



2024 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 2024. 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.iga.in.gov.

This document is intended to serve as an overview of information concerning Indiana election laws. Although the Election Division makes 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 2024 Regular Session of the Indiana General Assembly enacted the following election-related bills and joint resolutions:

Public Law 18-2024 (Senate Enrolled Act 135): Local Government Redistricting Deadline
Public Law 36-2024 (Senate Enrolled Act 270): Various Education Matters
Public Law 65-2024 (House Enrolled Act 1264): Election Security
Public Law 74-2024 (Senate Enrolled Act 29): Town Party Conventions
Public Law 81-2024 (House Enrolled Act 1133): Use of Digitally Altered Media in Elections
Public Law 110-2024 (Senate Enrolled Act 170): Crimes and Election Workers
Public Law 136-2024 (House Enrolled Act 1120): State and Local Administration
Public Law 153-2024 (House Enrolled Act 1265): Various Election Matters

The following bills made other amendments (generally technical, but some substantive) to election statutes or areas that affect election law:

Public Law 9-2024 (Senate Enrolled Act 35): Technical Corrections
Public Law 93-2024 (Senate Enrolled Act 4): Fiscal and Administrative Matters
Public Law 104-2024 (Senate Enrolled Act 80): Code Publication Amendments
Public Law 120-2024 (Senate Enrolled Act 234): Disaster Emergency
Public Law 122-2024 (Senate Enrolled Act 252): Notice Publication
Public Law 128-2024 (House Enrolled Act 1003): Administrative Law
Public Law 130-2024 (House Enrolled Act 1032): Legislative Notaries
Public Law 146-2024 (House Enrolled Act 1204): Publication of Public Notices
Public Law 156-2024 (House Enrolled Act 1328): Department of Local Government Finance
Public Law 162-2024 (House Enrolled Act 1380): Various Education Matters
Public Law 171-2024 (House Enrolled Act 1338): Security of Property and Meeting Decorum

ABSENTEE VOTING

Timely Filed ABS-Mail Application Defect Notice

The “Timely Filed ABS-Mail Application Defect Notice” (ABS-24) required to be sent to the applicant must be sent to all defective absentee ballot applicants requesting an absentee ballot by mail that were received by the circuit court clerk twelve (12) days or more before election day, instead of thirteen (13) days before election day, as previously stated in law.

(HEA 1265 § 13; Effective Date: March 13, 2024; Citations affected IC 3-11-4-17.6)

Absentee Ballot Mismatch and Missing Signature Notice and Affidavit Procedures

When a county election board is required to send a voter either the ABS-18A (unsigned absentee ballot envelope notice and affidavit) or ABS-18B (absentee ballot envelope signature mismatch notice and affidavit) to a voter, the county election board has the option to hand-deliver that notice and affidavit to the voter.

If the county election board does not provide the ABS-18A or ABS-18B to the voter before the close of business two (2) business days after the board determines there is a missing signature or mismatched signature on the voter’s absentee ballot envelope, and the voter learns that the ABS-18A or ABS-18B should have been provided to them, then the voter or voter’s representative may request the ABS-18A or ABS-18B notice and affidavit from either the county election board or the Indiana Election Division.

A voter may deliver a completed ABS-18A or ABS-18B affidavit to an absentee voter board at the circuit court clerk’s office or early voting satellite location during the period when early voting is taking place.

(HEA 1265 § 19, 20; Effective Date: July 1, 2024; Citations affected IC 3-11.5-4-13.5, IC 3-11.5-4-13.6)

BMV Data Transmittal Authorized for Absentee Ballot Application Purposes

Specifies that the Bureau of Motor Vehicles (BMV) may transmit information related to an individual, such as a driver’s license number or last four digits of a Social Security number, required under the state’s current absentee ballot application law (IC 3-11) for identification purposes for county election officials to process an absentee ballot application.

(HEA 1265 § 27 Effective Date: July 1, 2024; Citations affected IC 9-14-13-2)

Bipartisan Absentee Board Initial Requirements on “Scantron” Optical Scan Ballot

Specifies that the current requirement for bipartisan absentee board initials to be on an absentee ballot for the absentee ballot to be counted is met if a scantron type of optical scan ballot card

already contains the printed initials of the bipartisan absentee board members (or county election board members) when provided to the voter.

(HEA 1265 § 18; Effective Date: March 13, 2024; Citations affected IC 3-11.5-4-13)

Sequence for Adding Bipartisan Absentee Board Signatures to Absentee Ballot Secrecy Envelope

Clarifies that when voting before an absentee board during early voting or by travel board, the absentee voter must **first** sign and date the absentee affidavit found on the ABS-7 ballot secrecy envelope, and **then** the absentee voter board members must print their names and sign the affidavit found below the voter's affidavit on the same ballot secrecy envelope.

(HEA 1265 § 16; Effective Date: March 13, 2024; Citations affected IC 3-11-10-29)

Satellite Early Voting Locations and Hours

Permits a county election board, by unanimous vote, to adopt a resolution (and, in a vote center county, an amendment to the vote center plan) to change the locations and hours for absentee early in-person voting at satellite offices used at the primary election before the subsequent general or municipal election being conducted that year.

(HEA 1265 § 15; Effective Date: July 1, 2024; Citations affected IC 3-11-10-26.3)

BALLOTS, VOTING SYSTEMS, AND ELECTRONIC POLLBOOKS

State Convention Delegate and Precinct Committeemen Candidates on Primary Ballot

Candidates for political party offices (precinct committeeman and state convention delegate) are not required to be arranged on the primary ballot so that all candidate names appear on the same page or screen.

(HEA 1265 § 10; Effective Date: March 13, 2024; Citations affected IC 3-11-2-12.3)

Electronic Pollbook Reports

A political party or independent candidate who is eligible to appoint a watcher to the polls in a county under IC 3-6-8 is entitled to receive reports that can be generated from the county's electronic pollbook system. The political party or independent candidate no longer needs to appoint a watcher to the polls in the county in order to receive those reports.

(HEA 1264 § 23; Effective Date: July 1, 2024; Citations affected IC 3-11-8-10.3)

CANDIDATES

Small Town Convention

Eliminates town nominating conventions held in **even-numbered** years (for example, 2026, 2028, etc.) for Democrats and Republicans in “small” towns (that is, a town with a population less than 3,500 persons). In even numbered years, candidates for a small town office may be nominated to appear on the general election ballot in the primary election or by filling a ballot vacancy. Libertarians may use a town convention when necessary to select the party’s nominees for a town office.

