

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6928**

**BILL NUMBER:** HB 1265

**NOTE PREPARED:** Feb 27, 2024

**BILL AMENDED:** Feb 27, 2024

**SUBJECT:** Various Elections Matters.

**FIRST AUTHOR:** Rep. Wesco

**FIRST SPONSOR:** Sen. Gaskill

**BILL STATUS:** 2nd Reading - 2nd House

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) *Defining Candidates*– The bill defines "candidate" for the purpose of IC 3-13-11 (caucus procedure for filling vacancies in certain local offices held by major parties).

*Definition of Chute*– The bill modifies the definition of "chute".

*Scantron Definition*– The bill defines "scantron" and provides that a scantron complies with certain absentee ballot endorsement requirements if it is endorsed with the initials of certain individuals.

*Administrative Filings*– The bill allows a circuit court clerk, voter registration official, or county election board to make certain filings by fax or electronic mail.

*Provision of Absentee Reports*– The bill requires the county election board of a county that is not designated as a vote center county to establish a plan that specifies the method and timing of providing absentee reports to persons who are entitled to receive the reports.

*Nondiscriminatory Uniform Policy*– The bill specifies that a nondiscriminatory uniform policy concerning certain voter registration information must apply to all records maintained in the computerized list, including election administration records and absentee activity reports.

*Annual Review of Voter Registration Records*– The bill requires the National Voter Registration Act (NVRA) official to conduct, at least once each calendar year, a review and identification of particular voter registration records.

*Duties of County Election Officials*– The bill specifies that a provision concerning the delivery, retention, confidentiality, and disposal of election materials does not prohibit county election officials from performing a duty under statutes concerning provisional voting.

*Primary Ballot Arrangement*– The bill exempts a political party office on a primary ballot from the ballot arrangement requirement that all candidates for the same office appear on the same page or screen.

*Persons Allowed in Polls*– The bill permits certain persons credentialed by the Indiana Protection and Advocacy Services Commission to be in the polls during an election.

*Modification of Absentee Voting Resolution*– The bill allows a county election board that adopted a resolution for a primary election allowing absentee voting at satellite offices to amend the resolution, by unanimous vote, to modify, for the subsequent general or municipal election, the locations and hours of the satellite offices.

*Absentee Voter Boards*– The bill requires each member of an absentee voter board to sign and print the member's name on a voter's affidavit after the voter has signed and dated the affidavit.

*Delivery of Vote Center Plan Amendments*– The bill allows a vote center plan amendment to be filed with the Election Division by fax or electronic mail.

*Voter Signature Matters*– The bill modifies provisions applicable to the notice that must be sent to a voter when a signature mismatch has occurred. The bill allows a voter to deliver a signature verification affidavit signed by the voter to an absentee voter board at a circuit court clerk's office or satellite location during the period of early voting. The bill provides that the county election board or board of elections and registration shall not reject an absentee ballot with a missing security envelope signature in certain circumstances if the voter delivers an affidavit of unsigned ballot that is signed by the voter to an absentee voter board at a circuit court clerk's office or satellite location during the period of early voting.

*County Election Board Appointments*– The bill specifies certain employment provisions that apply when a county election board appoints a member of an absentee voter board, absentee ballot counter team, or courier team.

*New Deadline Application*– The bill specifies the deadline that applies to fill certain candidate vacancies when the vacancy is due to the successful challenge of a candidate in a judicial proceeding.

*Local Office Vacancies*– The bill prohibits the appointment of a particular person to fill a vacancy by a political party that differs from the party with which the person affiliated when the person was defeated in a primary election or a town or state convention.

*Late Candidate Vacancy*– The bill specifies the circumstances that create a late candidate vacancy.

*Early Candidate Vacancies*– The bill extends certain early candidate vacancy provisions to apply to late candidate vacancies.

*Filling Late Candidate Vacancy*– The bill requires that action to fill a late candidate vacancy be taken not later than 6 a.m. on election day.

*Affidavits*– The bill modifies a provision concerning the delivery and retention of affidavits.

*Bureau of Motor Vehicles*– The bill permits the Bureau of Motor Vehicles to disclose certain identifying information for voter registration and election purposes under certain laws.

*Ballot Language*– The bill prescribes the ballot language for the proposed constitutional amendment that would remove the State Superintendent of Public Instruction from the line of succession to the Governor. The bill makes conforming amendments.

**Effective Date:** Upon passage; July 1, 2024.

**Explanation of State Expenditures:** *Annual Review of Voter Registration Records*– It is likely the NVRA officials (which are the co-directors of the Election Division) would be able to review the required records once per year within existing staff and resource levels.

*Bureau of Motor Vehicles*– The Bureau is already allowed to disclose identification information on an individual for voter registration purposes under IC 3-7 (voter registration) and IC 9-24-2.5 (voter registration services and drivers license application). Therefore, it is not likely this provision would significantly impact the Bureau other than for minor updates to forms or license information databases.

*Election Division*– The Election Division may need to update publications to include the bill’s changes. It is likely any publication updating could be accomplished as routine business when the Division makes other routine edits or changes to the publications.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Administrative Filings*– This provision may slightly reduce postal costs if these filings are allowed to be sent by fax or electronic mail.

*Provision of Absentee Reports*– This provision would increase the workload of those county election boards in non-vote center counties. It is likely this would be a one-time increase in workload to accomplish. There are currently 62 counties with vote centers and 30 without.

*Nondiscriminatory Uniform Policy*– Counties may need to modify their existing policies in order to comply with the bill. It is likely the county election boards would be able to adopt a new policy as a routine matter of business.

*Primary Ballot Arrangement*– This provision would give local election officials flexibility when placing political party offices on the primary ballot. It is not anticipated this provision would increase primary ballot costs significantly.

*Delivery of Vote Center Plan Amendments*– This provision may save local officials mail and printing expenses when sending an amendment to a county’s vote center plan.

*Voter Signature Matters*– This provision would give county election boards more flexibility to provide notices to voters if unable to produce a notice from the computerized list. County election officials may receive more signature verification affidavits during early voting period.

*Modification of Absentee Voting Resolution*– County election boards would likely be able to propose new or modify any existing resolutions within their regular scheduled meetings.

*Absentee Voter Boards*– This provision may require additional training for persons serving on absentee voter boards (ABV) to promote awareness of this requirement to those serving on ABVs. It is possible any needed training could be included in the training provided at the time election day poll workers are offered training.

*Ballot Language*– County election authorities would likely have enough time to include the required ballot language within the 2024 general election ballot when ordering paper ballots (in optical-scan voting system counties). Counties with direct recording electronic voting systems would likely have enough time notification to program in the required ballot language when programming the rest of the general election ballot.

*Affidavits*– County election boards may see a slight increase in workload to comply with the requirements for recount affidavits within the bill.

**Explanation of Local Revenues:**

**State Agencies Affected:** Election Division; Secretary of State; Indiana Protection and Advocacy Services Commission.

**Local Agencies Affected:** County election boards, county prosecutors.

**Information Sources:** <https://www.in.gov/sos/elections/voter-information/ways-to-vote/vote-centers/>; IC 3-7-11-1.

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