IC 3-6-5
Chapter 5. County Election Boards

IC 3-6-5-1
Establishment
Sec. 1. (a) Except as provided in subsection (b), a board is established in each county of the state known as the (name of county) county election board.
(b) A county election board is not established in the following counties:
(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
(2) A county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.11; P.L.144-2001, SEC.2; P.L.170-2002, SEC.4.

IC 3-6-5-2
Membership
Sec. 2. The following three (3) members comprise each county election board:
(1) The circuit court clerk, who is ex officio a member of the board.
(2) Two (2) persons appointed by the circuit court clerk, one (1) from each of the major political parties of the county.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-3
Candidates for office as members of board or proxies of record; circuit court clerk as member of candidate's committee
Sec. 3. (a) A person who is a candidate for elected office or a member of a candidate's committee may not be appointed as:
(1) a member of a county election board;
(2) a proxy of record for a member under section 4.5 of this chapter; or
(3) an alternate proxy of record for a member under section 4.5 of this chapter.
(b) If an appointed member, a proxy, or an alternate proxy becomes:
(1) a candidate for elected office; or
(2) a member of a candidate's committee;
the member, proxy, or alternate proxy may not continue to serve on the county election board.
(c) An appointed member, a proxy, or an alternate proxy may not hold elected office while serving on the county election board.
(d) The circuit court clerk may not be a member of a candidate's committee other than the clerk's own candidate's committee.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.24; P.L.3-1997, SEC.34; P.L.9-2004, SEC.2; P.L.230-2005, SEC.6.

IC 3-6-5-4
Appointment of members; term of office
Sec. 4. The board members appointed by the circuit court clerk serve until their successors are appointed and qualified.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1997, SEC.35.

IC 3-6-5-4.5
Proxy of record; alternate proxy

Sec. 4.5. (a) A member may appoint an individual to serve as a proxy of record in the member's place as a member of the county election board by filing a written instrument appointing the proxy of record with the circuit court clerk. The proxy of record has the same authority to act and vote on all matters as does the member. The member may revoke the authority of the proxy of record at any time. The authority of the proxy of record may be either limited or general with regard to duration or subject matter as set forth by the member in the written instrument appointing the proxy.

(b) If both the member and the member's proxy of record are unavailable, the member may appoint another individual in writing to serve as an alternate proxy in the member's place as a member of the county election board. The alternate proxy has the same authority to act and vote on all matters as does the member. The member may revoke the authority of the alternate proxy at any time. The authority of the alternate proxy may be either limited or general with regard to duration or subject matter as set forth by the member in the written instrument appointing the proxy.

As added by P.L.4-1991, SEC.14.

IC 3-6-5-5
Nominations by county chairmen

Sec. 5. The county chairman of each of the major political parties of a county may nominate, in writing, a member of the chairman's party for appointment to the county election board. The circuit court clerk shall appoint the nominee to the board.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1997, SEC.36.

IC 3-6-5-6
Removal of member upon request of county chairman

Sec. 6. A circuit court clerk shall remove any member of the county election board upon the request of the county chairman of the political party that nominated that member. The clerk then shall appoint a new member nominated by the county chairman.

As added by P.L.5-1986, SEC.2.

IC 3-6-5-7
Vacancies

Sec. 7. In case of a vacancy in the office of either appointee to a county election board, the circuit court clerk shall, within five (5) days, send written notice of the vacancy to the county chairman of the appointee's political party. The chairman may, within five (5) days after receiving notice of the vacancy, nominate in writing a successor who shall be appointed. If the chairman fails to make a nomination within the five (5) day period, the clerk shall, within another five (5) days, appoint a member of the political party entitled to the appointment.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.25; P.L.7-1990, SEC.2.

IC 3-6-5-8
Chairman of county election board; secretary

Sec. 8. The members of a county election board shall select one (1) of the appointed members to serve as chairman. The circuit court clerk shall serve as secretary of the board.

As added by P.L.5-1986, SEC.2.

IC 3-6-5-9
Compensation of members and secretary

Sec. 9. Each county fiscal body shall determine, in the manner provided by law, the compensation of:

(1) the appointed members of the county election board; and

(2) the circuit court clerk for the clerk's services as secretary of the county election board.

As added by P.L.5-1986, SEC.2. Amended by P.L.3-1993, SEC.12.