In odd-numbered years, if a small town convention is held, it must be held a sufficient number of days prior to the August 28th deadline to file a certification of candidate selection with the circuit court clerk before a municipal election. If a convention recesses, it must reconvene prior to the noon, August 28th certification deadline.

(SEA 29 § 1-4; Effective Date: January 1, 2025; Citations affected IC 3-8-5-2, IC 3-8-5-2.5[NEW], IC 3-8-5-10, IC 3-8-5-12)

Early Ballot Vacancies

Allows the Democratic, Libertarian, and Republican parties to fill a ballot vacancy that exists more than thirty (30) days before a general, municipal, or special election (early ballot vacancy) if the party’s candidate on the general, municipal, or special election ballot is removed from the ballot during a judicial proceeding.

(HEA 1265 § 22; Effective Date: March 13, 2024; Citations affected IC 3-13-1-7)

Late Ballot Vacancies

Allows the Democratic, Libertarian, and Republican parties to fill a ballot vacancy that occurs during the last thirty (30) days before a general, municipal or special election (late ballot vacancy) if a candidate is disqualified or otherwise removed from the ballot as a result of a death, withdrawal, disqualification, court order, candidate challenge, or judicial proceeding. Requires that the political party with the late ballot vacancy must fill that ballot vacancy not later than 6 a.m. on Election Day.

(HEA 1265 § 24; Effective Date: March 13, 2024; Citations affected IC 3-13-2-1)

Sore Loser Law and Ballot Vacancies

A candidate defeated in the primary election, town convention, or state convention may not be appointed to fill an early or late ballot vacancy by a political party other than the political party in which the person sought nomination during the primary election, town convention, or state convention.

For example, a candidate for nomination to an elected office on the Democratic Party primary ballot who was defeated at the primary election would not be eligible to fill a Republican, Libertarian, or other party ballot vacancy for any elected office on the ballot for the general, municipal, or special election held after the primary. Conversely, a candidate for nomination to an elected office on the Democratic Party primary ballot who was defeated at the primary election would only be eligible to fill a ballot vacancy for the Democratic Party.

(HEA 1265 § 23, 25; Effective Date: March 13, 2024; Citations affected IC 3-13-1-19, IC 3-13-2-10)

DEFINITIONS

Candidate

For purposes of early or late candidacy vacancy filling, the definition of “candidate” includes an individual who fills a general election or municipal election ballot vacancy occurring when a county or town election board, the Indiana Election Commission, or a court determines that the required action of the individual or another person (such as the county chair) is void or invalid.

(HEA 1265 § 1; Effective Date: March 13, 2024; Citations affected IC 3-5-2-6)

Chute

The definition of “chute” is the area where electioneering activity is prohibited is changed to now mean the area that extends fifty (50) feet in radius from the entrance to the polls (rather than just a “length” or pathway). The chute also applies to the locations for early voting in the circuit court clerk’s office or a clerk’s satellite office starting at the entrance of the circuit court clerk’s office or satellite office.

(HEA 1265 § 2; Effective Date: July 1, 2024; Citations affected IC 3-5-2-10)

Scantron

In the election code (IC 3) “scantron” is defined as a type of optical scan ballot card that contains either the names of, or coding that indicates the names of, those parties and candidates that are selected by the voter.

(HEA 1265 § 3; Effective Date: March 13, 2024; Citations affected IC 3-5-2-43.5[NEW])

DIGITALLY ALTERED MEDIA

A communication in any format that advocates for the election or defeat of a candidate or to solicit contributions containing digitally altered audio or visual recordings must include a disclaimer that states, “Elements of this media have been digitally altered or artificially generated.” A candidate depicted in fabricated media without a disclaimer may bring civil action against the person who paid for, sponsored, or disseminates the communication and is entitled to recover damages, injunctive relief, court costs, and reasonable attorney fees.

A new chapter in the state campaign finance law, IC 3-9-8, is enacted to regulate the use of digitally altered media in certain political communications concerning candidates for federal, state, local, and school board offices. The new chapter includes the following:

Definition of Campaign Communication

The definition of “campaign communication” as used in IC 3-9-8 means a communication that advocates for the election or defeat of a clearly identified candidate, or has the purpose of which is to injure a candidate in an election or influencing the outcome of an election, or that solicits a contribution, and is presented regardless of the format of the communication or the medium through which the communication is disseminated. A candidate is considered to be “clearly identified” if the communication includes the name of the candidate, a video, photo, or drawing of the candidate, or contains fabricated media depicting the candidate, or the identity of the candidate is apparent by unambiguous reference.

Definition of Candidate

The definition of “candidate” as used in IC 3-9-8 includes an individual who holds an elected office, including a federal, state, federal legislative office, state legislative, local, or school board elected office.

Definition of Fabricated Media

The definition of “fabricated media” as used in IC 3-9-8 means any of the following:

1. Media that includes an audio or visual recording of an individual's speech, appearance, or conduct that has been altered without the individual's consent such that:
 - a. the media conveys a materially inaccurate depiction of the individual's speech, appearance, or conduct as recorded in the unaltered recording; and
 - b. a reasonable person would be unable to recognize that the recording has been altered.
2. Media in which an artificially generated audio or visual imitation of an individual that:
 - a. has been created without the individual's consent; and
 - b. is sufficiently lifelike that a reasonable person would be unable to distinguish the speech or appearance of the imitation from the speech or appearance of the individual;
 - c. is used to convey a fictional depiction of the individual's speech, appearance, or conduct.

3. Media depicting the speech, appearance, or conduct of an artificially generated person, the appearance or speech of which is not a recognizable imitation of an identifiable individual.

Definition of Media

The definition of “media” was used in IC 3-9-8 means recorded audio, a recorded image, or a recorded video.

