

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1116

AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-5-4-12, AS AMENDED BY P.L.193-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. **(a) This section applies only if the costs to a county to enter into an agreement required by this section can be paid from money:**

(1) received from the federal government and permitted to be spent for this purpose; or

(2) appropriated by the general assembly for this purpose.

~~(a)~~ **(b)** Each county shall enter into an agreement with the secretary of state to use a threat intelligence and enterprise security company designated by the secretary of state to provide hardware, software, and services to:

- (1) investigate cybersecurity attacks;
- (2) protect against malicious software; and
- (3) analyze information technology security risks.

~~(b)~~ **(c)** The agreement to provide services to a county under this section:

- (1) has no effect on any threat intelligence and enterprise security service provided to the county by any other agreement with a provider or by any county employee or contractor; and
- (2) must be designed to complement any existing service agreement or service used by the county;

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when the county enters into the agreement.

(d) This section expires January 1, ~~2023~~: **2028**.

SECTION 2. IC 3-11-4-2, AS AMENDED BY P.L.278-2019, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual eligible to assist the voter under IC 3-11-9-2(a) to sign the application on behalf of the voter and add the individual's name to the application. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- (4) The reason why the individual is entitled to vote an absentee ballot:
 - (A) by mail; or
 - (B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);
 in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.
- (5) The voter identification number of the individual.

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(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) The following statement must be printed in at least 16 point font size, underlined, and clearly legible print on the envelope of an absentee ballot application that a person sends to an individual:

"(Name of person sending the absentee ballot application) has sent you the enclosed application. This is unsolicited and is not sent by a state or local elections official."

(g) This subsection applies only to an absentee ballot application submitted in an electronic format using a module of the computerized list under IC 3-7-26.3. In order for an individual to access the absentee ballot application, the individual shall provide either of the following:

(1) The individual's ten (10) digit Indiana driver's license number.

(2) The last four (4) digits of the individual's Social Security number.

~~(h)~~ **(h)** A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

~~(g)~~ **(i)** This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person



received the application, and file the application with the appropriate county election board or election division not later than:

- (1) noon ten (10) days after the person receives the application;
- or
- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

~~(h)~~ **(j)** This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must include an affidavit with the application. The affidavit must be signed by the individual who received the completed application from the applicant. The affidavit must be in a form prescribed by the election division. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
- (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
- (3) The date (or dates) that the absentee ballot applications attached to the affidavit were received.
- (4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
- (5) A statement that the person is executing the affidavit under the penalties of perjury.
- (6) A statement setting forth the penalties for perjury.

~~(i)~~ **(k)** The county election board shall record the date and time of the filing of the affidavit.

SECTION 3. IC 3-11-4-3, AS AMENDED BY P.L.109-2021, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c) and section 6 of this chapter, an application for an absentee ballot must be



received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) not earlier than the date the registration period resumes under IC 3-7-13-10 nor later than the following:

(1) Noon on election day if the voter registers to vote under IC 3-7-36-14.

(2) Noon on the day before election day if the voter:

(A) completes the application in the office of the circuit court clerk under IC 3-11-10-26; or

(B) is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by electronic mail or fax under section 6(h) of this chapter.

(3) Noon on the day before election day if:

(A) the application is a mailed, transmitted by electronic mail, or fax, or hand delivered application from a confined voter or voter caring for a confined person; and

(B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board under IC 3-11-10-25.

(4) 11:59 p.m. twelve (12) days before election day if the application is:

(A) a mailed application;

(B) transmitted by electronic mail;

(C) transmitted by fax; or

(D) hand delivered;

from other voters who request to vote by mail under IC 3-11-10-24.

(b) An application for an absentee ballot received by the election division by the time and date specified by subsection (a)(2)(B), (a)(3), or (a)(4) is considered to have been timely received for purposes of processing by the county. The election division shall immediately transmit the application to the circuit court clerk, or the director of the board of elections and registration, of the county where the applicant resides. The election division is not required to complete or file the affidavit required under section ~~2(h)~~ **2(j)** of this chapter whenever the election division transmits an application under this subsection.

