

HOUSE BILL No. 1133

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-1.3-18; IC 3-5; IC 3-6; IC 3-7-29; IC 3-10; IC 3-11; IC 3-11.1; IC 3-11.5; IC 3-11.7; IC 3-12.

Synopsis: Vote by mail. Requires that all elections be conducted by mail beginning with elections in 2024. Provides for the January 1, 2024, expiration of several provisions of the election code that will be obsolete under a vote by mail system. Requires the interim study committee on elections to study the transition to a vote by mail system and propose necessary legislation to accomplish the transition.

Effective: July 1, 2021.

Boy

January 7, 2021, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1133

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

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

1 SECTION 1. IC 2-5-1.3-18 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 18. (a) As used in this section, "committee" refers to**
4 **the interim study committee on elections established by section 4(6)**
5 **of this chapter.**

6 **(b) The committee shall do the following:**
7 **(1) Study all issues relating to the transition to conducting all**
8 **elections as provided in IC 3-11.1.**
9 **(2) Make recommendations for legislation to amend the**
10 **Indiana Code so that all elections after December 31, 2023,**
11 **are conducted as provided in IC 3-11.1.**

12 **(c) This section expires January 1, 2024.**

13 SECTION 2. IC 3-5-2-1.8 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2021]: **Sec. 1.8. "Address confidentiality program participant"**
16 **refers to a program participant (as defined in IC 5-26.5-1-6).**

17 SECTION 3. IC 3-5-4.5-1, AS ADDED BY P.L.164-2006,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 1. (a) This chapter applies to a challenge to a
3 voter made by a precinct election officer, a watcher, a challenger, or a
4 pollbook holder under this title.

5 **(b) After December 31, 2023, this chapter applies only to a**
6 **challenge to a voter voting under IC 3-11.1.**

7 SECTION 4. IC 3-5-8-2.5, AS AMENDED BY P.L.169-2015,
8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2021]: Sec. 2.5. (a) The election division shall prescribe a
10 statement known as the "Absentee Voter's Bill of Rights".

11 (b) The Absentee Voter's Bill of Rights must be in a form prescribed
12 by the election division and include the following:

13 (1) A statement summarizing the rights and responsibilities of the
14 voter when casting and returning the absentee ballot.

15 (2) A summary of Indiana and federal laws concerning providing
16 assistance to the voter, completion of the ballot in secret,
17 intimidation of voters, and the return of the absentee ballot to the
18 county election board.

19 (3) Information concerning how to report violations of the
20 absentee ballot and election laws.

21 **(c) This section expires January 1, 2024.**

22 SECTION 5. IC 3-6-6-5.5, AS ADDED BY P.L.258-2013,
23 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2021]: Sec. 5.5. (a) This section applies in a county using vote
25 centers under IC 3-11-18.1.

26 (b) The county vote center plan:

27 (1) may use other titles to designate precinct election officers; and

28 (2) must specify which precinct election officer is to perform a
29 duty required under this title to be performed by a precinct
30 election officer.

31 (c) A precinct election officer in a vote center county shall comply
32 with section 7 of this chapter.

33 **(d) After December 31, 2023, this chapter applies only to**
34 **precinct election officers at a vote center to the extent that this**
35 **chapter is consistent with a county's vote center plan.**

36 SECTION 6. IC 3-6-6-6 IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Each inspector, judge, poll
38 clerk, assistant poll clerk, and election sheriff who is:

39 (1) a voter of the county; and

40 (2) not a resident of the precinct;

41 is entitled to vote by absentee ballot.

42 **(b) This section expires January 1, 2024.**



1 SECTION 7. IC 3-6-6-36 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2021]: Sec. 36. (a) As used in this section, "law
 3 enforcement officer" means a:

- 4 (1) police officer;
 5 (2) sheriff;
 6 (3) constable;
 7 (4) marshal; or
 8 (5) deputy of any of those persons.

9 (b) Law enforcement officers of the state and of political
 10 subdivisions may not come within fifty (50) feet of the polls, except to
 11 do any of the following:

- 12 (1) To serve process of court.
 13 (2) To vote.
 14 (3) To be present when summoned by the election sheriffs or
 15 precinct judges.
 16 (4) To serve as a pollbook holder.
 17 (5) To serve as ~~an absentee~~ a ballot courier appointed under
 18 IC 3-11.5-4-22.

19 SECTION 8. IC 3-6-7-3 IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) A challenger or pollbook
 21 holder who is not a resident of the precinct is entitled to vote by
 22 absentee ballot.

23 **(b) This section expires January 1, 2024.**

24 SECTION 9. IC 3-6-8-7, AS ADDED BY P.L.169-2015, SECTION
 25 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 26 2021]: Sec. 7. (a) A political party may appoint up to two (2) watchers
 27 under this chapter for each satellite office established under
 28 IC 3-11-10-26.3. A watcher appointed under this section is entitled to:

- 29 (1) enter, leave, and reenter the satellite office at any time the
 30 office is open;
 31 (2) inspect the voting systems before absentee ballots are received
 32 at the satellite office each day;
 33 (3) inspect the work being done by any elected official, absentee
 34 board member, or county employee at the satellite office (except
 35 when an individual enters a confidential login or password to
 36 obtain access to an electronic poll book or the statewide voter
 37 registration system or to operate a voting system used for absentee
 38 voting); and
 39 (4) witness any proceeding of the county election board or an
 40 absentee voting board at the satellite office.

41 **(b) This section expires January 1, 2024.**

42 SECTION 10. IC 3-7-29-1, AS AMENDED BY P.L.169-2015,



1 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 1. (a) Except as provided in subsection (f), this
3 section does not apply to a county that:

4 (1) has adopted an order under section 6(a)(1) of this chapter; or

5 (2) is a vote center county under IC 3-11-18.1.

6 (b) Not later than ten (10) days before the election at which the
7 registration record is to be used, the county voter registration office
8 shall prepare certified copies of the list of registered voters for each
9 precinct in the county.

10 (c) The lists must contain the following information concerning
11 each registered voter:

12 (1) The full name of the voter.

13 (2) The address of the voter.

14 (3) The assigned voter identification number.

15 (4) Whether the voter is required to provide additional
16 identification before voting either in person or by absentee ballot.

17 (5) The date of birth of the voter, including an indication whether
18 the voter is less than eighteen (18) years of age for a poll list used
19 in a primary election.

20 (6) The scanned signature of the voter.

21 (7) Whether the voter is required to provide an affirmation of the
22 voter's residence.

23 (8) A bar code that allows the county voter registration office to
24 efficiently record whether the voter has signed the poll list.

25 (9) For a poll list used in a primary election, a letter abbreviation
26 of the name of the major political party whose ballot the voter has
27 requested.

28 (10) A space for a poll clerk to indicate when a voter has cast an
29 absentee ballot.

30 (11) A space for a poll clerk to indicate when a voter has cast a
31 provisional ballot.

32 (12) For a voter required to submit additional documentation
33 required under IC 3-7-33-4.5, a space for a poll clerk to insert
34 letters serving as an abbreviation for the type of documentation
35 provided by the voter.

36 (d) The names shall be arranged in the same order as they are in the
37 registration record of the precinct.

38 (e) The poll list must also contain a statement at the top of each
39 page indicating that an individual who knowingly makes a false
40 statement:

41 (1) by signing a poll list; or

42 (2) on a poll list concerning the individual's name, voter



1 identification number, or residence address;
 2 commits a Level 6 felony as provided by IC 3-14-2-11.

3 (f) This subsection applies to a county that has adopted an order
 4 under section 6(a)(1) of this chapter or is a vote center county under
 5 IC 3-11-18.1. The precinct election board shall post in a location within
 6 the precinct or vote center a notice that:

7 (1) is clearly visible to an individual (or to an individual providing
 8 assistance under IC 3-11-9) who is providing information to a
 9 precinct election officer using an electronic poll book; and

10 (2) indicates that an individual commits a Level 6 felony under
 11 IC 3-14-2-11, if the individual knowingly makes a false statement
 12 to a precinct election officer concerning:

13 (A) the individual's name;

14 (B) the individual's voter identification number; or

15 (C) the individual's residence address.