Permitted Use of Fabricated Media in Campaign Communications

Campaign communications that includes fabricated media depicting a candidate must include a disclaimer from the person who paid for the campaign communication that is separate from the disclaimer required under IC 3-9-3-2.5(d). The disclaimer must meet the following requirements:

1. The disclaimer must state: “Elements of this media have been digitally altered or artificially generated.”
2. If the campaign communication is a printed communication, the disclaimer must be printed in a manner that complies with IC 3-9-3-2.5(e).
3. If the campaign communication is an audio communication, the disclaimer must be read:
 - a. in each language used in the campaign communication;
 - b. at a speed and pitch at which the disclaimer is reasonably understandable; and
 - c. at a volume that is not lower than the loudest audio included in the campaign communication;
 - d. at the beginning of the campaign communication, at the end of the campaign communication, and, if the campaign communication is more than two (2) minutes in length, at intervals of two (2) minutes for the duration of the campaign communication.
4. If the campaign communication is a video communication, the disclaimer must be:
 - a. printed in a manner that complies with IC 3-9-3-2.5(e); and
 - b. displayed continuously for the duration of the campaign communication.

Civil Action for Campaign Communications Using Fabricated Media Without Disclaimer

A candidate depicted in fabricated media that is included in a campaign communication that does not include a disclaimer required by IC 3-9-8-5 may bring a civil action against the person that paid for the campaign communication, the person that sponsored the campaign communication, and a person that disseminates the campaign communication, (if the campaign communication included the disclaimer when provided to the person and the person knowingly, intentionally, or recklessly altered or removed the disclaimer before disseminating the campaign communication).

The plaintiff in the civil action has the burden of proving by clear and convincing evidence that the plaintiff was depicted in fabricated media in the campaign communication that is the subject of the action.

A plaintiff who prevails in the civil action is entitled to recover the plaintiff's actual damages, injunctive relief, and the amount of any court costs and reasonable attorney's fees incurred by the

plaintiff in connection with the action. A court shall expedite the hearing of a civil the civil action that is brought by the plaintiff.

(HEA 1133 § 1; Effective Date: March 12, 2024; Citations affected IC 3-9-8[NEW])

POLLING PLACES, POLL WORKERS, AND PARTISAN WORKERS

Absentee Ballot Board Members, Counters, and Couriers

Clarifies that an individual appointed to an absentee voter board, absentee ballot counter team, or as an absentee courier is an independent contractor of the county election board (not an employee) and does not hold a “lucrative office” which would violate the Indiana Constitution’s ban on holding more than one lucrative office.

(HEA 1265 § 21; Effective Date: July 1, 2024; Citations affected IC 3-11.5-4-23)

Crimes Against Election Workers

A person who threatens an election worker commits a Level 6 felony.

An “election worker” means a precinct election officer or poll worker, a county election board member, a county board of elections and registration member, a board of voter registration member, a circuit court clerk, a circuit court clerk employee, a town election board member, a student poll worker appointed by a county election board under IC 3-6-6-39, a polling location challenger or pollbook holder, a poll watcher, an absentee voter board member, an absentee ballot counter, or an absentee courier.

“Threatening an election worker” occurs when a person communicates a threat to an election worker with the intent that the election worker engage in conduct against the election worker’s will or be faced in fear of retaliation for a prior lawful act relating to an election. This statute does not apply to an offense that occurs at a health facility.

A person who with the intent to obstruct or interfere with an election worker or voter in the chute who knowingly or intentionally engages in obstruction or interferes with an election worker or a voter in the chute on election day or during early voting, except at a health facility as defined in IC 16-18-2-167, commits a Level 6 felony.

A person who knowingly and intentionally injures an election worker in the exercise of the election worker’s duties or because the election worker has exercised the election worker’s duties, except at a health facility as defined in IC 16-18-2-167, commits, a Level 6 felony.

A person who communicates a threat, as defined in IC 35-45-2-1, to an election worker with the intent that the election worker engage in conduct against the election worker’s will or be placed in fear of retaliation for a prior lawful act relating to an election, except at a health facility as defined in IC 16-18-2-167, commits the crime of threatening an election worker, a Level 6 felony.

(SEA 170 § 1-2; Effective Date: March 13, 2024; Citations affected IC 3-14-3-4, IC 3-14-3-18)

Voter to Select Choice of Party Ballot on Electronic Pollbook in Primary Election

At a primary election polling location that uses an electronic pollbook, the voter, instead of the poll clerks, must select on the electronic pollbook which political party primary ballot the voter wants to vote.

(HEA 1264 § 20, 23; Effective Date: July 1, 2024; Citations affected IC 3-10-1-24, IC 3-11-8-10.3)

Protection and Advocacy Services Commission Access to the Polls

An individual credentialed by the Indiana Protection and Advocacy Services Commission is entitled to be present in early voting locations or Election Day polling locations per IC 3-11-10-26.8 to conduct activities related to the voting access program authorized under federal law. An individual must carry an ID card detailing their status as an individual present in the polls or early voting locations who is credentialed by the Indiana Protection and Advocacy Services Commission. The credential must include the name of the person.

(HEA 1265 § 14; Effective Date: March 13, 2024; Citations affected IC 3-11-8-15)

REDISTRICTING

Extension of Time for Local Government Redistricting

A local government redistricting authority that did not redistrict or recertify election districts following the 2020 census must redistrict after January 1, 2025, and before November 1, 2025, for districts where the offices are on the ballot in 2024. For election districts where the offices are **not** on the ballot for 2024, redistricting must be done before November 1, 2025. Redistricting or recertifying current districts must be based on the 2020 decennial census.

A member of a local government redistricting authority who fails to redistrict or recertify current districts before June 30, 2025 will not be entitled to receive a salary until the local governing redistricting authority complies with the local redistricting law.

This law expires July 1, 2026.

(HEA 1265 § 5; Effective Date: March 13, 2024; Citations affected IC 3-5-10-7.1)

(SEA 135 § 1-2; Effective Date: March 11, 2024; Citations affected IC 3-5-10-7, IC 3-5-10-7.1[NEW])

REFERENDUMS AND PUBLIC QUESTIONS

Change of Scope for Controlled Project Petition and Remonstrance Process

Adds a petition and remonstrance process to a controlled project where the scope of the project changed after the controlled project was approved by a petition or remonstrance process.

If ten (10) property owners or registered voters of a political subdivision file a petition with the proper officers of a political subdivision that initiated the controlled project, contending that the scope of a controlled project approved under the petition and remonstrance process described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.2 has changed, the subdivision shall hold a public hearing to determine if a new notice and petition and remonstrance process described in IC 6-1.1-20-4.2 must be initiated.

If there is a new petition and remonstrance process, the subdivision shall give notice by publication and notify the clerk via first class mail. State Board of Accounts will design the petition forms upon request from the county voter registration office. The voter registration office will issue the forms to voters or property owners and verify signatures. If a petition or remonstrance is presented to the county voter registration office within forty-five (45) days before an election, the office may defer the petition or remonstrance until five (5) days after the election.