(c) An application for an absentee ballot for the election may not be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) earlier than December 1 of the year before the election.

SECTION 4. IC 3-11-4-5.1, AS AMENDED BY P.L.193-2021, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2022]: Sec. 5.1. (a) The election division shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

- (1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.
- (2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section ~~2(f)~~ **2(h)** of this chapter.
- (3) Serve as a verified statement for a voter to indicate a change of name under IC 3-7-41. The form must require the applicant to indicate the applicant's previous name.
- (4) Set forth the penalties for perjury.

(c) The form prescribed by the election division shall require that a voter who:

- (1) requests an absentee ballot; and
- (2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) The election division shall approve absentee ballot application forms that comply with this subsection and section ~~2(g)~~ **2(i)** of this chapter and permit the applicant to indicate a change of name under subsection (b). The form prescribed by the election division must request that a voter who requests an absentee ballot:

- (1) provide the last four (4) digits of the voter's Social Security number; or
- (2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter must comply with subsection (d).

(f) The form prescribed by the election division must include a statement that permits an applicant to indicate whether:

- (1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and
- (2) the applicant's legal address is the address set forth in the applicant's voter registration.



If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address to which the absentee ballot is to be mailed.

(g) This subsection applies to an application to receive an absentee ballot:

- (1) by mail under IC 3-11-10-24; or
- (2) in the form of an application to vote before an absentee voter board under IC 3-11-10-25 at the voter's place of confinement or the residence of the voter.

If the voter wishes to submit an application under this section in an electronic format using a module of the statewide voter registration system, the voter must include a telephone number at which the voter can be reached to submit the application.

(h) The application form for an absentee ballot must enable the applicant to provide the applicant's electronic mail address. However, an applicant's failure to provide an electronic mail address is not a reason for denial of the absentee ballot application.

SECTION 5. IC 3-11-8-10.3, AS AMENDED BY P.L.193-2021, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

(b) An electronic poll book must satisfy all of the following:

- (1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll book.
- (2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both of the following apply:
 - (A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.
 - (B) All data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.
- (3) An electronic poll book may not permit access to voter information other than:

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(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

- (i) The county's receipt of an absentee ballot from the voter.
- (ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.
- (iii) The county's issuance of a certificate of error.

An electronic poll book may not display whether a voter's registration record is in active or inactive status.

(4) The information contained on an electronic poll book must be secure and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) the current local version of the electronic poll list; and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll book must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already received a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has received a ballot.

(7) The electronic poll book must transmit the information in subdivision (6) to the county server so that:

(A) the server may transmit the information immediately to every other polling place or satellite absentee office in the county; or

(B) the server makes the information immediately available to every other polling place or satellite office in the county.

(8) The electronic poll book must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and



- (B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.
- (9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list (as defined in IC 3-7-26.3-2).
- (10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from:
- (A) the voter's registration application; or
 - (B) a more recent signature of a voter from an absentee application, poll list, electronic poll book, or registration document.
- (11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.
- (12) The electronic poll book must include a bar code capturing device that:
- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and
 - (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.
- (13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.
- (14) The electronic poll book must be compatible with:
- (A) any hardware attached to the electronic poll book, such as signature capturing devices, bar code capturing devices, and network cards;
 - (B) the statewide voter registration system; and
 - (C) any software system used to prepare voter information to



be included on the electronic poll book.

(15) The electronic poll book must have the ability to be used in conformity with this title for:

- (A) any type of election conducted in Indiana; or
- (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(16) The procedures for setting up, using, and shutting down an electronic poll book must be reasonably easy for a precinct election officer to learn, understand, and perform. A vendor shall provide sufficient training to election officials and poll workers to completely familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with VSTOP (as described in IC 3-11-18.1-12).