IC 3-6-5-10
Office space
Sec. 10. Each county executive shall furnish to the county election board necessary office space either in the county courthouse or in some other conveniently located building.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-11
Chairman to call meetings
Sec. 11. The chairman of a county election board shall call a meeting of the board whenever the chairman considers it necessary for the performance of the board's duties.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-12
Failure of chairman to call meeting
Sec. 12. If the chairman of a county election board for any reason fails to call a meeting of the board, then the two (2) other members may meet to execute the powers and perform the duties of the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-13
Minutes of meetings
Sec. 13. Each county election board shall keep minutes of all meetings of the board, including a written record of the aye and nay vote of each member on all questions coming before the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-14
Powers and duties
Sec. 14. (a) Each county election board, in addition to duties otherwise prescribed by law, shall do the following:
(1) Adopt and amend a written plan to implement NVRA within the county.
(2) Conduct all elections and administer the election laws within the county, except as provided in IC 3-8-5 and IC 3-10-7 for town conventions and municipal elections in certain small towns.
(3) Prepare all ballots.
(4) Distribute all ballots and pasters to all of the precincts in the county.
(b) This subsection does not apply to pasters to be attached to ballots during the final three (3) days before an election. Not later than the Monday before distributing ballots, pasters, and voting systems to the precincts in the county, the county election board shall notify the county chairman of each major political party and, upon request, the chairman of any other bona fide political party in the county, that sample ballots and pasters are available for inspection.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.26; P.L.11-1988, SEC.1; P.L.3-1993, SEC.13; P.L.12-1995, SEC.18; P.L.2-1996, SEC.5; P.L.3-1997, SEC.37; P.L.221-2005, SEC.9.

IC 3-6-5-14.5
Delegation of duties of circuit court clerk; resolution
Sec. 14.5. (a) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that certain duties and responsibilities exercised by the circuit court clerk under this title shall be performed by an employee of the county election board.
(b) A resolution adopted under this section:
(1) must specify the duties and responsibilities to be exercised by the election board employee;
(2) may not be amended or repealed, except by unanimous vote of the entire membership of the county election board; and
(3) expires sixty (60) days after the circuit court clerk who was a member of the county election board

when the resolution was adopted leaves office.
As added by P.L.3-1993, SEC.14.

IC 3-6-5-15
Political subdivisions with territory in more than one county

Sec. 15. Except as otherwise provided by law, whenever a political subdivision (as defined in IC 36-1-2-13 and other than a county) contains territory in more than one (1) county, the county election board of the county that contains the greatest percentage of population of the political subdivision shall conduct all elections for the political subdivision. This section does not apply to countywide elections.
As added by P.L.5-1986, SEC.2. Amended by P.L.5-1989, SEC.6.

IC 3-6-5-16
Budget estimates

Sec. 16. Each county election board shall prepare annually a budget estimate itemizing its expenditures for the previous year and its estimates of the amount of money necessary to be appropriated for the next year. The board shall submit the budget estimate at the time and in the manner and form other county budget estimates are required to be filed.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-17
Reports to election division; contents

Sec. 17. (a) Each county election board shall submit a report to the election division after each primary, special, municipal, and general election describing the activities of the board during the previous year. The board shall include the following in the report:

(1) Information relating to the expenses of office maintenance and elections within the county or political subdivisions within the county.

(2) A copy of the statement of the county election board containing the votes cast for each candidate and on each public question in each precinct at the last election preceding the submission of the report.

(3) Any additional information relating to elections that the commission prescribes.

(b) The report described in subsection (a) must be postmarked, hand delivered, or transmitted to the election division using the computerized list under IC 3-7-26.3 not later than fourteen (14) days after each election.

(c) The election division shall send a copy of each report to the office not later than ten (10) days after receiving the report.
As added by P.L.5-1986, SEC.2. Amended by P.L.10-1988, SEC.8; P.L.3-1993, SEC.15; P.L.2-1996, SEC.6; P.L.3-1997, SEC.38; P.L.212-2001, SEC.9; P.L.209-2003, SEC.14.

IC 3-6-5-17.5
Report concerning absentee ballots from overseas and uniformed services voters

Sec. 17.5. (a) As required by 42 U.S.C. 1973ff-1(c), each county election board shall submit a report to the election division after each general election setting forth the combined number of absentee ballots:

(1) transmitted by the county election board to absent uniformed services voters and overseas voters for the election; and

(2) returned by absent uniformed services voters and overseas voters and cast in the election.

(b) The report must be:

(1) postmarked or hand delivered to the election division not later than fourteen (14) days after the election; and

(2) in the form prescribed by the federal Election Assistance Commission under Section 703(b) of HAVA (42 U.S.C. 1973ff-1 (note)).
As added by P.L.209-2003, SEC.15.

IC 3-6-5-18
Circuit court clerk to perform duties of clerk or secretary
Sec. 18. Each circuit court clerk shall perform all duties imposed upon the clerk under this title as a member of the county election board or as secretary of the board, except when the clerk is acting as the registration officer of the county. Any such action taken by the clerk is considered an action of the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-19
Circuit court clerk; exercise of powers and duties of board
Sec. 19. A circuit court clerk, with the approval of the county election board, shall exercise the powers and perform the duties imposed upon the board whenever the facilities of the clerk's office make it more reasonable and efficient for the clerk to do so. Any action taken by the clerk with the approval of the board is considered an action of the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-20
Deputy election commissioners; appointment and removal; residency
Sec. 20. A county election board may appoint and at its pleasure remove deputy election commissioners. A deputy election commissioner appointed under this section must reside in the county of the election board that appointed the deputy commissioner. If a deputy election commissioner ceases to be a resident of the county of the election board that appointed the deputy election commissioner, the person may not continue to serve as a deputy election commissioner of the county.
As added by P.L.5-1986, SEC.2. Amended by P.L.5-1989, SEC.7.