(HEA 1120 § 26; Effective Date: March 13, 2024; Citations affected IC 6-1.1-20-4.2[NEW])

Change of Scope for Controlled Project Referendum

Adds a method for property owners and registered voters of a political subdivision to request a new referendum election if the controlled project was previously approved through a referendum and the scope of the project has changed since the approval.

If ten (10) property owners or registered voters of a political subdivision file a petition that the scope of a controlled project under IC 6-1.1-20-3.5 or IC 6-1.1-20-3.6 has changed, the subdivision shall hold a public hearing to determine if a new public question referendum for the controlled project is required to be on the ballot. If a new question is approved to go on the ballot, the Indiana Department of Local Government (DLGF) shall certify the text of the ballot question to the county election board and the County Auditor. The County Auditor shall submit the final text of the public question to the county election board.

The form of the new public question submitted to voters of the political subdivision must be:

“On _____ (insert date) the voters approved a public question to increase property taxes paid to the _____ (insert the type of taxing unit) by homeowners and businesses. The political subdivision has determined that the scope of the project for which the public question was placed on the ballot has changed beyond that initially presented. To fund the increase in the scope of the project, the average property tax paid to the _____ (insert the type of taxing unit) per year on a residence is estimated to increase by

_____ % (insert the estimated average percentage of property tax increase paid to the political subdivision on a residence within the political subdivision) and the average property tax paid to the _____ (insert the type of taxing unit) per year on a business property would increase by _____ % (insert the estimated average percentage of property tax increase paid to the political subdivision on a business property within the political subdivision). Shall _____ (insert the name of the political subdivision) increase property taxes paid to the _____ (insert the type of taxing unit) by homeowners and businesses to fund the increase in the scope of the project previously approved? If this public question is approved by the voters, the average property tax paid to the _____ (insert the type of taxing unit) per year on a residence would increase by _____ % (insert the estimated average percentage of property tax increase paid to the political subdivision on a residence within the political subdivision) and the average property tax paid to the _____ (insert the type of taxing unit) per year on a business property would increase by _____ % (insert the estimated average percentage of property tax increase paid to the political subdivision on a business property within the political subdivision).”

The political subdivision may seek to place the new public question on the ballot at the next scheduled election being held in the political subdivision. The certification must occur not later than noon, seventy-four (74) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot, or August 1 before a general or municipal election if the public question is to be placed on the general or municipal election ballot. If there is no scheduled election, the political subdivision can ask for a special election. The fiscal body of the requesting political subdivision shall pay the costs of the special election. After the election, the clerk certifies the results to the county auditor and DLGF.

(HEA 1120 § 27; Effective Date: March 13, 2024; Citations affected IC 6-1.1-20-4.3[NEW])

Deadline for Controlled Project Referendum Public Question Approval by DLGF

Amends the procedures for submission of controlled project public question language. The Department of Local Government Finance (DLGF) shall certify its approval or recommendations for public question language to the county auditor and county election board not more than ten (10) days after both the certification of required information by the county auditor and the language of the question are submitted to DLGF for review.

(HEA 1328 § 17; Effective Date: July 1, 2024; Citations affected IC 6-1.1-20-3.6)

Deadline for School Tax Levy and School Safety Tax Levy Referendum Public Question Approval by DLGF

Amends the procedures for submission of a school tax levy or school safety tax levy referendum public question language. The Department of Local Government Finance (DLGF) shall certify its approval or recommendations for public question language to the school corporation and the county auditor not more than ten (10) days after both the certification of required information by the county auditor and the language of the question are submitted to DLGF for review.

(HEA 1328 § 28, 30; Effective Date: July 1, 2024; Citations affected IC 20-46-1-8, IC 20-46-9-6)

Revenue from School Tax Levy Referendum

Allows a charter school to receive a distribution of revenue generated from a referendum if voters receive prior notice of the amount of the proceeds that will be paid to the charter school. Addresses the amount and distribution of tax levy revenue and school safety referenda. Proceeds from a referendum distributed to a charter school prior to May 10, 2023, are not exempted from these requirements.

(SEA 270 § 3, 10; Effective Date: March 4, 2024 and May 10, 2024; Citations affected IC 20-26-7.1-1, IC 20-46-1-8)

School Salaries Must be Posted Prior to School Safety Referendum

In Lake, Marion, St. Joseph, and Vanderburgh County, school corporations that are required to share school tax levy or school safety tax levy referendum revenue with charter schools must post the individual salaries and position of employees in Gateway Indiana at least thirty (30) days before a school tax levy or school safety referendum is submitted to the voters in a primary or general election.

(HEA 1380 § 25-26; Effective Date: March 13, 2024; Citations affected IC 20-46-1-8; IC 20-46-9-6)

STATE AND LOCAL ADMINISTRATION

Administrative Proceedings Final Orders

For administrative proceedings conducted according to the Administration Orders and Procedures Act (AOPA) after June 30, 2024, a final order by the ultimate authority must include the procedures and time limits for seeking judicial review of the order under IC 4-21.5-5. This applies to county election boards, who must follow AOPA for campaign finance enforcement hearings only, and to the Indiana Election Commission.

(HEA 1003 § 1, 8; Effective Date: July 1, 2024 and July 1, 2025; Citations affected IC 1-1-5.5-24[NEW], IC 4-21.5-3-27)

Judicial Review of Administrative Proceeding

For judicial review of administrative proceedings conducted according to the Administration Orders and Procedures Act (IC 4-21.5) after June 30, 2024, a court is not bound by a finding of fact made by the ultimate authority during an administrative proceeding conducted under the Administrative Orders and Procedures Act (AOPA) if the finding of fact is not supported by the record before the court. A court shall decide all questions of law, including any interpretation of a federal or state constitutional provision, state statute, or agency rules, without deference to any previous interpretation made by the agency that is a party to the judicial review.

(HEA 1003 § 12; Effective Date: July 1, 2024; Citations affected IC 4-21.5-5-11)

Transmission of Certified Agency Record for Judicial Review of Agency Action

For judicial review of administrative proceedings conducted according to the Administration Orders and Procedures Act (IC 4-21.5) after June 30, 2024, not later than thirty (30) days after receipt of a petition for judicial review of an agency action under the Administrative Orders and Procedures Act (AOPA) served under IC 4-21.5-5-8 or within further time allowed by the court or by other law, the agency that is a party to the judicial review must transmit to the court the original or a certified copy of the agency record for judicial review of the agency action. Before July 1, 2024, the party petitioning for judicial review of an agency action is responsible for providing the court with the agency record.