16 **(g) This section expires January 1, 2024.**

17 SECTION 11. IC 3-7-29-1.1 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2021]: **Sec. 1.1. (a) This section applies only after December 31,
 20 2023.**

21 **(b) The precinct election board shall post in a location within the
 22 vote center a notice that:**

23 **(1) is clearly visible to an individual (or to an individual
 24 providing assistance under IC 3-11-9) who is providing
 25 information to a precinct election officer using an electronic
 26 poll book; and**

27 **(2) indicates that an individual commits a Level 6 felony
 28 under IC 3-14-2-11 if the individual knowingly makes a false
 29 statement to a precinct election officer concerning:**

30 **(A) the individual's name;**

31 **(B) the individual's voter identification number; or**

32 **(C) the individual's residence address.**

33 SECTION 12. IC 3-7-29-2, AS AMENDED BY P.L.169-2015,
 34 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: **Sec. 2. (a) This section does not apply to a county that:**

36 (1) has adopted an order under section 6(a)(1) of this chapter; or

37 (2) is a vote center county under IC 3-11-18.1.

38 (b) After the county election board receives a request from the
 39 county chairman of a major political party, not more than two (2)
 40 copies of the list required by this chapter shall be prepared and
 41 furnished to the inspector of the precinct for use at the polls on election
 42 day. The inspector may provide a list furnished under this section to



1 any other precinct officer.

2 **(c) This section expires January 1, 2024.**

3 SECTION 13. IC 3-7-29-3, AS AMENDED BY P.L.169-2015,
4 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 3. (a) This section does not apply to a county that:

- 6 (1) has adopted an order under section 6(a)(1) of this chapter; or
7 (2) is a vote center county under IC 3-11-18.1.

8 (b) When the inspector of a precinct procures the ballots and other
9 election supplies for an election, the inspector shall also procure from
10 the county voter registration office the certified copies of the
11 registration record of the precinct with the information required under
12 section 1 of this chapter and other necessary registration supplies.

13 **(c) This section expires January 1, 2024.**

14 SECTION 14. IC 3-7-29-4, AS AMENDED BY P.L.169-2015,
15 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2021]: Sec. 4. (a) This section does not apply to a county that:

- 17 (1) has adopted an order under section 6(a)(1) of this chapter; or
18 (2) is a vote center county under IC 3-11-18.1.

19 (b) The county voter registration office may also provide the
20 inspector of each precinct in the county with a scanned copy of the
21 signature on the affidavit of registration (or a more recent signature of
22 the voter from an absentee application, poll list, or registration
23 document) of each voter of the precinct for the comparison of
24 signatures under IC 3-10-1-24.6 or IC 3-11-8-25.1.

25 **(c) This section expires January 1, 2024.**

26 SECTION 15. IC 3-10-7-36 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2021]: **Sec. 36. This chapter expires January 1, 2024.**

29 SECTION 16. IC 3-10-8-7.5, AS AMENDED BY P.L.278-2019,
30 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2021]: Sec. 7.5. (a) This section applies to a special election
32 to fill one (1) or more vacancies in the office of United States
33 Representative under 2 U.S.C. 8(b).

34 (b) A special election conducted under this section shall be
35 governed by other provisions of this title as far as applicable.

36 (c) A political party entitled to fill a candidate vacancy under
37 IC 3-13-2 shall nominate a candidate for election to the office under
38 IC 3-13-2-3.

39 (d) A candidate who does not intend to affiliate with a political party
40 described by subsection (c) shall:

- 41 (1) be nominated as an independent or a candidate of a political
42 party by petition in accordance with IC 3-8-6; or



- 1 (2) file a declaration of intent to be a write-in candidate under
 2 IC 3-8-2-4(b).
 3 (e) A certificate of candidate selection under IC 3-13-2-8, a petition
 4 of nomination, or a declaration of intent to be a write-in candidate must
 5 be filed with the election division not later than noon thirty-five (35)
 6 days before the special election is to be conducted.
 7 (f) A candidate shall file a notice of withdrawal with the election
 8 division not later than noon thirty-three (33) days before the special
 9 election is to be conducted.
 10 (g) As required under 2 U.S.C. 8(b)(5)(B), a county election board
 11 shall accept ~~an absentee~~ a ballot cast by an absent uniformed services
 12 voter or an overseas voter for up to forty-five (45) days after the
 13 ~~absentee~~ ballot is transmitted to the voter.
 14 (h) Notwithstanding IC 3-12-5-8(a), if a ballot accepted under
 15 subsection (g) is determined by the county election board to be
 16 otherwise valid, the circuit court clerk shall file an amendment to the
 17 certified statement previously filed under IC 3-12-5-6 with the election
 18 division not later than noon seven (7) days following the determination
 19 of the validity of the ballot. Notwithstanding IC 3-12-5-9, the election
 20 division, the secretary of state, and the governor shall prepare, execute,
 21 and transmit a replacement certificate of election if the amendment
 22 filed under this subsection results in a different candidate receiving the
 23 highest number of votes for the office.
 24 SECTION 17. IC 3-11-2-17 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2021]: **Sec. 17. This chapter expires January 1, 2024.**
 27 SECTION 18. IC 3-11-3-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This chapter
 29 applies to each precinct.
 30 (b) **After December 31, 2023, this chapter applies only to vote**
 31 **centers.**
 32 SECTION 19. IC 3-11-3-3, AS AMENDED BY P.L.221-2005,
 33 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 3. (a) If, in the judgment of a county election
 35 board, the number of voters in a precinct of the county where a voting
 36 system is used for voting is so large that the voting system in use will
 37 not be sufficient to register the vote of all the voters in the precinct, the
 38 board may use paper ballots in addition to the voting system. The
 39 voting by paper ballot is subject to all the restrictions prescribed by this
 40 article.
 41 (b) **This section expires January 1, 2024.**
 42 SECTION 20. IC 3-11-3-16, AS AMENDED BY P.L.169-2015,



1 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 16. (a) Except as provided in subsection (b), each
3 county election board shall prepare and have delivered to the inspectors
4 of the precincts, at the time they receive the ballots for their precincts,
5 a suitable number of voter registration lists certified under IC 3-7-29
6 and any other forms, papers, certificates, and oaths that are required to
7 be furnished to precinct election boards. The forms and papers must be
8 prepared in compliance with IC 3-5-4-8.

9 (b) In a county described by IC 3-7-29-6(a)(1) or IC 3-11-18.1, the
10 electronic poll books shall be delivered and installed for use by the
11 county election board under section 11(b) of this chapter.

12 (c) The county voter registration office shall cooperate with the
13 county election board in the preparation of the lists certified under
14 IC 3-7-29 (or in the use of the electronic poll books).

15 **(d) This section expires January 1, 2024.**

16 SECTION 21. IC 3-11-3-16.1 IS ADDED TO THE INDIANA
17 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
18 [EFFECTIVE JULY 1, 2021]: **Sec. 16.1. (a) This section applies only**
19 **after December 31, 2023.**

20 **(b) The electronic poll books shall be delivered and installed for**
21 **use by the county election board under section 11(b) of this**
22 **chapter.**

23 **(c) The county voter registration office shall cooperate with the**
24 **county election board in the use of the electronic poll books.**

25 SECTION 22. IC 3-11-3-20 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. **(a)** On the front
27 cover of the bound looseleaf poll list sheets or the book form poll lists
28 the following should be printed:

29 (1) The heading: "VOTERS' POLL LIST COVER".

30 (2) A notice to the inspector that after the polls are closed the poll
31 list that has been used in the precinct on election day should be
32 assembled and enclosed in a separate envelope provided for that
33 purpose and delivered to the clerk of the circuit court of the
34 county in which the election is held with the other election returns
35 as provided in this title.

36 (3) The signatures of the inspector, judges, and clerks of the
37 election board, certifying the following:

38 (A) That the signatures shown in the list is the record of the
39 voters' poll list.

40 (B) The type of election.

41 (C) The date of the election.

42 **(b) This section expires January 1, 2024.**



1 SECTION 23. IC 3-11-4-23 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2021]: **Sec. 23. This chapter expires January 1, 2024.**

4 SECTION 24. IC 3-11-8-0.1 IS REPEALED [EFFECTIVE JULY
 5 1, 2021]. ~~Sec. 0.1. The amendments made to sections 2 and 6 of this
 6 chapter by P.L.4-1991 apply to elections held after December 31, 1991.~~

7 SECTION 25. IC 3-11-8-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This chapter
 9 applies to each precinct.

10 **(b) After December 31, 2024, this chapter applies to each vote
 11 center.**

12 SECTION 26. IC 3-11-8-2, AS AMENDED BY P.L.225-2011,
 13 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 2. (a) A voter shall vote at the polls for the
 15 precinct where the voter resides except when authorized to vote in
 16 another precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

17 **(b) This section expires January 1, 2024.**

18 SECTION 27. IC 3-11-8-3, AS AMENDED BY P.L.169-2015,
 19 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) This section does not apply
 21 to a county using vote centers under IC 3-11-18.1.

