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Updates to Record Retention Policies & Access to Public Records

- Restricted Addresses
- Accessing Public Records
- Notice of Publication
- Retention of Election Materials

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Restricted Addresses

Adding More Covered Persons to Restricted Address Process (effective 7/1/26)

- Permits certain covered individuals to ask County Assessor to restrict their address in the county's property tax database
 - Effective 7/1/26, public defenders & Indiana National Guard military police force added to this group
- When approved, covered individuals may request that certain agencies restrict their address from disclosure

THIS STATUTE DOES NOT APPLY TO SVRS/VR RECORDS

IC 36-1-8.5-2 | IC 36-1-8.5-4.4 | IC 36-1-8.5-4

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Restricting Online PII of Judges

- Must redact following items, upon request, from any record posted online for the protected individuals covered in IC 33-23-19, effective 3/5/26:

• Home Address	Credit or Debit Card Number
• Home Phone Number	Bank Account Number
• Mobile Phone Number	License Plate Number
• Personal Email	Birth or Marital Record
• Social Security Number	Date of Birth
• Driver's License Number	Federal Tax ID Number
• Home address on VR or Property Tax Info & election/campaign finance reports	

THIS STATUTE ONLY APPLIES TO RECORDS POSTED ONLINE

VR records, campaign finance reports & candidate filings remain public documents that can be requested without redaction; do NOT alter original paper filings!

IC 33-23-19

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Online Public Record Request Portal

A public agency may establish and maintain an electronic portal for submission of public records requests that:

- incorporates Completely Automated Public Turing test to tell Computers and Humans Apart (CAPTCHA) or an equivalent mechanism for ensuring that a requestor is a human;
- requires verification of a requestor's physical address;
- indicates to the public agency whether the requestor is a resident of Indiana; and
- automatically tracks and reports submissions suspected to be automated or to have originated from known sources of phishing or data scraping.

A public agency must respond to the request made through the electronic portal within seven (7) days of receiving the request.

“Data scraping”: use of an automated system to extract data from websites and other Internet accessible sources.

“Phishing”: a method of obtaining information through fraud in which the sender of a communication intentionally misrepresents the identity of the sender to induce the recipient of the communication to divulge information to the sender or take an action that allows the sender access to the information.

IC 5-14-3-2 | IC 5-14-3-3.3 | IC 5-14-3-4.4 | IC 5-14-3-9

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Denial of Public Records

Suspected Data Scraping or Phishing (effective 7/1/26)

Public agencies may decline to respond to a public records request IF it is suspected that the request is data scraping or phishing activity; OR if responding to the request electronically may:

- expose the agency's electronic systems or data to unauthorized access or alteration; or
- otherwise jeopardize the security of the public agency's electronic systems or data

Must inform state PAC of the denial not later than 7 days after the agency declines to respond to the records request, including the reason for denial

- State PAC must also maintain a reporting mechanism for public agencies to report any public records request received that appears to be data scraping or phishing

Indiana State Public Access Counselor (PAC) Contact Information:

in.gov/PAC | (317) 234.0906 | pac@opac.in.gov

IC 5-14-3-3.3 | IC 5-14-3-11 | IC 5-14-4-10

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Denial of Public Records (con't)

Ongoing Litigation (effective 7/1/26)

Public agencies may decline to respond to a public records request if the request is:

- Made by a person that is party to pending or ongoing litigation; and
- Duplicative of a discovery request made by the person in the pending or ongoing litigation

Election Materials Retention Period

For county election boards, the 22-month retention period for election materials defined under IC 3-10-1-31.1 was increased to 34 months following the election in which the materials were used

- Effective 1/1/26
- Note: impacts record retention schedule for the Nov 2023 & May 2024 elections, meaning materials will need to be held longer

IC 5-14-3-4 | IC 3-10-1-31.1

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Prioritizing Public Record Requests

Indiana Residents or Specific Use Cases (effective 7/1/26)

Public agencies may give priority to responding to:

- public records requests made by Indiana residents; and
- requests submitted for civic, journalistic, academic, or personal use.

Requests identified as originating from out-of-state or automated systems may be delayed as necessary to prevent disruption of core agency functions and are subject to the out-of-state supplemental fee (see below)

Out-of-State Supplemental Fee (effective 7/1/26)

Public agencies may collect a supplemental fee for processing public records requests submitted by non-Indiana residents or out-of-state entities.