(17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:

- (A) has been set up correctly;
- (B) is working correctly so as to verify the eligibility of the voter;
- (C) is correctly recording that a voter received a ballot; and
- (D) has been shut down correctly.

(18) The electronic poll book must include the following documentation:

- (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll book.
- (B) Training materials that:
 - (i) may be in written or video form; and
 - (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.
- (C) Failsafe data recovery procedures for information included in the electronic poll book.
- (D) Usability tests:
 - (i) that are conducted by the manufacturer of the electronic poll book or an independent testing facility using individuals who are representative of the general public;
 - (ii) that include the setting up, using, and shutting down of the electronic poll book; and
 - (iii) that report their results using industry standard reporting formats.
- (E) A clear model of the electronic poll book system



architecture and the following documentation:

- (i) End user documentation.
- (ii) System-level and administrator level documentation.
- (iii) Developer documentation.

(F) Detailed information concerning:

- (i) electronic poll book consumables; and
- (ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll book.

(H) Repair and maintenance policies for the electronic poll book.

(I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:

- (i) A list of customers who are using or have previously used the vendor's electronic poll book.
- (ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.

(J) Information concerning batteries used in the electronic poll book, including the following:

- (i) A list of all batteries to be used in the electronic poll book and any peripherals.
- (ii) The expected life span of each battery.
- (iii) A log documenting when each battery was installed or subsequently replaced.
- (iv) A schedule for the replacement of each battery not later than thirty (30) days before the end of the expected life span of each battery.
- (v) Plans to test batteries before each election.
- (vi) Plans for the emergency replacement of batteries that fail on election day or during the thirty (30) days before election day.

(19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, including the use, alteration, storage, receipt, and transmittal of information that is part of the record. Compliance with this



subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.

(21) The electronic poll book must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.

(22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server approved by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

(A) permit a voter to check in and sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature so that the signature may be assigned to the voter's registration record.

(24) The electronic poll book must have the capacity, for each voter who appears on the electronic poll list, to transmit information that a voter cast a provisional ballot:

(A) from the electronic poll book to the dedicated private server; and

(B) from the dedicated private server to the voter's record in the statewide voter registration system.

This functionality may not be disabled.

(c) The county election board is responsible for the care and custody of all electronic poll books while not in use.

(d) The county election board is responsible for ensuring that all electronic poll books are dedicated devices to be used only for their intended purpose and for no other activity. Software that is not needed for the essential purpose of running the electronic poll book may not be installed on an electronic poll book.

SECTION 6. IC 3-11-8-25.2, AS AMENDED BY P.L.193-2021, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 52 U.S.C. 21083 and IC 3-7-33-4.5 before voting in person. If the list indicates that the voter



is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 52 U.S.C. 21083, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill.
- (3) A current bank statement.
- (4) A current government check.
- (5) A current paycheck.
- (6) A current government document.

The document presented by the voter must show the name and residence address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection (b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(e) The precinct election board shall advise the voter, both orally and in writing, that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7. The election division shall prescribe the form of the explanation required by this subsection.

~~(f) The circuit court clerk shall provide the notice required by IC 3-11.7-6-4 to a voter who casts a provisional ballot under this section.~~

SECTION 7. IC 3-11-10-26, AS AMENDED BY P.L.193-2021, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

- (1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.

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(2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) The office of the board of elections and registration.

(2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(d) The voter must do the following before being permitted to vote:

(1) This subdivision does not apply to a county that uses electronic poll books for voting under this section. Sign an application on the form prescribed by the election division under IC 3-11-4-5.1. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(2) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an electronic voting system. The voter must do the following:

(A) If the county election board has prescribed an affidavit under subsection (e) that includes a unique identifier to comply with section 26.2(c)(3) of this chapter, make and subscribe to the affidavit.

(B) Sign the electronic poll book.

(C) Provide proof of identification.

(3) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an optical scan voting system. The voter must do the following:

(A) Sign the electronic poll book.