22 (b) Before each election each county executive shall secure for each
 23 precinct of the county an accessible facility in which to hold the
 24 election.

25 (c) Unless the county election board adopts an order under
 26 IC 3-11-8-4.3, if an accessible facility is not available within the
 27 precinct, then the polls may be located in another precinct in the county
 28 if the polls are:

29 (1) either:

30 (A) not more than five (5) miles from the closest boundary of
 31 the precinct for which it is the polls; or

32 (B) located in the same township as the precinct that does not
 33 have an accessible facility available; and

34 (2) located in an accessible facility.

35 (d) If the county election board, by a unanimous vote of its entire
 36 membership, determines that an accessible facility is not available
 37 under subsection (c), the board may locate the polls in the most
 38 convenient available accessible facility in the county.

39 (e) If the county election board, by unanimous vote of its entire
 40 membership, determines that:

41 (1) an accessible facility is not available under subsection (c) or

42 (d); and



1 (2) the most convenient accessible facility is located in an
 2 adjoining county;
 3 the board may locate the polls in the facility described in subdivision
 4 (2) with the unanimous consent of the entire membership of the county
 5 election board of the county in which the facility is located.

6 **(f) This section expires January 1, 2024.**

7 SECTION 28. IC 3-11-8-3.1, AS AMENDED BY P.L.225-2011,
 8 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 3.1. (a) A county executive shall designate the
 10 polls for each precinct not less than twenty-nine (29) days before
 11 election day.

12 (b) The designation of a polling place under this section remains in
 13 effect until:

- 14 (1) the location of the polling place is altered by an order of the
 15 county executive or county election board under this chapter; or
 16 (2) a precinct establishment order issued under IC 3-11-1.5:
 17 (A) designates a new polling place location; or
 18 (B) combines the existing precinct with another precinct
 19 established by the order.

20 **(c) This section expires January 1, 2024.**

21 SECTION 29. IC 3-11-8-3.2, AS AMENDED BY P.L.278-2019,
 22 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2021]: Sec. 3.2. (a) A county election board shall give ten (10)
 24 days notice of the place of voting in each precinct by publication in the
 25 manner prescribed by IC 5-3-1-4. The notice must state whether the
 26 polls are located in an accessible facility.

27 (b) If it is necessary to change a place for voting after giving notice,
 28 notice of the change shall be given in the same manner. However,
 29 except as provided in subsection (c), a change may not be made within
 30 two (2) days before an election.

31 (c) If the county election board determines by a unanimous vote of
 32 the board's entire membership that the use of a polling place at an
 33 election would be dangerous or impossible, the county election board
 34 may order the relocation of the polling place during the final two (2)
 35 days before an election. The county election board shall give the best
 36 possible notice of this change to news media and the voters of the
 37 precinct. If an order is adopted under this subsection, the order expires
 38 after the election.

39 (d) The county election board shall enter the location of each polling
 40 place into the computerized system and update the information as
 41 promptly as practical after any change of location is made under this
 42 section.



1 **(e) This section expires January 1, 2024.**
2 SECTION 30. IC 3-11-8-4.3, AS AMENDED BY P.L.278-2019,
3 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 4.3. (a) If the county election board adopts an
5 order by the unanimous vote of the entire membership of the board, the
6 county election board may locate the polls for the precinct at the polls
7 for an adjoining precinct, using the precinct election board of the
8 adjoining precinct.
9 (b) An order adopted under this section expires December 31 after
10 the date the order was adopted.
11 (c) If a precinct election board administers more than one (1)
12 precinct under this section, the board shall keep the ballots cast in each
13 precinct separate from ballots cast in any other precinct, so that the
14 votes cast for each candidate and on each public question in each of the
15 precincts administered by the board may be determined.
16 **(d) This section expires January 1, 2024.**
17 SECTION 31. IC 3-11-8-6, AS AMENDED BY P.L.71-2019,
18 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2021]: Sec. 6. (a) The county executive shall locate the polls
20 for each precinct in an accessible and secure facility.
21 (b) In locating the polls for a precinct, a county shall consider the
22 relevant factors to ensure the security of the location set forth in
23 guidance provided by the secretary of state.
24 **(c) This section expires January 1, 2024.**
25 SECTION 32. IC 3-11-8-17, AS AMENDED BY P.L.258-2013,
26 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2021]: Sec. 17. (a) This section does not apply to a county
28 using vote centers under IC 3-11-18.1.
29 (b) In a precinct, as many voters may be admitted to the polls at one
30 (1) time for the purpose of voting as there are stations for voting in the
31 polls.
32 **(c) This section expires January 1, 2024.**
33 SECTION 33. IC 3-11-9-1, AS AMENDED BY P.L.170-2019,
34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2021]: Sec. 1. This chapter applies to:
36 (1) each precinct; and
37 (2) absentee voting, including the casting of an absentee ballot
38 before an absentee voter board:
39 (A) in the office of the:
40 (i) circuit court clerk; or
41 (ii) board of elections and registration; or
42 (B) at a satellite office established under IC 3-11-10-26.3.



1 **(b) This section expires January 1, 2024.**

2 SECTION 34. IC 3-11-9-1.1 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2021]: **Sec. 1.1. (a) This section applies after December 31, 2023.**

5 **(b) This chapter applies to casting a ballot at any of the**
6 **following:**

7 **(1) Before a voter board at any of the following:**

8 **(A) The office of the circuit court clerk.**

9 **(B) The office of the board of elections and registration in**
10 **a county subject to IC 3-6-5.2 or IC 3-6-5.4.**

11 **(C) A satellite office established under IC 3-11.1-8-12.**

12 **(2) A vote center.**

13 SECTION 35. IC 3-11-10-40 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2021]: **Sec. 40. This chapter expires January**
16 **1, 2024.**

17 SECTION 36. IC 3-11-11-20 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2021]: **Sec. 20. This chapter expires January**
20 **1, 2024.**

21 SECTION 37. IC 3-11-18.1-1, AS ADDED BY P.L.1-2011,
22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2021]: Sec. 1. (a) This chapter applies to a county designated
24 as a vote center county under this chapter.

25 (b) On January 1, 2011, a county designated as a vote center pilot
26 county under:

27 (1) IC 3-11-18 (before its expiration);

28 (2) P.L.164-2006, SECTION 148 (before its expiration); or

29 (3) P.L.108-2008, SECTION 4 (before its expiration);

30 is automatically redesignated as a vote center county under this
31 chapter.

32 **(c) After December 31, 2023, each county is a vote center**
33 **county.**

34 SECTION 38. IC 3-11-18.1-3, AS AMENDED BY P.L.170-2019,
35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2021]: Sec. 3. (a) A county must comply with this section to
37 become a vote center county.

38 (b) As used in this section, "board" refers to any of the following:

39 (1) The county election board.

40 (2) The board of elections and registration.

41 (c) The board shall hold a public hearing to present a draft plan for
42 administration of vote centers in the county.



1 (d) After presentation of the draft plan under subsection (c), the
2 board shall accept written public comments on the draft plan.

3 (e) At least thirty (30) days after the hearing held under subsection
4 (c), the board shall hold a public hearing to consider the following:

5 (1) The draft plan.

6 (2) The written public comments.

7 (3) Any other public comment that the board may permit on the
8 draft plan.

9 (f) After consideration of the draft plan and the public comments,
10 the board may do the following:

11 (1) Adopt an order approving the draft plan.

12 (2) Amend the draft plan and adopt an order approving the
13 amended draft plan.

14 The board may adopt the order to approve a plan only by unanimous
15 vote of the entire membership of the board.

16 (g) All members of the board must sign the order adopting the plan.

17 (h) The order and the adopted plan must be filed with the election
18 division and must include a copy of:

19 (1) a resolution adopted by the county executive; and

20 (2) a resolution adopted by the county fiscal body;

21 approving the designation of the county as a vote center county.

22 **(i) A county that is not a vote center county on July 1, 2022,**
23 **shall comply with this section before July 1, 2023.**

24 **(j) If a county does not adopt a vote center plan under**
25 **subsection (i) before July 1, 2023, the commission shall adopt a**
26 **plan for the county, taking into consideration the following:**

27 **(1) Any draft plans presented to the county election board.**

28 **(2) Written public comments presented to the county election**
29 **board.**

30 **(3) Written public comments presented to the commission.**

31 SECTION 39. IC 3-11-18.1-8, AS AMENDED BY P.L.258-2013,
32 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2021]: Sec. 8. (a) Except as provided in subsection (b), the
34 designation of a county as a vote center county takes effect
35 immediately upon the filing of the order with the election division,
36 unless otherwise specified by the county election board.

