutenant Governor, or Judicial Officers

When an office vacancy occurs due to the death of an individual serving as secretary of state, auditor of state, treasurer of state, attorney general, or superintendent of public instruction, the governor may not fill the vacancy until the governor receives a notice of death as required by law.

In these vacancies, the governor must select an individual of the same political party as the officer who held the vacated office.

(HEA 1242 § 84; Effective date: May 13, 2011; Citation affected: 3-13-4-3)

Office Vacancy Procedures- State Chairman Designee

The state chairman of a major political party may designate a person to act as chairman of a caucus to fill a vacancy in state legislative office.

(HEA 1242 § 83; Effective date: July 1, 2011; Citation affected: 3-13-5-3)

Office Vacancy Procedures- County Chairman Designee

The county chairman of a major political party may designate a person to act as chairman of a caucus to fill a vacancy in local office.

(HEA 1242 § 86; Effective date: July 1, 2011; Citation affected: 3-13-11-6)

County Commissioner Residency Qualification

A person who has begun serving a term in office as a county commissioner or county council member who is required to maintain residence within the district from which the person was elected throughout their term of office may nonetheless serve the remainder of their term even if the person moves out of their district during their term if the person: (1) continues to reside in the county; and (2) moved out of their district as the result of the state's acquisition of their residence for a public use.

(HEA 1242 § 90 and 91; Effective date: June 1, 2010 [retroactive]; Citations affected: 36-2-2-5; 36-2-3-5)

Mandatory Retirement Ages for Certain Judges Abolished

Mandatory retirement ages for superior court judges in Hamilton, Grant, Marion, Tippecanoe, and Wayne Counties are repealed.

(HEA 1266 §§ 18, 49, 77, 91, 92, 98, and 96; Effective date: July 1, 2011; Citations affected: 33-29-1-3; 33-33-27.3-3; 33-33-49-30; 33-33-79.4-3; 33-33-89.3-3; 33-33-87-13)

TIE VOTES, RECOUNTS AND CONTESTS

Deadline to Complete Recount or Contest for State Legislative Office

The deadline for the State Recount Commission to complete a recount or contest for state legislative office was changed from December 19 after the election to not later than December 20 after the election. The State Recount Commission may extend the deadline beyond this date for “good cause.”

(HEA 1242 § 77; Effective date: July 1, 2011; Citation affected: 3-12-11-21)

Contest for Certain State Offices

When the Indiana Recount Commission determines that a candidate for the statewide offices of secretary of state, auditor of state, treasurer of state, attorney general, or superintendent of public instruction is not eligible to serve in the office to which the candidate was elected then the following rules apply: 1) Beginning with elections occurring after January 1, 2011 the office shall be considered vacant and the governor shall fill the vacancy with a person of the same political party as the officer who held the vacant office; and 2) the determination of the State Recount Commission does not nullify the votes cast for purposes of determining which parties may, among other things, be considered a “major party”, appoint poll workers, appoint pollbook holders, challengers and watchers, hold primaries, nominate certain offices by state convention, and be listed in priority on the ballot.

(HEA 1242 §§ 78 and 84; Effective date: May 13, 2011; Citations affected: 3-12-11-25; 3-13-4-3)

Bonding Requirements for Certain Offices

Former law requiring an “annual” coverage amount for an individual surety bond required to be filed for certain local officeholders was replaced with a requirement that an aggregate surety bond continue in force for the term of officeholder unless the surety bond is cancelled.

(HEA 1025 § 1; Effective date: July 1, 2011; Citation affected: 5-4-1-18)

Citizen Member of Municipal Plan Commission and Members of Board of Zoning Appeals May Not Hold Elected Office

A citizen member of a Municipal Plan Commission or a member of a Board of Zoning Appeals may not also hold an “elected office” as defined in the election code (3-5-2-17).

(HEA 1311 § 10 and 27; Effective date: July 1, 2011; Citations affected: 36-7-4-216; 36-7-4-905)

CITY AND TOWN ELECTIONS

Filing Period for Major Party and Libertarian Party Candidates in a Small Town

Major party and Libertarian Party candidates for office in a small town (less than 3,500 in population) may file a declaration of candidacy not earlier than 118 before the primary and not later than noon August 1 (former law allowed these candidates to being filing on January 1).

If a small town convention is required, the convention must be held not later than August 21 (former law required a town convention to be held not later than noon August 20).

(HEA 1242 §§ 32 and 33; Effective date: July 1, 2011; Citations affected: 3-8-5-10; 3-8-5-10.5)

Municipal Election for Uncontested Office Not Permitted

If there is no candidate or only one candidate for a city or town office (a write-in candidates is considered a candidate) then an election may not be held for that office, regardless of whether the election is held during a municipal election year or held in a general election year (some towns hold elections for some or all of their offices during general election years). .