(B) Provide proof of identification.

(C) Sign the affidavit prescribed by section 29 of this chapter.

(e) The county election board may:

(1) prescribe an affidavit that includes a unique identifier; or

(2) establish a procedure to produce a document, label, or electronic record that is associated with each voter and includes a unique identifier;



to comply with section 26.2(c)(3) of this chapter. After the county election board approves an affidavit or procedure described in this subsection and before the affidavit or procedure is used in an election, the county election board shall file a copy of the affidavit or a brief description of the procedure with the election division to assist the state recount commission in conducting proceedings under IC 3-12-11.

(f) The voter may vote before the board not more than twenty-eight (28) days nor later than noon on the day before election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes.

(g) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-eight (28) days before the election and not later than noon on election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(h) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day. However, the county election board may adopt a resolution authorizing the circuit court clerk to:

- (1) use the office of the circuit court clerk designated in subsection (a)(1); or
- (2) establish a satellite office under section 26.3 of this chapter; to permit voters to cast absentee ballots under this section for at least four (4) hours on the third Saturday preceding election day.

(i) Notwithstanding subsection (h), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(j) As provided by 52 U.S.C. 21081, a voter casting an absentee



ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(k) As provided by 52 U.S.C. 21081, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(l) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast a provisional ballot.

(m) This subsection applies to a voter who casts an absentee ballot that is treated as a provisional ballot under subsection (l). The board shall provide the voter, both orally and in writing, an explanation of what actions, if any, the voter must take in order to have the voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection. ~~The circuit court clerk shall also provide the notice required by IC 3-11-7-6-4 to the voter.~~

(n) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

(o) In a primary election, a voter casting an absentee ballot under this chapter may not change the voter's choice of the voter's political party after the voter has been mailed or otherwise provided with a primary ballot containing the candidates of that party.

SECTION 8. IC 3-11-10-26.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 26.1. Voting before an absentee voter board under section 26 of this chapter shall be referred to as "early voting" on all forms prescribed by the election division and**

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in all communications with voters.

SECTION 9. IC 3-11-14-2, AS AMENDED BY P.L.109-2021, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in ~~subsection~~ **subsections (c) and (f)**, a county election board may use an approved electronic voting system:

- (1) in any election;
- (2) in all or in some of the precincts within a political subdivision holding an election; and
- (3) instead of or in combination with any other voting method.

(b) A county election board may use an electronic voting system which includes a voter verifiable paper audit trail if the voting system:

- (1) otherwise complies with this chapter and IC 3-11-15; and
- (2) is certified by the Indiana election commission.

(c) A county election board may not use an approved electronic voting system purchased, leased, or otherwise acquired by the county after December 31, 2019, unless the system:

- (1) is certified by the Indiana election commission; and
- (2) includes a ~~voter-verifiable~~ **voter verifiable** paper audit trail.

This subsection does not prohibit a county election board from having maintenance performed on an electronic voting system purchased, leased, or otherwise acquired by the county before January 1, 2020.

(d) The voter verifiable paper audit trail must contain all of the following:

- (1) The name or code of the election as provided by the voting system.
- (2) The date of the election.
- (3) The date the voter verifiable paper audit trail was printed.
- (4) A security code and record number specific to each paper receipt assigned by the voting system.
- (5) The name or designation of the voter's precinct.
- (6) The name or designation of each office on the voter's ballot.
- (7) The name of the candidate and the designation of the candidate's political party selected by the voter.
- (8) If the voter selects a straight party ticket, the name of the political party ticket the voter selected.
- (9) The following information:
 - (A) A description of the text of any public question or judicial retention question on the voter's ballot that:
 - (i) contains not more than thirty (30) characters; and
 - (ii) the county election board determines reasonably conveys the content of the public question or judicial retention



question.

(B) The response the voter selected for each question.

(e) The voter verifiable paper audit trail may contain additional information and instructions determined to be useful to the voter by the county election board subject to the design capabilities of the voter verifiable paper audit trail.