37 (b) An order filed with the election division during the final sixty
38 (60) days before an election becomes effective on the day following the
39 election.

40 (c) The designation of a county as a vote center county remains in
41 effect until the county election board, by unanimous vote of its entire
42 membership:



1 (+) rescinds the order designating the county as a vote center
 2 county; and
 3 (2) files a copy of the document rescinding the order with the
 4 election division.
 5 (c) A county may amend its vote center plan as provided in
 6 section 15 of this chapter, but a county may not rescind the order
 7 establishing vote centers.
 8 SECTION 40. IC 3-11.1 IS ADDED TO THE INDIANA CODE AS
 9 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 10 2021]:
 11 **ARTICLE 11.1. CASTING AND COUNTING BALLOTS**
 12 **Chapter 1. General Provisions**
 13 **Sec. 1. This article applies only to elections held after December**
 14 **31, 2023.**
 15 **Sec. 2. After December 31, 2023, a voter may vote in an election**
 16 **by any of the following means:**
 17 (1) By mail, as provided in this article.
 18 (2) As provided in IC 3-11.1-8-1.
 19 (3) On election day at a vote center established under
 20 IC 3-11-18.1.
 21 **Sec. 3. For purposes of this article, a ballot is considered "sent"**
 22 **to a voter if any of the following applies:**
 23 (1) The ballot is sent by United States mail addressed to the
 24 voter.
 25 (2) The ballot is transmitted by fax to a fax number provided
 26 by the voter.
 27 (3) The ballot is sent by electronic mail to a voter as provided
 28 in this article.
 29 (4) The ballot is personally given to the voter by an individual
 30 authorized under this title to give the ballot to the voter.
 31 **Sec. 4. (a) As provided by 52 U.S.C. 21081, a voter casting a**
 32 **ballot under this article must be:**
 33 (1) permitted to verify in a private and independent manner
 34 the votes selected by the voter before the ballot is cast and
 35 counted;
 36 (2) provided with the opportunity to change the ballot or
 37 correct any error in a private and independent manner before
 38 the ballot is cast and counted, including the opportunity to
 39 receive a replacement ballot if the voter is otherwise unable to
 40 change or correct the ballot; and
 41 (3) notified before the ballot is cast regarding the effect of
 42 casting multiple votes for an office and provided an



- 1 opportunity to correct the ballot before the ballot is cast and
2 counted.
- 3 (b) As provided by 52 U.S.C. 21081, when a ballot is provided
4 under this article, the voter must also be provided with:
- 5 (1) information concerning the effect of casting multiple votes
6 for an office; and
- 7 (2) instructions on how to correct the ballot before the ballot
8 is cast and counted, including how to get replacement ballots.
- 9 Sec. 5. The county election board shall include a copy of the
10 voter's bill of rights with a ballot sent to a voter.
- 11 Sec. 6. A ballot is considered to be cast in the precinct in which
12 the voter who cast the ballot resides for the purpose of the
13 following statutes:
- 14 (1) IC 3-12-6.
15 (2) IC 3-12-11.
16 (3) IC 3-12-12.
- 17 Sec. 7. In accordance with 52 U.S.C. 20302(b), but subject to
18 section 8 of this chapter, the election division is designated as the
19 single office in Indiana responsible for providing information
20 regarding ballot procedures under this article to be used by absent
21 uniformed services voters and overseas voters who wish to vote in
22 any jurisdiction in Indiana.
- 23 Sec. 8. (a) As used in this section, "MOVE" refers to the
24 Military and Overseas Voter Empowerment Act (P.L. 111-84,
25 Division A, Title V, Subtitle H (Section 575 et seq.)).
- 26 (b) As used in this section, "voter" refers only to either of the
27 following:
- 28 (1) An absent uniformed services voter.
29 (2) An overseas voter.
- 30 (c) Except as expressly provided by law, the state delegates its
31 responsibilities to carry out the requirements of MOVE to each
32 county election board or board of elections and registration.
- 33 (d) To implement 52 U.S.C. 20302, electronic mail, fax, and web
34 publication are designated as means of communication for a voter
35 to request a voter registration application and a ballot application
36 from the election division, a county election board, or a county
37 voter registration office.
- 38 (e) An office described in subsection (d) that receives an
39 electronic mail or fax from a voter shall provide a ballot
40 application or a voter registration application by electronic mail or
41 fax to the voter if:
- 42 (1) requested by the voter; and



1 (2) the voter provides an electronic mail address or a fax
2 number that permits the office to send an application not later
3 than the end of the first business day after the office receives
4 the communication from the voter.

5 If the electronic mail address or the fax number provided by the
6 voter does not permit the office to send the voter an application not
7 later than the end of the first business day after the office receives
8 the communication, the office shall send the application to the
9 voter by United States mail.

10 (f) As required by 52 U.S.C. 20302, to the extent practicable and
11 permitted under Indiana law (including IC 3-7 and IC 5-14-3), an
12 office described in subsection (d) shall ensure that the procedures
13 used to transmit a ballot application or a voter registration
14 application to a voter protect:

15 (1) the security and integrity of the application request
16 processes; and

17 (2) the privacy of the identity and other personal data of the
18 voter who requests or is sent an application under subsection
19 (e);

20 throughout the process of making the request or being sent the
21 application.

22 (g) As required under 52 U.S.C. 20302, an office described in
23 subsection (d) shall include information regarding the use of
24 electronic mail, fax, and web publication with all informational and
25 instructional materials that are sent with a ballot application or a
26 ballot to a voter.

27 (h) To implement Section 580 of MOVE, and in accordance with
28 IC 3-7-26.3-3, the secretary of state, with the approval of the
29 election division, shall develop a free access system that permits a
30 voter to determine whether the voter's ballot has been received by
31 the appropriate county election board (or board of elections and
32 registration), regardless of the manner in which the ballot was
33 transmitted by the voter to the board. To the extent permitted by
34 IC 3-7 and IC 5-14-3, the system must contain reasonable
35 procedures to protect the security, confidentiality, and integrity of
36 personal information collected, stored, or otherwise used on the
37 system.

38 Sec. 9. (a) If a voter with disabilities is unable to sign a
39 document required by this article and the voter has not designated
40 an individual to serve as attorney in fact for the voter, the voter
41 may designate an individual eligible to assist the voter under
42 IC 3-11-9-2(a) to sign the document on behalf of the voter and add



1 the individual's name to the application.

2 (b) If an individual signs a document as the properly authorized
3 attorney in fact for a voter, the attorney in fact must attach a copy
4 of the power of attorney to the application.

5 (c) An individual who assists another individual in completing
6 a document under this section shall state under the penalties for
7 perjury the following information on, or attached to, the
8 document:

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

12 (2) The date this assistance was provided.

13 (3) That the individual providing the assistance has complied
14 with any applicable Indiana law governing the document.

15 (4) That the individual has no knowledge or reason to believe
16 that the individual assisted:

17 (A) is ineligible to vote or otherwise submit the document;
18 or

19 (B) did not properly complete and sign the document.

20 When providing assistance to another individual, the individual
21 providing assistance must, in the other individual's presence and
22 with the other individual's consent, provide the assistance.

23 Sec. 10. A voter voting by a paper ballot or on a ballot card may
24 mark the ballot with a pen or a lead pencil.

25 Sec. 11. An individual may not engage in electioneering (as
26 defined in IC 3-14-3-16) in the presence of a voter whom the
27 individual knows possesses a ballot as provided in this article.

28 Chapter 2. Preparation of Ballots

29 Sec. 1. Each circuit court clerk shall:

30 (1) not less than sixty (60) days before the date on which a
31 primary, general, or municipal election is held; or

32 (2) not more than three (3) days after the date on which a
33 special election is ordered;

34 estimate the number of ballots that will be required in the county
35 for the election.

36 Sec. 2. (a) All ballots other than those described in
37 IC 3-11.1-6-11 shall be prepared and printed under the direction
38 of each county election board. After completing the estimate
39 required by section 1 of this chapter and receiving all certifications
40 from the election division required under IC 3-8 or IC 3-10, the
41 county election board shall immediately proceed to prepare the
42 ballots and have them printed.



1 (b) Except as provided in subsection (c), ballots prepared by the
 2 county election board under this section must provide space for the
 3 voter to cast a write-in vote.

4 (c) A column or row for write-in voting for candidates for
 5 federal offices must be provided. A column or row for write-in
 6 voting for candidates for a state, local, school board, or other office
 7 is not required if there are no declared write-in candidates for that
 8 office.