(HEA 1003 § 13; Effective Date: July 1, 2024; Citations affected IC 4-21.5-5-13)

Judicial Relief from Agency Action

For judicial review of administrative proceedings conducted according to the Administration Orders and Procedures Act (IC 4-21.5) after June 30, 2024, a court shall grant relief to a petitioner for judicial review of an agency action if the court determines that the petitioner has been prejudiced by an agency action that is unsupported by a preponderance of the evidence instead of substantial evidence.

(HEA 1003 § 14; Effective Date: July 1, 2024; Citations affected IC 4-21.5-5-14)

County Filings Using Email and Fax to File with Indiana Election Division

When a circuit court clerk, county voter registration official, or county election board is required by Title 3 to make a filing to the Indiana Election Division or Indiana Election Commission, the filing may be made by fax or email. This specifically includes amendments to a county voter center plan. This does not apply to candidate nomination petitions described in IC 3-8-2, IC 3-8-3, or IC 3-8-6 that a county voter registration official may forward to the election division or election result documents described in IC 3-12-5.

(HEA 1265 § 4, 17; Effective Date: July 1, 2024; Citations affected IC 3-5-4-1.7, IC 3-11-18.1-15)

Indiana Election Commission Emergency Rules

The Indiana Election Commission's powers to adopt emergency rules are repealed. The Commission retains the ability to adopt rules under IC 4-22-22 to implement a court order requiring the Commission, the Indiana Election Division, a county election board, or an official to administer an election in a manner not authorized by the state election code.

(SEA 4 § 2-3; Effective Date: July 1, 2024; Citations affected IC 3-6-4.1-14, IC 3-6-4.1-16)

Prohibitions Against Local Government from Joining or Participating in Certain Organizations

A local government that conducts or administers an election, may not join an organization or participate in a program (other than a program authorized by local, state, or federal government) with a person who directly finances preparing or conducting elections or employs temporary workers for the purpose of preparing, administering, or conducting elections, including registering voters.

(HEA 1264 § 1; Effective Date: July 1, 2024; Citations affected IC 3-5-3-1)

Per Diem for Clerk Who Serves as Voter Registration Officer

The county fiscal body may provide a circuit court clerk who serves as the county's chief voter registration official with a stipend of up to \$2,500 each year a general election is held.

(HEA 1328 § 1; Effective Date: July 1, 2024; Citations affected IC 3-7-12-22)

Meaning of Governing Body for Open Door Law

For the purposes of the Open Door Law, a governing body does not include a committee appointed directly by the governing body or a designee of the governing body for the sole

purpose of receiving information, deliberating, or making recommendations to the governing body and that has not more than one (1) member of the governing body as a member.

(HEA 1338 § 1; Effective Date: July 1, 2024; Citations affected IC 5-14-1.5-2)

Public Comment Rules at Local Government Public Meetings

A local governing body such as a county election board, that allows an attendee to speak on a topic at a meeting, may designate a period of the meeting for taking public testimony and may designate the amount of time allotted for attendees to speak on a topic that is before (or during) the governing body's discussion or consideration of the topic and must do so before the governing body takes final action.

A local governing body may adopt rules and policies to governing the conduct of a meeting including any of the following meetings such as reasonable time limits for testimony and procedures to remove attendees who disrupt a meeting. Attendees must be notified of the rules via an announcement at the meeting before taking public comment or by posting the rules at the entrance to the meeting.

(HEA 1338 § 2; Effective Date: July 1, 2024; Citations affected IC 5-14-1.5-3.3[NEW])

Public Records Requests for Absentee Voting Reports

In a non-vote center county, the county election board must establish a plan setting forth the method and timing for providing absentee reports to a person entitled under state law to receive the report, such as a county party chair, without unreasonable delay.

(HEA 1265 § 6; Effective Date: July 1, 2024; Citations affected IC 3-6-5-17.3[NEW])

Public Records Requests to Counties for Election Reports in Electronic Format

For the "uniform non-discriminatory policy" each county election board must adopt regarding whether to provide a copy of the unrestricted, full county voter registration list in the statewide voter registration system (SVRS) to an individual as part of a public records request, the policy must now include "all records in the statewide voter registration system, including election administration records and absentee activity reports." This policy does not apply to requests for individual voter registration records or reports required by law to be provided to political party chairs.

(HEA 1265 § 7; Effective Date: March 13, 2024; Citations affected IC 3-7-27-6)

Access to Election Records for Provisional Ballot Review Duties

The requirement that all ballots and election materials returned to the county election board after the polls close on election day be sealed by the circuit court clerk does not otherwise prohibit county election officials, such as the county election board or provisional ballot counters, from

accessing those election records to conduct the provisional ballot review and counting duties under IC 3-11.7.

(HEA 1265 § 9; Effective Date: July 1, 2024; Citations affected IC 3-10-1-31.1)

Referral of Challenge Affidavits to Prosecuting Attorney

Clarifies that poll workers must place the voter challenge affidavit (PRE-4) that is printed on the provisional ballot envelope (PRO-2) in a strong paper bag or envelope and securely seal it for return to the county election board.

When the inspector and poll judge of the opposite political party return the sealed bags containing completed voter challenge affidavits (PRE-4 and PRE-6) to the county election board, the board is required to:

1. Remove the original PRE-4 affidavit, which is printed on the PRO-2 provisional ballot envelope, and PRE-6 party challenge affidavit (used only in the primary election) from the sealed bag or envelope and make three (3) copies of each affidavit. The board then places the affidavits in the larger envelope or bag and keeps them secure according to IC 3-10-1-31.1, and does the following with the copies after the expiration of the recount or contest period:
 - a. Mail one copy of each affidavit to the Secretary of State;
 - b. Send one copy of each affidavit to the prosecuting attorney; and
 - c. Retain one copy with the county election board to fulfill public record requests under IC 3-10-1-31.1
2. The county election board may remove the original affidavits from the bag or envelope during a board meeting or hearing when the affidavits are reviewed by the board under Title 3. The bag or envelope containing the original PRE-6 and PRE-4 affidavits must be immediately resealed after the county election board determines which provisional ballots can be counted and not counted under IC 3-11.7. Each county election board member must sign the back of the seal bag or envelope. The clerk must preserve the resealed bag of voter challenge affidavits according to IC 3-10-1-31.