(f) This subsection applies to a county in which any direct record electronic voting system that does not include a voter verifiable paper audit trail is used for an election. A county election board shall not use a direct record electronic voting system in an election after July 1, 2022, unless the county election board:

(1) uses a number of direct record electronic voting systems including a voter verifiable paper audit trail in the election that is equal to or greater than ten percent (10%) of the total number of direct record electronic voting systems owned, leased, or otherwise available to the county as of January 1, 2022, and as of January 1 in each year thereafter;

(2) determines, not later than July 1, 2022, and January 1 of each year thereafter, the minimum number of direct record electronic voting systems including a voter verifiable paper audit trail necessary to comply with the requirement of this subsection; and

(3) files a certification of this determination to the secretary of state not later than August 11, 2022, and February 11 of each year thereafter.

SECTION 10. IC 3-11-15-13.3, AS AMENDED BY P.L.193-2021, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet one (1) of the following:

(1) The Voting System Standards adopted by the Federal Election Commission on April 30, 2002.

(2) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.

(3) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission, as amended on March 31, 2015.

(b) Except as provided in subsection (c), a county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, 2021, if the voting system:

(1) was:

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(A) approved by the commission for use in elections in Indiana before October 1, 2021; and

(B) purchased or leased by the county before October 1, 2021; and

(2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) A county may not continue to use an electronic voting system after ~~December 31, 2029~~, **July 1, 2024**, unless the:

(1) system includes a voter verifiable paper audit trail; and

(2) certification of that system by the commission has not expired.

(d) As provided by 52 U.S.C. 21081, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(e) As provided by 52 U.S.C. 21081, an election board conducting an election satisfies the requirements of subsection (d) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(f) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (e), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities.

SECTION 11. IC 3-11.7-2-2, AS AMENDED BY P.L.193-2021, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A provisional voter shall do the following:

(1) Execute the affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(2) Sign the poll list.

(3) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.

(4) Fold each ballot separately.

(5) Fold each ballot so as to conceal the marking.

(6) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.

(7) Securely seal the envelope.

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(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52 U.S.C. 21082, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

(d) This subsection applies to a provisional voter described in section 1(a) or 1(b) of this chapter. In addition to the written instructions required by subsection (c), a precinct election officer shall provide the provisional voter, both orally and in writing, an explanation of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection. ~~The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the provisional voter.~~

SECTION 12. IC 3-11.7-6-3, AS AMENDED BY P.L.278-2019, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) As required by 52 U.S.C. 21082, a county election board shall establish a free access system such as a toll-free telephone number or an Internet web site that enables a provisional voter to determine:

- (1) whether the individual's provisional ballot was counted; and
- (2) if the provisional ballot was not counted, the reason the provisional ballot was not counted.

A county election board may use a module of the computerized list under IC 3-7-26.3 to comply with this subsection.

(b) The county election board shall enter the following into the computerized list:

- (1) The name of the individual.
- (2) The address of the individual.
- (3) The day and time the county election board will meet to determine the validity of a provisional ballot under IC 3-11.7-5.**
- ~~(3)~~ **(4)** Whether the individual's provisional ballot was counted.
- ~~(4)~~ **(5)** If the individual's provisional ballot was not counted, the reason the provisional ballot was not counted.

An individual who casts a provisional ballot may access the information described in this subsection pertaining to the provisional ballot of the individual through a module of the computerized list under IC 3-7-26.3.



(c) Not later than the earlier of:

(1) twenty-four (24) hours before the date the county election board meets under IC 3-11.7-5 to determine the validity of a provisional ballot cast by an individual; or

(2) three (3) days after the election;

the provisional ballot information described in subsection (b)(1) through (b)(3) must be entered to the computerized list. The provisional ballot information described in subsection (b)(4) and (b)(5) must be entered into the computerized list not later than the date the county election board certifies the election results of the county under IC 3-12-4-9.