9 Sec. 3. The ballots that are prepared and printed under the
 10 direction of a county election board shall be delivered to the circuit
 11 court clerk (or the board of elections and registration) not later
 12 than fifty (50) days before a general, primary, special, or municipal
 13 election.

14 Sec. 4. Each package of ballots delivered to a circuit court clerk
 15 shall be plainly marked, on an appropriate attached label, with the
 16 words: "This package contains _____ (giving number of ballots)
 17 ballots.". The clerk shall securely keep all ballots in the clerk's
 18 office and shall send them to voters as provided in this article.

19 Sec. 5. Each circuit court clerk shall do all of the following:

- 20 (1) Keep a separate ballot record for each precinct in the
 21 county.
- 22 (2) Keep a record of the number of ballots sent to each voter.
- 23 (3) Keep a record of the number of ballots voted under
 24 IC 3-11.1-8.
- 25 (4) Keep a record of the names of the voters who voted under
 26 IC 3-11.1-8.

27 Chapter 3. General Election Ballot Form

28 Sec. 1. Each county election board shall have the:

- 29 (1) names of all candidates for election to office or retention
 30 in office; and
- 31 (2) state and local public questions;
 32 in election districts wholly or partially within the county printed on
 33 a ballot as provided in this chapter. The county may print all
 34 offices on a single ballot under this section.

35 Sec. 2. Each type of ballot must be:

- 36 (1) of uniform size;
- 37 (2) of the same quality and color of paper; and
- 38 (3) sufficiently thick that the printing cannot be distinguished
 39 from the back.

40 Sec. 3. The nominees of a:

- 41 (1) major political party;
- 42 (2) political party described by IC 3-8-4-10; or



1 **(3) group of petitioners under IC 3-8-6 who are identified by**
 2 **the petition as the nominees of a political party;**
 3 **shall be listed on the ballots under the name of the party or**
 4 **petitioners as designated by them in their certificate or petition. If**
 5 **the same device is selected by two (2) parties it shall be given to the**
 6 **party that first filed the device under IC 3-8-7-11.**

7 **Sec. 4. (a) The device selected and list of nominees shall be**
 8 **placed on the ballots as follows:**

9 **(1) The major political party whose candidate received the**
 10 **greatest number of votes in the county for secretary of state**
 11 **at the most recent election for secretary of state shall be**
 12 **placed in the first column or row on the left side of all ballots.**

13 **(2) The major political party whose candidate received the**
 14 **second greatest number of votes in the county for secretary of**
 15 **state at the most recent election for secretary of state shall be**
 16 **placed in the second column or row.**

17 **(3) Each other political party shall be placed successively in**
 18 **the order of the number of votes that the party's candidate for**
 19 **secretary of state received at the most recent election for**
 20 **secretary of state.**

21 **(b) If a political party did not have a candidate for secretary of**
 22 **state at the most recent election for secretary of state, or if a**
 23 **nominee is an independent candidate (or an independent ticket for**
 24 **President and Vice President of the United States or for governor**
 25 **and lieutenant governor), the party, independent candidate, or**
 26 **ticket shall be placed on the ballot after the parties described in**
 27 **subsection (a). If more than one (1) political party, independent**
 28 **candidate, or ticket that has qualified to be on the ballot did not**
 29 **have a candidate for secretary of state in the most recent election**
 30 **for secretary of state, those parties, candidates, or tickets shall be**
 31 **listed on the ballot in the order in which the party, candidate, or**
 32 **ticket filed its petition of nomination under IC 3-8-6-12.**

33 **(c) Subject to subsection (e), a column or row for write-in voting**
 34 **shall be placed to the right of all party and independent columns on**
 35 **the ballot.**

36 **(d) This subsection applies to a county having a population of**
 37 **more than four hundred thousand (400,000) but less than seven**
 38 **hundred thousand (700,000). If there is insufficient room on a row**
 39 **to list each candidate of a political party, a second or subsequent**
 40 **row may be utilized. However, a second or subsequent row may not**
 41 **be utilized unless the first row, and all preceding rows, have been**
 42 **filled.**



1 (e) A column or row for write-in voting for candidates for
 2 federal offices must be provided. A column or row for write-in
 3 voting for candidates for a state, local, school board, or other office
 4 is not required if there are no declared write-in candidates for that
 5 office.

6 Sec. 5. The following statement shall be printed in underlined
 7 print at the very top of a ballot: "It is a crime to falsify this ballot
 8 or to violate Indiana election laws."

9 Sec. 6. (a) Except as provided in subsection (b), all instructions
 10 must be printed at the top of the ballot immediately below the
 11 statement required by section 5 of this chapter. No other
 12 instructions or writing may appear at any other place on the ballot,
 13 including the ballot for federal and state offices, except as specified
 14 by this title.

15 (b) The instructions must be in English and any other language
 16 that the board considers necessary. The language must be clear,
 17 concise, and written so that a voter will not be confused about the
 18 effect of the voter's voting mark and vote.

19 (c) This subsection applies only to voting that occurs at the
 20 office of the circuit court clerk, a satellite office, or a vote center.
 21 At the discretion of the county election board, general instructions
 22 to the voters required by this title to be placed at the front of the
 23 ballot may be posted in writing in each voting booth instead of
 24 printing the instructions on the ballot.

25 Sec. 7. The device of each political party or independent ticket
 26 described in section 4 of this chapter shall be:

- 27 (1) enclosed in a circle not less than three-fourths (3/4) of an
 28 inch in diameter; and
 29 (2) placed under the name of the party, independent
 30 candidate, or ticket, as required by section 4 of this chapter.

31 Sec. 8. (a) Public questions shall be placed on the general
 32 election ballot in the following order after the statement described
 33 in section 5 of this chapter, and the instructions described in
 34 subsections (d) and (e) and section 6 of this chapter, if instructions
 35 are printed on the ballot:

- 36 (1) Ratification of a state constitutional amendment.
 37 (2) Local public questions.

38 Subject to section 15 of this chapter, each public question shall be
 39 placed in a separate column or row on the ballot.

40 (b) The name or title of the political party, independent
 41 candidate, or ticket described in section 4 of this chapter shall be
 42 placed on the general election ballot after the public questions



1 described in subsection (a). The device of the political party,
 2 independent candidate, or ticket shall be placed immediately under
 3 the name of the political party, independent candidate, or ticket.
 4 The instructions for voting a straight party ticket shall be placed
 5 to the right of the device, if instructions are printed on the ballot.

6 (c) The instructions for voting a straight party ticket must
 7 conform as nearly as possible to the following:

8 "(1) To vote a straight (insert political party name) ticket for
 9 all (insert political party name) candidates on this ballot,
 10 except for candidates described in (2) below, make a voting
 11 mark on or in this circle and do not make any other marks on
 12 this ballot.

13 (2) To vote for any candidate for an at-large office for (insert
 14 county council, city common council, town council, or
 15 township board if those offices appear on this ballot), you
 16 must make another voting mark for each candidate you wish
 17 to vote for. Your straight party vote will not count as a vote
 18 for any candidate for that office.

19 (3) If you wish to vote for a candidate seeking a nonpartisan
 20 office or on a public question, you must make another voting
 21 mark to the left of the candidate's name or the statement of
 22 the public question."

23 (d) Except as permitted under section 6(c) of this chapter, if the
 24 ballot contains an independent ticket described in section 4 of this
 25 chapter and at least one (1) other independent candidate, the ballot
 26 must also contain a statement that reads substantially as follows:
 27 "A vote cast for an independent ticket will be counted only for the
 28 candidates for President and Vice President or governor and
 29 lieutenant governor comprising that independent ticket. This vote
 30 will NOT be counted for any OTHER independent candidate
 31 appearing on the ballot."

32 (e) Except as permitted under section 6(c) of this chapter, the
 33 ballot must also contain a statement that reads substantially as
 34 follows: "A write-in vote will NOT be counted unless the vote is for
 35 a DECLARED write-in candidate. To vote for a write-in candidate,
 36 you must make a voting mark on or in the square to the left of the
 37 name you have written in or your vote will not be counted."

38 (f) Subject to section 15 of this chapter, the list of candidates of
 39 the political party shall be placed immediately under the
 40 instructions for voting a straight party ticket. The names of the
 41 candidates shall be placed three-fourths (3/4) of an inch apart from
 42 center to center of the name. The name of each candidate must



1 have, immediately on its left, a square three-eighths (3/8) of an inch
2 on each side.

3 (g) The circuit court clerk may authorize the printing of ballots
4 containing a ballot variation code to ensure that the proper version
5 of a ballot is used by voters for a particular precinct.