(HEA 1242 §§ 47 and 48; Effective date: July 1, 2011; Citations affected: 3-10-6-7.5; 3-8-7-6)

LOCAL PUBLIC QUESTIONS

Controlled Project Referenda

For controlled projects subject to the petition and remonstrance process, a political subdivision may not artificially divide a controlled project into multiple parts in order to avoid the requirements of the petition and remonstrance process. (Under prior law, such a prohibition applied only to larger capital projects that qualified for a referendum on the ballot).

The ballot language for a controlled project referendum must first be approved by the Department of Local Government Finance (DLGF) before the referendum is certified by the county auditor to the county election

board. (Under prior law, the DLGF could only recommend ballot language for the county election board to consider).

With respect to controlled projects subject to the petition and remonstrance process, state law establishes rules regarding the promotion of controlled projects carried out by certain persons or with the use of certain school resources or facilities during the time period beginning with the adoption of an ordinance or resolution making a preliminary determination and ending at the deadline for filing petitions and remonstrances. (Former law only set forth such rules for controlled projects that qualified for a referendum).

With respect to controlled projects subject to referendum, statutes regarding the promotion of controlled projects carried out by certain persons or with the use of certain school resources or facilities were clarified in various ways.

Tax Levy Referenda

The ballot language for a school tax levy referendum must first be submitted by the school board to the Department of Local Government Finance (DLGF) for approval. Once the DLGF has approved the tax levy referendum ballot language, the approval is to be forwarded to the school board. The school board certifies the referendum to the county fiscal body (for information purposes only) and the county election board. (Former law requiring the county fiscal body to certify the referendum to the county election board was repealed.)

During the period beginning with the adoption of a resolution by a school corporation to place a school tax levy referendum question on the ballot and continuing through the day on which the referendum is submitted to the voters, state law regulates the promotion of a school tax levy referendum carried out by certain persons or with the use of certain school resources or facilities.

If a tax levy referendum is approved by the voters in a school corporation in a calendar year, another tax levy referendum question may not be placed on the ballot in the school corporation in the following calendar year. If during a particular calendar year a school corporation imposes a tax levy that has been approved in a tax levy referendum, then the school corporation may not impose an additional tax levy approved in a subsequent tax levy referendum in that same calendar year.

(HEA 1238 §§ 1 through 11; Effective date: July 1, 2011 except as otherwise indicated; Citations affected: 6-1.1-10-3.1, 6-1.1-10-3.6 [effective May 10, 2011]; 6-1.1-20-10; 6-1.1-20-10.1, 20-46-1-8 [effective May 10, 2011]; 20-46-1-13 [effective May 10, 2011]; 20-46-1-15 [effective May 10, 2011]; 20-46-1-19.5 [New]; 20-46-1-20 [New]; 20-46-1-12 [repealed effective May 10, 2011])

Mishawaka City School Board Public Question

A public question shall be placed on the ballot at the 2011 municipal election in Mishawaka asking the voters whether the method of choosing members of the governing body of the Mishawaka school corporation should be changed. If the voters of Mishawaka approve the public question, a governing body shall be established that consists of five members, three of whom are elected at large by the voters of the city, one of whom is appointed by the city executive, and one of whom is appointed by the city legislative body. Other provisions concerning the organization of the governing body are included in the law.

(HEA 1074 §§ 9, 30, 16, and 35; Effective date: July 1, 2011; Citations affected: 5-9-4-8; 20-23-8-5; 20-23-17 [New]; Noncode § 35)

School Corporation Bond Refinancing Public Question

Certain eligible school corporations that have experienced tax “circuit breaker” revenue losses may be eligible to refinance up to 50% of their bonds for a period not exceeding 10 years past their original term either by the petition or remonstrance process set forth in current law for controlled projects (IC 6-1.1-20) or by a referendum certified and placed on the ballot in the same manner as set forth in current law for school tax levy referendums (IC 20-46-1).

If the school corporation is eligible for a referendum the form of the question on the ballot shall be:

"Shall _____ (insert the name of the school corporation) issue refunding bonds to refund not more than fifty percent (50%) of its outstanding bonds to provide an annual savings to the school's debt service fund that can be transferred from the school's debt service fund to the school's capital projects fund, transportation fund, or school bus replacement fund?".

For the referendum to be placed on the ballot a school board must pass a resolution and the county council must certify the resolution to the county election board.