The fee:

- Must be reasonably related to the cost of fulfilling the request; and
- May not exceed \$0.25 per page and \$25 per hour of staff time spend processing the request.

Fee may be waived if the public agency finds the request serves the public interest

IC 5-14-3-8.1 | IC 5-14-3-8

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Publication of Notices

Starting 7/1/27, public notices must be published in ONE of the following ways:

- 1) Publication in a newspaper
 - A print edition newspaper (see IC 5-3-1-0.4) that is published in or circulates within the political subdivision specified in the statute.
 - An electronic edition published by the newspaper within the political subdivision.
- 2) Publication in a locality newspaper:
 - A print edition locality newspaper (see IC 5-3-1-0.1) that circulates within the political subdivision specified in the statute.
 - An electronic edition (see IC 5-3-1-0.1) published by the locality newspaper circulated within the political subdivision
- 3) Publication on a political subdivision's official website
 - For example, the county clerk's or election board's website (see IC 5-3-5)
 - Requires documentation of posting for proof of publication requests

IC 3-11-1.5-18 | IC 3-11-13-22 | IC 3-11-13-41 | IC 3-11-14.5-2 | IC 3-12-3.5-8 | IC 5-3-1-1.5 | IC 5-3-1-1.6 [REPEALED] | IC 5-3-1-2 | IC 5-3-1-4 [REPEALED]

School Board Candidate Ballot Placement

Office Order Placement | Straight Party Voting (No!)
Candidate Groupings
Future Update (2027-) to SB Voting Instructions

SB Office Order Placement

- School Board seats appear after all “partisan” elected offices
 - Near the end of the ballot but before any judicial retention question
- Office Order
 - First: At-large school board seats
 - Second: District school board seats
 - If multiple district seats are on the same ballot, list A-Z or 1-100, depending on whether districts use a number or letter designation
- School board candidates may affiliate with a political party (D/R/L/minor party), run as an Independent or leave the field “blank”
 - School board offices have no limits on the number of candidates who affiliate with a party
 - This means you may have 3 Ds, 4Rs, 10 Independents running for a school board “vote for 1” office

Straight Party Device DOES NOT apply to school board races!

IC 3-11-2-6 | P.L. 7-2026

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Candidate Groupings

1 First Tier: Grouped by political party (D/R/L)

- D/R ordered determined by which SOS candidate won the county in 2022
- Ls, if any, come third in every county (in 2022 SOS race, the only other party with a candidate on the ballot was the Libertarian Party)
 - Within each distinct party grouping, candidates are listed alphabetically by surname if there is more than one candidate

2 Second Tier: All minor party and Independent candidates

- Listed in order by date the CAN-34 was filed UNLESS there is more than one candidate who filed for a specific party or as an Independent candidate & then the party candidates are grouped and then listed alpha by surname within that grouping

Example: A Pink Party candidate files on 1/1/26, an Independent candidate files on 1/2/26, and another Pink Party candidate files on 1/3/26. Pink Party candidates are grouped together, since there is more than one candidate who filed as a member of that party. The county then lists the two Pink Party candidates alpha by surname within the Pink Party group. Next, the Independent candidate is listed.

3 Third Tier: All “unaffiliated” or “blank” candidates listed alphabetically by surname

- Does not matter when the CAN-34 petition was filed

4 Fourth Tier: Write-in line, if a write-in candidate filed to run for SB seat

- Remember, a write-in candidate’s name is NEVER printed on the ballot!

IC 3-11-2-6 | IC 3-11-13-11 | IC 3-11-14-3.5

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FUTURE (2027-) Update to SB Voting Instructions

Beginning in 2027, after the title and before the first candidate for a school board office where more than one candidate can be elected, the following voting instructions must be provided:

- *For Hand Counted Traditional Paper Ballots*
 - “To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.”
- *For Optical Scan Ballot Cards*
 - “Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.”
- *For Direct Record Electronic (DRE) Electronic Voting Systems*
 - “Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for.”

Straight Party Device WILL NOT apply to school board races, even in 2027!