6 Sec. 9. The name of a write-in candidate may not be printed on
7 any ballot.

8 Sec. 10. The following offices shall be placed on the general
9 election ballot in the following order after the public questions
10 described in section 8(a) of this chapter:

11 (1) Federal and state offices:

12 (A) President and Vice President of the United States.

13 (B) United States Senator.

14 (C) Governor and lieutenant governor.

15 (D) Secretary of state.

16 (E) Auditor of state.

17 (F) Treasurer of state.

18 (G) Attorney general.

19 (H) United States Representative.

20 (2) Legislative offices:

21 (A) State senator.

22 (B) State representative.

23 (3) Circuit offices and county judicial offices:

24 (A) Judge of the circuit court, and unless otherwise
25 specified under IC 33, with each division separate if there
26 is more than one (1) judge of the circuit court.

27 (B) Judge of the superior court, and unless otherwise
28 specified under IC 33, with each division separate if there
29 is more than one (1) judge of the superior court.

30 (C) Judge of the probate court.

31 (D) Prosecuting attorney.

32 (E) Clerk of the circuit court.

33 (4) County offices:

34 (A) County auditor.

35 (B) County recorder.

36 (C) County treasurer.

37 (D) County sheriff.

38 (E) County coroner.

39 (F) County surveyor.

40 (G) County assessor.

41 (H) County commissioner.

42 (I) County council member, except as provided in section



- 1 11 of this chapter.
- 2 **(5) Township offices:**
- 3 **(A) Township assessor (only in a township referred to in**
- 4 **IC 36-6-5-1(d)).**
- 5 **(B) Township trustee.**
- 6 **(C) Township board member, except as provided in section**
- 7 **11 of this chapter.**
- 8 **(D) Judge of the small claims court.**
- 9 **(E) Constable of the small claims court.**
- 10 **(6) City offices:**
- 11 **(A) Mayor.**
- 12 **(B) Clerk or clerk-treasurer.**
- 13 **(C) Judge of the city court.**
- 14 **(D) City-county council member or common council**
- 15 **member, except as provided in section 11 of this chapter.**
- 16 **(7) Town offices:**
- 17 **(A) Clerk-treasurer.**
- 18 **(B) Judge of the town court.**
- 19 **(C) Town council member, except as provided in section 11**
- 20 **of this chapter.**
- 21 **Sec. 11. (a) This section applies whenever more than one (1)**
- 22 **candidate may be elected to an office.**
- 23 **(b) The office shall be placed on the general election ballot after**
- 24 **the offices described in section 10 of this chapter and before the**
- 25 **offices described in section 12 of this chapter.**
- 26 **(c) The ballot shall contain a statement reading substantially as**
- 27 **follows above the name of the first candidate: "To vote for any**
- 28 **candidate for this office, you must make a voting mark for each**
- 29 **candidate you wish to vote for. A straight party vote will not count**
- 30 **as a vote for any candidate for this office."**
- 31 **Sec. 12. (a) School board offices to be elected at the general**
- 32 **election shall be placed on the general election ballot after the**
- 33 **offices described in section 11 of this chapter with each candidate**
- 34 **for the office designated as "nonpartisan".**
- 35 **(b) If the ballot contains a candidate for a school board office,**
- 36 **the ballot must also contain a statement that reads substantially as**
- 37 **follows: "To vote for a candidate for this office, make a voting**
- 38 **mark on or in the square to the left of the candidate's name."**
- 39 **Sec. 13. (a) The following offices shall be placed on the general**
- 40 **election ballot in the following order after the offices described in**
- 41 **section 12 of this chapter:**
- 42 **(1) Retention of a justice of the supreme court.**



- 1 (2) Retention of a judge of the court of appeals.
 2 (3) Retention of the judge of the tax court.
 3 (b) Whenever more than one (1) justice of the supreme court is
 4 subject to retention, the name of each justice must appear on the
 5 ballot in alphabetical order. However, if the justice serving as chief
 6 justice is subject to retention, the chief justice's name must appear
 7 first.
 8 (c) Whenever more than one (1) judge of the court of appeals is
 9 subject to retention, the name of each judge must appear on the
 10 ballot in alphabetical order. However, if the judge serving as chief
 11 judge is subject to retention, the chief judge's name must appear
 12 first.
 13 (d) These offices shall be placed in a separate column or row on
 14 the ballot.
 15 Sec. 14. (a) The following offices shall be placed on the general
 16 election ballot in the following order after the offices described in
 17 section 13 of this chapter:
 18 (1) Retention of a local judge.
 19 (2) Local nonpartisan judicial offices.
 20 (b) These offices shall be placed in a separate column or row on
 21 the ballot.
 22 (c) If the ballot contains a candidate for a local nonpartisan
 23 judicial office, the ballot must also contain a statement that reads
 24 substantially as follows: "To vote for a candidate for this office,
 25 make a voting mark on or in the square to the left of the
 26 candidate's name."
 27 (d) If more than one (1) question concerning the retention of a
 28 local judge is to be placed on a ballot, the questions shall be placed
 29 on the ballot:
 30 (1) in alphabetical order according to the surname of the local
 31 judge; and
 32 (2) identifying the court (including division or room) in which
 33 the judge serves.
 34 Sec. 15. (a) This section applies only to a public question
 35 concerning the retention in office of a judge of the Marion superior
 36 court under IC 33-33-49.
 37 (b) The question of the retention of the judge at the general
 38 election shall be placed on the ballot at the same column or row
 39 level of the ballot at which the question of other judges is placed on
 40 the ballot but in a column or row in which independent candidates
 41 are placed on the ballot.
 42 (c) If the question of the retention of more than one (1) judge is



1 placed on a ballot, the judges shall be placed on the ballot in
2 alphabetical order according to surname.

3 **Sec. 16. (a)** Whenever candidates are to be elected to an office
4 that includes more than one (1) district, the districts shall be placed
5 on the ballot in alphabetical or numerical order, according to the
6 designation given to the districts.

7 **(b)** Whenever candidates are to be elected to a school board
8 office that includes both an at-large member and a member
9 representing a district, the candidates seeking election as a member
10 representing a district shall be placed on the ballot before
11 candidates seeking election as an at-large member.

12 **Sec. 17.** Notwithstanding section 10 of this chapter, the county
13 election board may alter the prescribed ballot order to place the
14 names of the candidates for the following offices before the names
15 of the candidates for county judicial offices:

16 (1) Prosecuting attorney.

17 (2) Clerk of the circuit court.

18 (3) The county offices listed in section 10(4) of this chapter.

19 **Sec. 18. (a)** This section applies to candidates for election to
20 at-large seats on the fiscal or legislative body of a political
21 subdivision.

22 **(b)** Candidates shall be listed in alphabetical order according to
23 surname within each column or row on the ballot.

24 **(c)** In each column or row on the ballot in which the names of
25 candidates appear, the ballot shall contain a statement reading
26 substantially as follows above the name of the first candidate:
27 "Vote for not more than (insert number of candidates to be
28 elected) candidates of ANY party for this office."

29 **(d)** If more than one (1) candidate for an at-large seat was
30 nominated by the same petition of nomination, these candidates
31 shall be listed in alphabetical order by surname within the same
32 column or row on the ballot, with the position of the column or row
33 being determined under section 4 of this chapter.

34 **Sec. 19. (a)** This section applies to candidates for election to
35 at-large seats on the governing body of a school corporation.

36 **(b)** Candidates shall be listed in alphabetical order according to
37 surname.

38 **(c)** The ballot shall contain a statement reading substantially as
39 follows above the name of the first candidate: "Vote for not more
40 than (insert number of candidates to be elected) candidates for this
41 office."

42 **Sec. 20. (a)** A public question shall be placed on the general



1 election ballot in the following form:

2 (The explanatory text for the public question,
3 if required by law)

4 "Shall (insert public question)?"

5 YES

6 NO.

7 (b) In addition to any other explanatory text required by law,
8 the ballot must also contain a statement that reads substantially as
9 follows: "To vote on this public question, make a voting mark on
10 or in the square to the left of the word "YES" or "NO"."

11 (c) Except as expressly authorized or required by statute, the
12 commission, the election division, or a county election board may
13 not authorize the printing or use of ballots that contain language
14 concerning the public question other than the language authorized
15 by a statute.

16 Sec. 21. (a) If an election board determines that a ballot printed
17 under the authority of the election board does not comply with a
18 requirement imposed by this title or contains any other error or
19 omission that might result in confusion or mistakes by voters, the
20 board shall:

21 (1) reprint or correct the ballot; or

22 (2) conduct a public hearing concerning the defective ballots.

23 (b) The board may conduct the hearing after informing each
24 political party, ticket, or candidate that the board determines may
25 have an interest in the matter.