(HEA 1001 § 63; Effective date: July 1, 2011; Citation affected: 5-1-5-2.5 [New])

MISCELLANEOUS TECHNICAL CHANGES

Legislation Affecting Courts or Creating New Courts

Legislation was enacted effecting courts in certain counties as follows:

1. A unified circuit court is established for **Clark County** by combining the current judge of the Clark Circuit Court and the three judges of the Clark Superior Court into a unified circuit court with four judges. The Clark Superior Court judges serving on December 31, 2011, serve as judges of the unified circuit court beginning January 1, 2012. All cases and other matters pending in the Clark Superior Court at the close of business on December 31, 2011 are transferred to the unified circuit court on January 1, 2012. (HEA 1266 §§ 19, 35, 36, 37, 115, and 116; Effective date: January 1, 2012 except as otherwise noted; Citations affected: 33-33-10-2; 33-33-10-2.5[New]; 33-33-10-3 [repealed]; 33-33-10-4 [repealed]; 33-33-10-5 [repealed]; 33-33-10-6 [repealed]; 33-33-10-7; 33-33-10-8 [repealed]; 33-33-10-9 [repealed]; 33-33-10-10 [repealed]; 33-33-10-11 [repealed]; 33-33-10-12 [repealed]; 33-33-10-13 [repealed]; 33-33-10-15; Noncode [Section 116 effective December 31, 2011])
2. A unified circuit court is established for **Henry County** by combining the current judge of the Henry Circuit Court and the two judges of the Henry Superior Court into a unified circuit court with three judges. The Henry Superior Court judges serving on June 30, 2011, serve as judges of the unified circuit court beginning July 1, 2011. All cases and other matters pending in the Henry Superior Court at the close of business on June 30, 2011 are transferred to the unified circuit court on July 1, 2011. (HEA 1266 §§ 51, 52, 53, 54, 55, 56, 115 and 117; Effective date: July 1, 2011 except as otherwise noted; Citations affected: 33-33-33-8 [New]; 33-33-33-9 [New]; 33-33-33-10 [New]; 33-

- 33-33-11 [New]; 33-33-33-12 [New]; 33-33-33-13 [New]; 33-33-33-2 [repealed effective January 1, 2012]; 33-33-33-3 [repealed effective January 1, 2012]; 33-33-33-4 [repealed effective January 1, 2012]; 33-33-33-5 [repealed effective January 1, 2012]; 33-33-33-6 [repealed effective January 1, 2012]; 33-33-33-7 [repealed effective January 1, 2012]; Noncode [Section 117 effective June 30, 2011])
3. A unified circuit court is established for **Madison County** by combining the current judge of the Madison Circuit Court and the five judges of the Madison Superior Court into a unified circuit court with six judges. It specifies that the Madison Superior Court judges serving on June 30, 2011, serve as judges of the unified circuit courts beginning July 1, 2011. All cases and other matters pending in the Madison Superior Court are transferred at the close of business on June 30, 2011, to their respective circuit courts on July 1, 2011. (HEA 1266 §§ 68, 69, 115 and 118; Effective date: July 1, 2011 except as otherwise noted; Citations affected: IC 33-33-48-2 [repealed]; IC 33-33-48-4 [repealed]; IC 33-33-48-5 [repealed]; IC 33-33-48-6 [repealed]; IC 33-33-48-7 [repealed]; IC 33-33-48-7.5, IC 33-33-48-8 [repealed]; IC 33-33-48-9 [repealed]; IC 33-33-48-10 [repealed]; IC 33-33-48-11 [repealed]; 33-33-48-12 [New]; Noncode [Section 118 effective June 30, 2011])
 4. The four judges of the **Lake Superior Court** county division will be: (1) nominated by the Lake County Superior Court judicial nominating commission and appointed by the governor; and (2) subject to the question of retention or rejection by the Lake County electorate every six years. (Current law provides that the judges of the Lake Superior Court county division are elected by the voters of Lake County every six years.) (HEA 1266 §§ 61, 62, 65, 66, 114, and 119; Effective date: July 1, 2011 unless otherwise noted; Citations affected: 33-33-45-25 (effective June 30, 2011); 33-33-45-34, 33-33-45-41; 33-33-45-42; 33-33-45-43 [repealed]; 33-33-45-44; Noncode [Section 119 effective June 30, 2011])

Correcting or Removing Obsolete References and Cross-References

Current law is updated to reflect that references to federal laws and regulations in the Indiana election code reflect federal amendments as of January 1, 2011.

(HEA 1242 § 5; Effective Date; July 1, 2011; Citation affected: IC 3-5-4-7)

Obsolete references to paper ballots formerly printed by the Election Division are repealed.