IC 3-11-2-12.9 | 3-11-13-11 | IC 3-11-14-3.5

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Ballot Questions & Constitutional Amendments on Nov. 2026 Ballot

Statewide Constitutional Amendments

- Impacts ALL Indiana Counties
- Two Questions will appear on the Nov. 2026 ballot:
 - Limitations on the Right to Bail
 - Would not permit a person the right to bail charged with an offense other than murder or treason if certain conditions are met
 - Residence for Town & City Court Judges
 - Would permit a judge of a city or town court to reside in the county in which the court is located or a bordering county closest to the city or town where the court is located.

Northeast Indiana Casino Gaming Referendum

- Impacts Allen, DeKalb & Steuben Counties ONLY
- Must appear on the Nov. 2026 ballot:
 - “Shall inland casino gambling be permitted in <county name>”

Indianapolis Public Education Corporation (IPEC)

- Impacts Marion County ONLY
- IPS duties to manage certain public questions was transferred to IPEC (4/1/26)
- Language for certain public questions language was updated to swap IPS for IPEC

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Changes to Straight Party Voting

Starts in 2027!

Beginning in the Nov. 2027 municipal election, the straight party voting option will apply to all offices on the ballot except for school board and any public question.

For at-large offices (meaning voting for more than one candidate in the election district), straight party applies if used by the voter **UNLESS** the voter makes an independent mark for one or more candidates on the ballot in that particular race. Only the individual selections will apply. Example:

☐	Blue Party
☐	Pink Party
Dogcatcher – vote for no more than 2	
☐	Can A - Blue Party
☐	Can B - Blue Party
☐	Can C - Pink Party
☐	Can D - Pink Party

↑ Tabulator will read this as votes for the two blue party candidates. Voter does not need to make individual marks.

☐	Blue Party
☐	Pink Party
Dogcatcher – vote for no more than 2	
☐	Can A - Blue Party
☐	Can B - Blue Party
☐	Can C - Pink Party
☐	Can D - Pink Party

↑ Tabulator will disregard the straight party choice in this race only and tally votes for Can B & Can D

IC 3-11-2-9 | IC 3-11-7-4 | IC 3-11-7.5-10 | IC 3-11-11-10 | IC 3-11-13-14 | IC 3-11-14-14.5 | IC 3-12-1-5 | IC 3-12-1-7 | IC 3-12-1-8 | IC 3-12-1-15

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Changes to Straight Party Voting (con't)

Starts in 2027!

Updated Ballot Layout, starting with Nov. 2027 election

All offices for the same unit of government are once again grouped together on the ballot BEFORE school board candidates

- **Nov. 2026 Election:** Partisan vote-for-one offices come *before* at-large contests
 - City Council District 1 (vote for 1)
 - Town Council District 2 (vote for 1)
 - City County At-Large (vote for not more than 3)
 - Town Council At-Large (vote for not more than 3)
 - School Board Office 1, etc.
- **Nov. 2027 Election & Beyond:** Group Units of Government Together
 - City Council At-Large (vote for not more than 3)
 - City Council District 1 (vote for 1)
 - Town County At-Large (vote for not more than 3)
 - Town Council District 1 (vote for 1)
 - School Board Office 1, etc.

Updated Ballot Instructions, starting with Nov. 2027 election

- Instructions to voters on how straight party voting works for partisan races & how it does not work for school board races & public questions will be updated
 - See legislative summary for full text of instructions

IC 3-11-2-12.4 | IC 3-11-2-12.9 | IC 3-11-13-11 | IC 3-11-14-3.5

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Misc. Law Changes

Precinct Election Results Entry into SVRS

- All counties must enter precinct-level results into SVRS starting with the 11/3/26 General Election by hand entry or using the mapping & upload module
- Talk to voting system vendor to make sure proper reports can be pulled from the election management software
- Civix will hold trainings closer to the election on how to work with the file & perform the upload
- IED must publish all precinct election results on indianavoters.com/electionresults

Ranked Choice Voting Prohibited in Indiana

Reorganization & Merger of Certain Townships

- Effort led by DLGF
- May impact elections after 2028 if township governments are merged or dissolved

Candidate Withdrawal & Voter Registration

- May use candidate withdrawal form to update a voter's registration
- Must maintain the paper document the same as a voter registration paper application

IC 3-5-7-6.3 [NEW] | IC 3-6-5-17

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Questions?

SBOA Summer Conference

Joe McLain & Angie Nussmeyer, Co-Directors

Matthew Kochevar & Ron Miller, Co-General Counsel

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