26 (c) At the hearing, the board shall hear any testimony offered by
27 a person concerning the defective ballots and shall make findings
28 of fact concerning the following:

29 (1) The number of ballots, if any, containing the error or
30 omission that have already been cast.

31 (2) The cost of correcting the error through the use of
32 reprinted ballots or any other suitable method.

33 (3) Whether the error or omission would be likely to cause
34 confusion or mistakes by voters.

35 (4) Whether any voter objects to the use of the ballots,
36 notwithstanding the error or omission.

37 (d) If:

38 (1) a voter does not file a written objection to the use of the
39 ballots with the board before the board concludes the hearing;
40 and

41 (2) the board determines that the use of the ballots would not
42 likely cause confusion or mistakes by voters;



1 the board shall authorize the use of the defective ballots,
2 notwithstanding the error or omission.

3 (e) If:

4 (1) a voter files a written objection to the use of the ballots
5 with the board before the board concludes the hearing; or

6 (2) the board determines that the use of the ballots would
7 likely cause confusion or mistakes by voters;

8 the board shall order the ballots to be reprinted or altered to
9 conform with the requirements of this title.

10 (f) If the board acts under subsection (a) or (e), a voter who has
11 already voted a defective ballot is entitled to recast the voter's
12 ballot in accordance with IC 3-11.1-4-7 or IC 3-11.5-4-2.
13 Notwithstanding the issuance of an order under subsection (e), a
14 defective ballot shall be counted if the intent of the voter can be
15 determined and the ballot would otherwise be counted under
16 IC 3-12-1.

17 **Chapter 4. Sending Ballots to Voters**

18 **Sec. 1.** Not later than seven (7) days after the delivery of ballots
19 under IC 3-11.1-2-3, the county election board shall mail the
20 official ballot, postage fully prepaid, to each active voter at the
21 address stated in the voter's voter registration record.

22 **Sec. 2.** Subject to IC 3-5-4-9, a ballot that is mailed under this
23 chapter must bear the circuit court clerk's official seal and
24 signature or facsimile signature on the back of the ballot. Before
25 the ballot is mailed, the two (2) appointed members of the county
26 election board or their designated representatives shall place their
27 initials in ink on the back of the ballot. The initials must be in the
28 individual's ordinary handwriting or printing and without a
29 distinguishing mark of any kind. No other initialing of the ballot is
30 necessary.

31 **Sec. 3.** (a) A ballot mailed under this chapter shall be enclosed
32 in an envelope, unsealed and stamped for return to the county
33 election board by at least first class mail.

34 (b) One (1) side of the envelope must bear the name, official
35 title, and post office address of the county election board.

36 (c) The county election board shall furnish the pre-addressed,
37 stamped envelope described in this section.

38 **Sec. 4.** (a) An affidavit conforming with 52 U.S.C. 20302(b) shall
39 be printed on the other side of the envelope required by section 3
40 of this chapter. The envelope must include the name of the precinct
41 completed by the county election board. The affidavit must provide
42 that the voter affirms under penalty of perjury that the following



1 information is true:

2 (1) That the voter is:

3 (A) a resident of; or

4 (B) entitled under IC 3-10-11 or IC 3-10-12 to vote in;
5 the precinct.

6 (2) The voter's complete residence address, including the
7 name of the city or town and county.

8 (3) That the voter is entitled to vote in the precinct, the type
9 of election to be held, and the date of the election.

10 (4) That the voter has done one (1) of the following:

11 (A) The voter has personally marked the enclosed ballot in
12 secret and has enclosed it in the envelope and sealed it
13 without exhibiting it to any other individual.

14 (B) The voter personally marked the enclosed ballot,
15 enclosed it in the envelope, and sealed it with the assistance
16 of an individual:

17 (i) whose name is written on the envelope; and

18 (ii) who affirms under penalty of perjury that the voter
19 was not coerced or improperly influenced by the
20 individual assisting the voter or any other person, in a
21 manner prohibited by Indiana or federal law, to cast the
22 ballot for or against any candidate, political party, or
23 public question.

24 (C) As the properly authorized attorney in fact for the
25 voter under IC 30-5-5-14, the attorney in fact affirms the
26 voter personally marked the enclosed ballot in secret and
27 enclosed it in the envelope and sealed it without exhibiting
28 it to the attorney in fact or to any other individual.

29 (5) The date and the voter's signature.

30 (b) If the affidavit is signed by an attorney in fact, the name of
31 the attorney in fact must be printed.

32 (c) A guardian or conservator of an individual may not sign an
33 affidavit for the voter under this section unless the guardian or
34 conservator also holds a power of attorney authorizing the
35 guardian or conservator to sign the affidavit.

36 (d) The side of the envelope containing this affidavit must also
37 set forth the penalties for perjury.

38 Sec. 5. (a) The circuit court clerk shall keep the following
39 information in a record in the clerk's office for each ballot mailed
40 under this chapter:

41 (1) The name of the voter.

42 (2) The date the ballot is sent to the voter.



- 1 (3) The address to which the ballot is sent.
 2 (4) The date the ballot is received from the voter.
 3 (5) Any other information the county election board considers
 4 necessary or useful.
 5 (b) The circuit court clerk shall keep the following information
 6 regarding absent uniformed services voters and overseas voters:
 7 (1) The combined total number of ballots sent by the county
 8 to absent uniformed services voters and overseas voters.
 9 (2) The total number of ballots returned by voters described
 10 in subdivision (1) in time to be counted.
 11 (3) The total number of ballots described in subdivision (1)
 12 that were counted in whole or in part.
 13 (4) Any other information the county election board considers
 14 necessary or useful.
 15 Sec. 6. (a) This section applies when a voter:
 16 (1) has been mailed a ballot under this article; and
 17 (2) notifies the county election board that the ballot has been
 18 destroyed, spoiled, lost, or not received by the voter after a
 19 reasonable time has elapsed for delivery of the ballot by mail.
 20 (b) As required under 52 U.S.C. 21081, the voter may obtain a
 21 replacement ballot under the procedures set forth in this chapter
 22 after the voter files a statement with the county election board. The
 23 statement must affirm, under penalties for perjury, that either of
 24 the following applies:
 25 (1) The voter did not receive the ballot.
 26 (2) The voter received the ballot, but it was destroyed, spoiled,
 27 or lost. In this case, the statement must also set forth any facts
 28 known by the voter concerning the destruction, spoiling, or
 29 loss of the ballot.
 30 (c) After a voter files the statement required under subsection
 31 (b), the county election board may issue a replacement ballot to the
 32 voter in accordance with this chapter and shall include information
 33 regarding the replacement ballot in the county election board's
 34 records.
 35 (d) The county election board shall enclose the replacement
 36 ballot in an envelope that complies with section 3 of this chapter.
 37 The envelope must contain a notation that the envelope contains a
 38 replacement ballot.
 39 (e) After receiving the replacement ballot, the voter shall
 40 destroy any spoiled ballot in the voter's possession or any lost or
 41 delayed ballot that comes into the possession of the voter.
 42 (f) If the county election board receives both an original ballot



1 and a replacement ballot issued under this section from the same
 2 voter, the board shall reject the original ballot and consider only
 3 the replacement ballot.

4 **Sec. 7. (a) This section applies to a voter who:**

5 (1) votes a mail ballot that includes a candidate for election to
 6 an office who:

7 (A) ceases to be a candidate; and

8 (B) is succeeded by a candidate selected under IC 3-13-1 or
 9 IC 3-13-2; or

10 (2) casts a replacement ballot under section 6 of this chapter.

11 (b) The voter may recast the voter's ballot under this section. To
 12 obtain another ballot the voter must present a written request for
 13 another ballot from the circuit court clerk under section 6 of this
 14 chapter.

15 (c) Upon receiving a written request under subsection (b), the
 16 circuit court clerk shall do the following:

17 (1) Place the written request with the voter's original ballot.

18 (2) Mark "canceled" on the original ballot.

19 (3) Preserve the original ballot with the other defective
 20 ballots.

21 (4) Deliver a new ballot to the voter.

22 **Chapter 5. Casting Mail Ballots by Voters**

23 **Sec. 1. A voter is not required to provide proof of identification**
 24 **when mailing, delivering, or transmitting a ballot under this**
 25 **chapter.**

26 **Sec. 2. A voter shall, except as provided in section 3 of this**
 27 **chapter, do the following:**

28 (1) Mark the ballot in the presence of no other individual.

29 (2) Fold each ballot separately.

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

31 (4) Enclose each ballot, with the seal and signature of the
 32 circuit court clerk on the outside, together with any unused
 33 ballot, in the envelope provided.