(HEA 1242 § § 6, 25, 53, 87, and 93; Effective Date; July 1, 2011; Citations affected: IC 3-6-3-6; 3-8-7-25.5; 3-11-3-29; 3-11-11-1.5; 3-11-11-1.6; 3-14-3-14)

Obsolete references to a procedure permitting a county to designate a special polling place if a polling place is inaccessible to voters with disabilities are repealed. Under federal and state law, all polling places must now be accessible.

(HEA 1242 §§ 56, 57, 58, 59, and 93; Effective Date; July 1, 2011; Citations affected: IC 3-11-8-2; 3-11-8-3.1; 3-11-8-3.2; 3-11-8-6; 3-11-8-6.5)

An obsolete cross-reference to the Public Records Law in an election statute authorizing the county election board to establish a policy regarding providing voter registration records in electronic format is corrected.

(HEA 1242 § 14; Effective Date; July 1, 2011; Citation affected: IC 3-7-27-6)

An obsolete reference to the county auditor issuing certificates of election is repealed.

(HEA 1242 § 92; Effective Date; July 1, 2011; Citation affected: IC 36-2-2-9)

An obsolete section dealing with military/overseas absentee ballot applications received no later than June 30, 2010 is repealed.

(HEA 1242 § 93; Effective Date; July 1, 2011; Citation affected: IC 3-11-4-6.1[repealed])

An obsolete reference to the procedures applicable to the additional residency confirmation documentation requirement applicable to voter registration applications filed after the effective date of a Help America Vote Act and before the implementation of the Statewide Voter Registration System is repealed.

(HEA 1242 § 19; Effective Date; July 1, 2011; Citation affected: IC 3-7-33-4.5)

A reference to the circuit court clerk or a board of registration as the voter registration official is changed to the more generic "county voter registration office."

(HEA 1242 § 22; Effective Date; July 1, 2011; Citation affected: IC 3-7-40-3)

A cross reference to requesting a replacement absentee ballot in a county that counts absentee ballots at a central location is added to statute regarding the reprinting of ballots due to a ballot error.

(HEA 1242 § 52; Effective Date; July 1, 2011; Citation affected: 3-11-2-16)

An obsolete cross-reference to a section regarding the delivery of voter registrations and declinations from unemployment offices is repealed.

(SEA 295 § 1; Effective Date; April 20, 2011; Citation affected: 3-7-18-21)

Voting Mark Instructions Relocated

The law directing county election boards to approve voting instructions indicating that a specific type of marking device is used on the county's voting system to indicate a voting mark was transferred from a general election statute to two chapters in the election code prescribing ballot instructions and format requirements for ballot card optical scan voting systems and direct record electronic voting systems.

(HEA 1242 §§ 66, 68, and 93; Effective date: July 1, 2011; Citations affected: 3-5-4-6 [repealed]; 3-11-13-31.6 [New]; 3-11-14-22.5 [New])

Former Noncode Election Laws Added to the Election Code

Former election laws that were not made a part of the election code were added to the election code.

(SEA 490 § 10, 11 and 12; Effective Date; April 20, 2011; Citations affected: 3-5-1-0.3 [New]; 3-5-1-0.4 [New]; 3-6-4.2-5.5 [New])

Certificate of Candidate Selection Filing Deadline Clarified

The phrase “not more than three (3) days” was changed to “not later than noon three (3) days” with respect to the deadline for filing a certificate of selection to fill certain early ballot vacancies.

(HEA 1242 § 83; Effective Date; July 1, 2011; Citation affected: IC 3-13-1-15)

Repeal of Duplicate Language for Small Town Convention Certificates

Duplicate language concerning the certificate filed following a small town convention was repealed.

(HEA 1242 § 34; Effective Date; July 1, 2011; Citation affected: 3-8-5-14)

Election Crimes Outside of the Criminal Code are Listed in the Criminal Code

Election law crimes in the election code (Title 3) are listed in the criminal code (Title 35) to make it easier for law enforcement officials to find state law crimes located outside of the criminal code.

(HEA 1054 § 1; Effective Date; July 1, 2011; Citation affected: 35-51-1-1[New])

Disqualification of Administrative Law Judge Ruling in Proceeding Subject to the Administrative Orders and Procedures Act

An individual serving as administrative law judge in a proceeding subject to the Administrative Orders and Procedures Act (such as a county election board member ruling on a campaign finance enforcement matter) is subject to disqualification for the failure to issue an order not later than 90 days after the latest of any of the following: 1) the filing of a motion to dismiss or a motion for summary judgment; 2) the conclusion of a hearing; or 3) the completion of any schedule set for briefing or for submittal of proposed findings of fact and conclusions of law; unless the 90 day deadline is waived or extended with the written consent of all parties or for good cause shown.

(SEA 67 § 3; Effective Date; July 1, 2011; Citation affected: 4-21.5-3-10)