IC 3-6-5-21
Designation of deputy election commissioners by county chairmen
Sec. 21. The county chairmen of the major political parties of a county shall designate the deputy election commissioners. The deputy election commissioners must be divided equally between the major political parties.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-22
Deputy election commissioner's duties
Sec. 22. The deputy election commissioners appointed under section 21 of this chapter may assist the county election board in carrying out its duties in accordance with rules adopted by the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-23
Clerks, custodians, and employees; students serving as nonpartisan assistants
Sec. 23. (a) A county election board may appoint and at its pleasure remove clerks, custodians, and other employees that are necessary in the execution of its powers. The county election board may determine the duties, rank, and salaries of its appointees.
(b) The county election board may employ students enrolled at postsecondary educational institutions (including community colleges) to assist in the administration of elections by serving as nonpartisan assistants, in accordance with the requirements of the Help America Vote College Program conducted by the Election Assistance Commission under 42 U.S.C. 15521.
As added by P.L.5-1986, SEC.2. Amended by P.L.209-2003, SEC.16; P.L.2-2007, SEC.9.

IC 3-6-5-24
Candidates for elected office; service as deputy election commissioner or employment by county board
Sec. 24. A person who is a candidate for elected office may not be:
(1) appointed as a deputy election commissioner; or
(2) employed by a county election board.

If a deputy election commissioner or employee of a county election board becomes a candidate for elected office, the person may not continue to serve as a deputy election commissioner or employee of a county election board.
As added by P.L.5-1986, SEC.2. Amended by P.L.3-1987, SEC.27.

IC 3-6-5-25
Audit of books of county election board
Sec. 25. The books of each county election board shall be audited as are the books of other public officials of the county.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-26
Examination of persons; administration of oaths
Sec. 26. A county election board may examine under oath any person with regard to a material matter connected with the proper discharge of its duties. Any member of the board may administer the oath.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-27
Subpoena power
Sec. 27. A county election board may subpoena persons and papers and compel the witnesses to answer under oath any questions that properly come before the board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-28
Service of process
Sec. 28. The sheriff of a county, for a general election, and the chief law enforcement officer of a municipality, for a municipal election, shall serve all processes issued by a county election board.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-29
Refusal of person to attend or testify; court order; contempt
Sec. 29. If a person subpoenaed by a county election board refuses to attend or testify, the board shall report that fact to a circuit or superior court of the county. The court shall order the witness to attend and testify. If the witness fails or refuses to obey the order, the witness shall be held in contempt.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-30
Witness fees
Sec. 30. A witness who is subpoenaed by a county election board is entitled to be paid the same mileage and fee to which witnesses in court actions are entitled. Mileage and fees shall be paid as other election expenses are paid.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-31
Election law violations; investigation; action by board
Sec. 31. If a county election board determines that there is substantial reason to believe an election law violation has occurred, it shall expeditiously make an investigation. If in the judgment of the board, after affording due notice and an opportunity for a hearing, a person has engaged or is about to engage in an act or practice that constitutes or will constitute a violation of a provision of this title or of a rule or order issued under this title, the board shall take the action it considers appropriate under the circumstances, including referring the matter to the attorney general or the appropriate prosecuting attorney.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-32
Civil action by attorney general or prosecuting attorney; injunctions

Sec. 32. Upon referral under section 31 of this chapter, the attorney general or prosecuting attorney shall institute on behalf of the state a civil action for relief, including a permanent or temporary injunction, restraining order, or other appropriate order in a circuit or superior court in the county in which the person is found, resides, or transacts business. Upon a proper showing that the person has engaged or is about to engage in the act or practice described by section 31 of this chapter, the court shall grant a permanent or temporary injunction, restraining order, or other order without bond.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-33
Assistance by law enforcement officers

Sec. 33. The county sheriff, the chief law enforcement officer of a municipality within the county, and other law enforcement officers shall assist a county election board, upon request, in the enforcement of the election laws and the discharge of its duties, including the use of police radio and telephone service on election days.
As added by P.L.5-1986, SEC.2.

IC 3-6-5-34
Appeal of county election board decision; time to file

Sec. 34. Except as expressly provided by statute, an appeal may be taken from a decision of a county election board to the circuit court. An appeal taken under this section must be filed not later than thirty (30) days after the board makes the decision subject to the appeal.
As added by P.L.230-2005, SEC.7.

IC 3-6-5-35
Failure to perform duty as precinct election officer; civil penalty

Sec. 35. (a) An individual who knowingly, recklessly, or negligently fails to perform a duty as a precinct election officer required by this title is subject to a civil penalty under this section in addition to any other penalty imposed.

(b) If the county election board determines, by unanimous vote of the entire membership of the board, that an individual serving as a precinct election officer has failed to perform a duty required by this title, the board shall assess the individual a civil penalty of not more than five hundred dollars ($500).

(c) A civil penalty assessed under this section may be deducted from any compensation that the individual may otherwise be entitled to under IC 3-6-6.
As added by P.L.230-2005, SEC.8.