If an original affidavit is requested and delivered to the prosecuting attorney or a grand jury, the prosecuting attorney must preserve the original affidavits and envelopes according to requirements for clerks under IC 3-10-1-31.1 and ensure that no one can access a provisional ballot that was not counted by the county election board by opening the PRE-4/PRO-2 envelope. The prosecuting attorney or grand jury has to return the affidavit and envelope to the circuit court clerk after the completion of any proceeding resulting from an investigation of the affidavit or envelope.

(HEA 1265 § 9, 26; Effective Date: July 1, 2024; Citations affected IC 3-10-1-31.1, IC 3-14-5-2)

Publication of Notice

For a notice required to be published under IC 5-3-1-4 in a newspaper or locality newspaper, if a newspaper 1) publishes a print edition not more than three (3) times a week, and 2) publishes an

electronic edition, then the notice may be published in either the print edition or in the electronic edition. If a newspaper or locality newspaper publishes a print edition not more than two (2) times a week and does not publish an electronic edition, then the notice may be published in either the print edition or on the newspaper's website. If the newspaper or locality newspaper does not maintain a website, a notice may be published in either the newspaper's print edition or on the political subdivision's official website (as defined in IC 5-3-5-2) in accordance with IC 5-3-5.

A newspaper or locality newspaper may not charge a person a fee for viewing or searching the website or electronic edition for public notices or require a person to register on the newspaper or locality newspaper's website in order to view or search for public notices on the website. The basic charge for publication of a notice in an electronic edition shall be the same as the basic charge for publication of the notice in the print edition in accordance with IC 5-3-1-1.

(HEA 1204 § 3; Effective Date: July 1, 2024; Citations affected IC 5-3-1-1.6[NEW])

UPDATING OR CORRECTING REFERENCES IN STATE LAW

Comptroller, Technical and Grammer Corrections

Changes references to Auditor of State to Comptroller and makes technical corrections and fixes drafting errors.

(SEA 35 § 14-26, 33-34, , 120-121, 145-147, 170; Effective Date: July 1, 2024; Citations affected IC 3-5-3-1, IC 3-7-22-6, IC 3-7-26.7-5, IC 3-7-26.7-6, IC 3-7-45-4, IC 3-9-4-18, IC 3-9-5-3, IC 3-9-5-13, IC 3-11-6.5-2, IC 3-11-13-11, IC 3-11-14-17, IC 3-11.7-6-3, IC 3-11.7-6-3, IC 3-12-9-3, IC 4-2-6-1, IC 4-2-6-8, IC 5-6-1-1, IC 5-8-3.5-1, IC 5-14-1.5-7.5, IC 5-14-3-3.5, IC 5-14-3-9.5, IC 6-1.1-20-1.1)

Technical and Grammer Corrections

Corrects grammar and citation errors. Reconciles charter school referendum conflicts. Non-substantial technical and cross-reference corrections are made to the absentee ballot application deadline law.

(SEA 80 § 38-39, 43, 51; Effective Date: July 1, 2024; Citations affected IC 3-7-16-16, IC 3-7-18-8, IC 5-14-3-4, IC 20-46-1-8)

(HEA 1265 § 11-12; Effective Date: March 13, 2024; Citations affected IC 3-11-4-3, IC 3-11-4-6)

VOTER REGISTRATION

“Supercentenarian” Voter Registration Annual Record Review

At least once each calendar year the co-directors of the Indiana Election Division are required to review and identify voter registration records that either contain no date of birth or have a date of birth that indicates that registered voter is 115 years of age or older. As part of this review, the election division must request from the Bureau of Motor Vehicles (BMV) date of birth information for each of the registered voters identified in the review. The election division shall provide the list of registered voters and any BMV provided date of birth information to the county voter registration office in the county where the voter is registered. If the county voter registration official determines the information provided by the election division applies to a registered voter in their county, then the county voter registration official must correct the voter’s date of birth in the voter’s registration record.

(HEA 1265 § 8; Effective Date: July 1, 2024; Citations affected IC 3-7-38.2-4)

Commercial Data for Voter List Maintenance

Permits the Secretary of State to contract with a company to receive commercial data and transmit the data received to the co-directors of the Indiana Election Division. The co-directors of the election division (or its contractor) are required to use the commercial data supplied by the Secretary of State to identify a voter whose address may have changed since the voter last registered to vote or updated their registration record.

Beginning January 1, 2025, the information received by the co-directors of the Indiana Election Division from a comparison of commercially available data, such as a credit agency, may be used by a county voter registration official to conduct a voter list maintenance program described in IC 3-7-38.2-2 and send a statewide address mailing confirmation (SAMC) notice generated from SVRS to a voter whose residence address appears to have changed from where the voter is registered to vote.

(HEA 1264 § 15-16; Effective Date: July 1, 2024 and January 1, 2025; Citations affected IC 3-7-38.2-2. IC 3-7-38.2-7.1[NEW])

Federal Jury List and Non-US Citizenship Registration Records

Not later than January 31 of each even-numbered year, when the co-directors of the Indiana Election Division request undeliverable jury notice information from the federal courts in Indiana, the co-directors must also request information concerning individuals disqualified from jury service due to citizenship status. The co-directors must provide the information received from the federal court to each county voter registration regarding any registered voter who is disqualified or potentially disqualified as a prospective juror because the registered voter is not a U.S. citizen, not later than twenty-eight (28) days after the primary election.

Not later than forty-two (42) days after the primary election, the county voter registration office must send a proof of citizenship notice according to IC 3-7-38.2-7.3 to each registered voter identified as an alleged non-citizen based on the federal jury information provided to the co-directors by the federal courts.

(HEA 1264 § 19; Effective Date: July 1, 2024; Citations affected IC 3-7-38.2-16)

Non-Residential Addresses

The statewide voter registration system (SVRS) must contain a feature that identifies current voter registration records that list a potential nonresidential address.

When SVRS identifies a voter’s registration address as potentially nonresidential, the county voter registration office is required to conduct research on the registration and the potential non-residential address. The county must determine if an individual could reside at the address, or if the address is a “nontraditional address”, such as a traveling motor vehicle home, a homeless shelter, or other similar location. Provides that if the county determines that none of these situations applies in a specific case, that the county may perform voter list maintenance procedures under IC 3-7-38.2 and send the statewide address mailing confirmation (SAMC) notice generated in SVRS to the individual.