~~(c)~~ **(d)** As required by 52 U.S.C. 21082, the county election board shall establish and maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the free access system established by the board under subsection (a).

~~(d)~~ **(e)** As required by 52 U.S.C. 21082, the county election board shall restrict access to the free access system established under subsection (a) to the individual voter who cast the provisional ballot. This subsection does not restrict access to election materials available under IC 3-10-1-31.1.

~~(e)~~ **(f)** The county election board shall prescribe written instructions to inform a provisional voter how the provisional voter can determine whether the provisional voter's ballot has been counted.

SECTION 13. IC 3-11.7-6-4 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 4. (a) Not later than three (3) calendar days after election day, the circuit court clerk shall provide a notice containing the following information to each voter who casts a provisional ballot:

(1) The reason or reasons that the voter's ballot is being treated as a provisional ballot.

(2) A description of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted under this article.

(3) The deadlines by which the provisional voter is required to take any actions described in subdivision (2) in order to have the provisional voter's ballot counted under this article.

(4) The following information that will enable the provisional voter to inquire about the provisional voter's ballot:

(A) The name of the office that the provisional voter may contact.

(B) The address of the office described in clause (A).

(C) The telephone number at the office described in clause (A).



that the voter may use to contact the office about the voter's provisional ballot.

(D) Any other information the circuit court clerk considers useful to provide assistance to the provisional voter in inquiring about the provisional ballot.

(b) The notice required by subsection (a) must be:

(1) sent by first class United States mail; or

(2) given by another method the circuit court clerk determines will provide actual notice to the voter.

(c) The notice required by subsection (a) must be in a form prescribed by the election division.

SECTION 14. IC 3-12-13-3, AS ADDED BY P.L.34-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. As used in this chapter, "~~risk-limiting~~ **post-election** audit" means an audit protocol that makes use of statistical methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome.

SECTION 15. IC 3-12-13-4, AS ADDED BY P.L.34-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The secretary of state may designate counties as ~~risk-limiting~~ **post-election** audit ~~pilot~~ counties.

(b) For a county to be designated as a ~~risk-limiting~~ **post-election** audit ~~pilot~~ county, the county election board must adopt a resolution requesting the secretary of state to designate the county as a ~~risk-limiting~~ **post-election** audit ~~pilot~~ county.

(c) In designating a county as a ~~risk-limiting~~ **post-election** audit ~~pilot~~ county, the secretary of state shall seek to designate a variety of counties as ~~pilot~~ **post-election** audit counties based on the number of active voters within the county.

(d) A county designated as a ~~risk-limiting~~ **post-election** audit ~~pilot~~ county shall conduct ~~risk-limiting~~ **post-election** audits as provided in this chapter.

SECTION 16. IC 3-12-13-5, AS AMENDED BY P.L.135-2020, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. (a) The secretary of state shall determine the **number of** elections that are subject to a ~~risk-limiting~~ **post-election** audit.

(b) All contested elections for an elected office and all public questions are eligible for designation under subsection (a) for a ~~risk-limiting~~ **post-election** audit.

SECTION 17. IC 3-12-13-6, AS AMENDED BY P.L.193-2021,



SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) The secretary of state may waive the requirement of section 5 of this chapter, after a written request by a county election board.

(b) The secretary of state may waive the requirement of section 5 of this chapter only if the county election board shows that the technology in use by the county will not enable the county election board to satisfy the requirements for a ~~risk-limiting~~ **post-election** audit for an election.

SECTION 18. IC 3-12-13-7, AS AMENDED BY P.L.135-2020, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) The secretary of state shall issue orders to implement and administer the requirements of this chapter.

(b) In issuing an order under subsection (a), the secretary of state shall:

- (1) consult with recognized statistical experts, equipment vendors, the election division, and county election officials; and
- (2) consider best practices for conducting ~~risk-limiting~~ **post-election** audits.

SECTION 19. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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