(HEA 1264 § 14, 18; Effective Date: July 1, 2024; Citations affected IC 3-7-33-5.7, IC 3-7-38.2-7.4[NEW])

Proof of Citizenship for Certain Voters for Voter Registration Purposes

The co-directors of the Indiana Election Division will be required to compare the statewide voter registration system (SVRS) with the Bureau of Motor Vehicles (BMV) list of “temporary” credentials to certain non-citizens under IC 9-24-11-5(c) and IC 9-24-16-3(f) and to notify a county voter registration office if the comparison indicates that a registered voter in the county may not be a U.S. citizen.

After receiving the notice from the election division, the county voter registration office must send a notice to the registered voter inquiring whether the voter is eligible to be registered to vote. The individual that receives the notice from the county voter registration office must respond by providing proof of citizenship to the county voter registration office by mail or in-person within thirty (30) days after receiving the notice. If the proof of citizenship is not provided within that thirty (30) day period after the notice is sent, the county voter registration office must move the voter’s status on their registration record to cancelled.

A “proof of citizenship” document means any of the following:

1. The voter’s birth certificate (or legible photocopy).
2. The voter’s U.S. passport or a legible photocopy of the pages of the passport that identify the voter and show the passport number.
3. The voter’s U.S. naturalization document (or legible photocopy).

4. The voter's certificate of naturalization number, subject to verification by the U.S. Citizenship and Immigration Services.
5. Any other proof of citizenship document or method under the federal Immigration and Control Act of 1986 (8 U.S.C. 1101 et. seq.).

An individual who is unable to provide proof of citizenship may request a hearing before the county election board and appeal the cancellation of their registration record. This appeal and request for a hearing can be made by mail or in-person. After receiving the appeal, the county election board must conduct a hearing, make a finding concerning the individual's citizenship status, and send a copy of its decision to the county voter registration office. The county voter registration office must change the voter registration record to reflect the county election board's decision, if necessary.

Any proof of citizenship provided to a county voter registration office to meet this requirement is confidential and not available for public inspection or copying.

(HEA 1264 § 17; Effective Date: July 1, 2025; Citations affected IC 3-7-38.2-7.3[NEW])

ADDITIONAL DOCUMENTATION REQUIREMENT FOR IN PERSON REGISTRATION OF FIRST TIME VOTERS

**The summary of legislation in this section only applies to an individual who has not previously voted in a federal election in Indiana and registers to vote in person at a voter registration agency to match the procedures already in law for first time voters who register to vote by mail.*

Proof of Residency Requirement for a First-Time Voter Who Registers to Vote In Person

A person who has not previously voted in a general election in Indiana or a special election for federal office in Indiana and who applies to register to vote in person at a voter registration agency must submit a current and valid photo identification or a current utility bill, bank statement, government check, paycheck, or government document that shows the name and residence address of the person stated on the voter registration application when one of the following does not apply:

1. The person submits their Indiana driver's license number or last four digits of their Social Security number on the voter registration application, and the county voter registration office or the Indiana Election Division matches this information with an existing Indiana identification record that bears the same identification number, name, and date of birth that is provided on the voter registration application;
2. The person is an absent uniformed services voter (military) or overseas voters;
3. The person is entitled to vote other than in person under the federal Voting Accessibility for Elderly and Handicapped Act (52 U.S.C. § 20102(b)(2)(B)(ii)) due to a determination by the Indiana Election Division that a permanent or temporarily accessible polling place cannot be provided for the person; or
4. The person is entitled to vote other than in person under any other federal law.

If the county voter registration office determines the voter registration applicant is not required to present additional residency documentation or, if required, that the applicant has provided the additional residency documentation with their voter registration application, then the county voter registration office shall process the application in the current and usual manner.

If the county voter registration office determines that the applicant is still required to present additional residency documentation, then the county shall process the application, but add a notation in SVRS and onto the poll list that the individual is still required to provide the additional residency documentation. Once the voter provides the additional residency documentation and votes in an election for federal office the notation from the voter's record is removed.

The state's voter registration application must include a statement informing first-time registrants of the proof of residency requirement.

Requires that this requirement be administered in a uniform and nondiscriminatory manner.

(HEA 1264 § 3-13; Effective Date: July 1, 2024; Citations affected IC 3-7-14-7, IC 3-7-15-5, IC 3-7-15-7, IC 3-7-16-12, IC 3-7-16-14, IC 3-7-18-4, IC 3-7-18-6, IC 3-7-22-5, IC 3-7-27-20.2, IC 3-7-29-1, IC 3-7-33-4.7[NEW])

Voter's Bill of Rights Content

The Voter's Bill of Rights prescribed by the Indiana Election Division that is posted in each Election Day polling place must include information regarding the residency documentation requirements for first time voters registering to vote in-person at a voter registration agency and, if required, information for those first-time voters as to what additional residency documentation (such as a current and valid photo identification or a current utility bill, bank statement, government check, paycheck, or government document setting forth the name and residence address of the voter) they must provide in order for their ballot to be counted.

(HEA 1264 § 2; Effective Date: July 1, 2024; Citations affected IC 3-5-8-2)

Absentee Ballot Application by First-Time Voter Who May Be Required to Provide Additional Residency Documentation

When a circuit court clerk receives an absentee ballot application from a first-time voter described in IC 3-7-33-4.7, the county election board must review the voter's record to determine if the proof of residency flag is present. If the voter has not filed the required documentation at the time the absentee ballot application is reviewed and approved, then the board must add a notation both to the application and the voter's absentee record in SVRS to indicate that the additional residency documentation must be supplied before the absentee ballot may be counted.

A voter who is required to provide the additional residency documentation under IC 3-7-33-4.7 must also be provided a notice (ABS-12, generated in SVRS) with the absentee balloting materials, which informs the voter that the voter must file the residency documentation with the county voter registration office not later than 6 p.m. on election day for the absentee ballot to be counted.

An electronic pollbook must permit a poll clerk to enter information indicating whether the first-time voter has provided required proof of residency to the county and permit a primary election voter to personally enter their choice of party ballot.

(HEA 1264 § 13, 21-23; Effective date: July 1, 2024; Citations affected IC 3-7-33-4.7, IC 3-11-4-17.5, IC 3-11-4-18, IC 3-11-8-10.3)

Additional Residency Documentation of First Time Voters Voting on Election Day

When a first-time voter described in IC 3-7-33-4.7 arrives at their polling location on election day, a poll clerk must look at the poll list and determine if the voter is required to provide additional residency documentation required under IC 3-7-33-4.7. If the poll list shows that the voter has not yet provided the additional residency documentation, the voter must present that documentation (such as a current and valid photo ID or a current utility bill, bank statement,

government check, paycheck, or government document showing the name and residence address of the voter). If the voter provides the documentation to the poll clerk, the poll clerk shall note on the poll list or electronic pollbook which documentation was provided, and the voter can proceed to vote a regular ballot. If the voter is unable to do so, the voter shall be provided with a provisional ballot. The inspector or one of the judges or poll clerks at the polling location must complete the challenger affidavit on the PRE-4/PRO-2 envelope and the voter must complete the voter affidavit on the PRE-4/PRO-2 envelope.

If the voter provides the required additional residency documentation to the county voter registration official before the closing of the polls on election day, the ballot shall be counted and the provisional affidavit executed by the voter is not required to be forwarded to the county prosecuting attorney under IC 3-14-5-2.

An electronic pollbook used at an election day polling location must permit a poll clerk to enter information to determine if a first-time voter described in IC 3-7-33-4.7 has submitted the required residency documentation required under IC 3-7-33-4.7 in order for the voter to cast a regular ballot at the polling location.

(HEA 1264 § 23-25, 30-33; Effective Date: July 1, 2024; Citations affected IC 3-11-8-10.3, IC 3-11-8-23, IC 3-11-8-25.2, IC 3-11.7-2-1, IC 3-11.7-2-2, IC 3-11.7-5-2. IC 3-14-5-1)

In-Person Absentee Voting by First-Time Voters Required to Present Additional Residency Documentation

If a first-time voter who is required under IC 3-7-33-4.7 to present additional residency documentation arrives at the circuit court clerk's office or satellite location to vote early in-person, and the absentee voter board determines that the voter has not yet presented that documentation, the absentee voter board at the early voting location must provide the voter with the Notice to Absentee Voter to Supply Additional Residence Documentation (ABS-12) so the voter can comply with the requirement and have their absentee ballot counted on election day.

(HEA 1264 § 27; Effective Date: July 1, 2024; Citations affected IC 3-11-10-28)

Election Day Post Office Visit by County Voter Registration Official

The county voter registration office is required to visit the appropriate post office on Election Day to determine if a first-time voter has mailed to the county the additional residency documentation the voter is required to provide under IC 3-7-33-4.7.

(HEA 1264 § 26; Effective Date: July 1, 2024; Citations affected IC 3-11-10-11)

Absentee Ballot Processing for First-Time Voter Required to Provide Additional Residency Documentation

When a first-time voter, who is required to provide additional residency documentation under IC 3-7-33-4.7, returns their absentee ballot to the county election board, the board is required to

contact the county voter registration office to determine if the voter has filed the required proof of residency documentation.

If the county election board finds that the voter has filed the required documentation with the county voter registration office, then the board is required to add a notation to the voter's absentee ballot application indicating that the required documentation has been filed and that the absentee ballot may be counted according to IC 3-11.5.

If the county election board finds that the voter has not filed the required documentation with the county voter registration office, then the board must add a notation on the voter's absentee ballot application that the required documentation has not yet been filed. The board must also write on the voter's absentee ballot security envelope substantially the following:

“ABSENTEE BALLOT COUNTERS: AS OF (insert date absentee ballot application approved) THIS VOTER WAS REQUIRED TO FILE ADDITIONAL DOCUMENTATION WITH THE COUNTY VOTER REGISTRATION OFFICE BEFORE THIS BALLOT MAY BE COUNTED. CHECK THE POLL LIST AND COUNTY ELECTION BOARD CERTIFICATION TO SEE IF THE VOTER HAS FILED THIS INFORMATION. IF NOT, PROCESS AS A PROVISIONAL BALLOT IF THIS BALLOT OTHERWISE COMPLIES WITH INDIANA LAW.”

When absentee ballot counters begin processing absentee ballots for counting on election day, if the absentee ballot counters determine that the voter has not filed the required documentation with the county voter registration office as required under IC 3-7-33-4.7, but that the absentee ballot can otherwise be counted, then absentee ballot counters must process the voter's absentee ballot as a provisional ballot by completing the PRE-4/PRO-2 affidavit, sealing the absentee ballot envelope in the PRE-4/PRO-2 envelope, attaching the voter's absentee ballot application (if any) to the PRE-4/PRO-2 envelope, and sending the PRE-4/PRO-2 envelope over to the county election board.

If the voter provides the required additional residency documentation to the county voter registration official before the closing of the polls on election day, the ballot shall be counted, and the provisional affidavit executed by the voter is not required to be forwarded to the county prosecuting attorney under IC 3-14-5-2.

(HEA 1264 § 28-33; Effective date: July 1, 2024; Citations affected IC 3-11.5-4-3.5, IC 3-11.5-4-12, IC 3-11.7-2-1, 3-11.7-2-2, IC3-11.7-5-2, IC 3-14-5-1)

INDIANA CONSTITUTIONAL AMENDMENTS

Removing Superintendent of Public Instruction from Gubernatorial Line of Succession

In previous years, the General Assembly adopted joint resolutions proposing to amend Article 5, Section 10 of the Constitution of the State of Indiana to repeal a reference to the Superintendent of Public Instruction in the list of officeholders who discharge the powers and duties of the governor if the offices of Governor and Lieutenant Governor (and other statewide and state legislative offices) are vacant. The statutes establishing the elected office of Superintendent of Public Instruction were repealed, effective January 10, 2021.

This proposed amendment was agreed to by the 122nd and 123rd General Assembly. Therefore, the next step to amend the state constitution is to submit the proposed amendment to the state's voters for ratification. The amendment will take effect if ratified by a majority of the state's voters voting on amendment as a public question on the ballot at the November 5, 2024 general election.

The text of the public question will read as follows:

“Public Question #1

Shall the Constitution of the State of Indiana be amended to remove the state superintendent of public instruction from the list of officeholders who shall discharge the powers and duties of the governor if the office of the governor or lieutenant governor are both vacant?”

(HEA 1265 § 28; Effective Date: July 1, 2024; Citations affected Noncode)