34 (5) Securely seal the envelope.

35 (6) Make and subscribe to the affidavit prescribed by
 36 IC 3-11.1-4-4.

37 (7) Do one (1) of the following:

38 (A) Mail the envelope to the county election board, with
 39 not more than one (1) ballot per envelope.

40 (B) Deliver the envelope to the county election board in
 41 person.

42 (C) Deliver the envelope to a secure lockbox located in the



1 county established by the county election board under
2 IC 3-11.1-7-10.

3 **(D) Give the envelope to a member of the voter's household**
4 **or an individual designated as the attorney in fact for the**
5 **voter under IC 30-5. The individual to whom the voter**
6 **gives the envelope shall then do one (1) of the following:**

7 **(i) Deliver the envelope personally to the county election**
8 **board.**

9 **(ii) Deliver the envelope to the United States Postal**
10 **Service for delivery to the county election board.**

11 **(iii) Deliver the envelope to a bonded courier company**
12 **for delivery to the county election board.**

13 **(iv) Deliver the envelope to a secure lockbox located in**
14 **the county established by the county election board**
15 **under IC 3-11.1-7-10.**

16 **Sec. 3. (a) A voter permitted to transmit the voter's ballot by fax**
17 **or electronic mail under IC 3-11.1-6 is not required to comply with**
18 **section 2 of this chapter.**

19 **(b) The individual designated by the circuit court clerk to**
20 **receive ballots transmitted by fax or electronic mail shall do the**
21 **following upon receipt of a ballot transmitted by fax:**

22 **(1) Note the receipt of the ballot in the circuit court clerk's**
23 **records as other ballots received by the circuit court clerk are**
24 **noted.**

25 **(2) Fold each ballot received from the voter separately so as**
26 **to conceal the marking.**

27 **(3) Enclose each ballot in a blank ballot envelope.**

28 **(4) Securely seal the envelope.**

29 **(5) Mark on the envelope: "Ballot Received by Fax or**
30 **Electronic Mail".**

31 **(6) Securely attach to the envelope the faxed affidavit received**
32 **with the voter's ballot.**

33 **(c) Except as otherwise provided in this title, ballots received by**
34 **fax or electronic mail shall be handled and processed as other**
35 **ballots received by the circuit court clerk are handled and**
36 **processed.**

37 **Sec. 4. (a) If a member of the voter's household or the voter's**
38 **attorney in fact delivers the sealed envelope containing a voter's**
39 **ballot as provided in section 2(7)(D) of this chapter, the individual**
40 **delivering the ballot shall complete an affidavit in a form**
41 **prescribed by the election division. The affidavit must contain the**
42 **following information:**



- 1 (1) The name and residence address of the voter whose ballot
2 is being delivered.
- 3 (2) A statement of the full name, residence and mailing
4 address, and daytime and evening telephone numbers (if any)
5 of the individual delivering the ballot.
- 6 (3) A statement indicating whether the individual delivering
7 the ballot is a member of the voter's household or is the
8 attorney in fact for the voter. If the individual is the attorney
9 in fact for the voter, the individual must attach a copy of the
10 power of attorney for the voter, unless a copy of this
11 document has already been filed with the county election
12 board.
- 13 (4) The date and location at which the ballot was delivered by
14 the voter to the individual delivering the ballot under section
15 2(7)(D) of this chapter.
- 16 (5) A statement that the individual delivering the ballot has
17 complied with Indiana laws governing ballots.
- 18 (6) A statement that the individual delivering the ballot is
19 executing the affidavit under the penalties of perjury.
- 20 (7) A statement setting forth the penalties for perjury.
- 21 (b) The county election board shall record the date and time
22 that the affidavit under subsection (a) was filed with the board.
- 23 Sec. 5. After a voter has mailed or delivered a ballot to the office
24 of the circuit court clerk, the voter may not recast a ballot, except
25 as provided in IC 3-11.1-4-7.
- 26 Chapter 6. Absent Uniformed Services Voters, Overseas Voters,
27 and Address Confidentiality Program Participant Voters
- 28 Sec. 1. This chapter applies, notwithstanding any other
29 provision of this title, to requests for ballots for the following:
- 30 (1) An absent uniformed services voter.
- 31 (2) An overseas voter.
- 32 (3) An address confidentiality program participant.
- 33 Sec. 2. (a) An individual described in section 1 of this chapter
34 may apply for a ballot for the next scheduled primary, general,
35 special, or municipal election by filing either of the following:
- 36 (1) A combined absentee registration form and absentee ballot
37 request approved under 52 U.S.C. 20301(b)(2).
- 38 (2) A form prescribed under IC 3-5-4-8 that identifies the
39 applicant as an absent uniformed services voter, an overseas
40 voter, or an address confidentiality program participant. A
41 form prescribed under this subdivision must permit the
42 applicant to designate whether the applicant wishes to receive



1 ballots by electronic mail, fax, or United States mail.

2 (b) A county election board shall make blank applications
3 available for individuals described in section 1 of this chapter.
4 Except as provided in subsection (c), an individual may apply for
5 a ballot at any time after the registration period resumes under
6 IC 3-7-13-10.

7 (c) This subsection applies to every primary election. An
8 application for a ballot for the primary election may not be
9 received by the circuit court clerk (or, in a county subject to
10 IC 3-6-5.2, the director of the board of elections and registration)
11 earlier than December 1 of the year before the primary election.

12 Sec. 3. If the county election board receives a ballot application
13 from an individual under section 2 of this chapter, the circuit court
14 clerk shall mail to the individual, free of postage as provided by 39
15 U.S.C. 3406, a ballot for the election immediately upon receipt of
16 the ballots under IC 3-11.1-2-3, unless the individual has indicated
17 under section 2 of this chapter that the individual wants to receive
18 the ballot by electronic mail or fax.

19 Sec. 4. (a) Whenever an individual files an application for a
20 ballot and indicates on the application that the individual is an
21 absent uniformed services voter or an overseas voter, the
22 application is an adequate application for a ballot under this
23 chapter for an election conducted during the period that ends on
24 December 31 following the date the application is filed, unless a
25 ballot mailed to the individual at the address set forth in the
26 application is returned to the county election board during that
27 period as undeliverable.

28 (b) The circuit court clerk and county election board shall
29 process the application and send a ballot to the individual in the
30 same manner as other applications and ballots are processed and
31 sent under this article.

32 (c) If an individual entitled to receive a ballot under this section
33 subsequently files a voter registration application for a change of
34 address within the same county or for a change of name or other
35 information set forth in the individual's voter registration record,
36 the previously approved application remains effective for the same
37 period, unless the acknowledgment notice sent to the voter at that
38 address is returned by the United States Postal Service due to an
39 unknown or insufficient address in accordance with IC 3-7-33-5.

40 (d) If an individual entitled to receive a ballot under this section
41 subsequently files a voter registration application for an address
42 that is not located in the same county, the individual must file a



1 new application under this chapter with the appropriate county
2 election board.

3 **Sec. 5. (a)** Whenever an individual voter described in section
4 1(3) of this chapter files an application for a primary election ballot
5 and indicates on the application that the voter is an address
6 confidentiality program participant, the application is an adequate
7 application for a ballot under this chapter for an election
8 conducted during the period that ends on December 31 following
9 the date the application is filed. The circuit court clerk and county
10 election board shall process this application and send a ballot to the
11 individual in the same manner as other applications and ballots are
12 processed and sent under this article.

13 **(b)** The name, address, telephone number, and any other
14 identifying information relating to an address confidentiality
15 program participant, as contained in a voter registration record,
16 is declared confidential for purposes of IC 5-14-3-4(a)(1). The
17 county voter registration office may not disclose for public
18 inspection or copying a name, an address, a telephone number, or
19 any other information described in this subsection, as contained in
20 a voter registration record, except as follows:

21 (1) To a law enforcement agency, upon request.

22 (2) As directed by a court order.

23 **Sec. 6.** The county election board shall transmit a ballot to and
24 receive a ballot from an absent uniformed services voter or an
25 overseas voter by electronic mail or fax at the request of the voter
26 indicated in the application filed under this chapter. If the voter
27 wants to submit ballots by fax or electronic mail, the voter must
28 separately sign and date a statement submitted with the electronic
29 mail or the fax transmission that states substantively the following:
30 "I understand that by faxing or e-mailing my voted ballot I am
31 voluntarily waiving my right to a secret ballot."

32 **Sec. 7. (a)** The county election board shall send confirmation to
33 a voter described in section 6 of this chapter that the voter's ballot
34 has been received as follows:

35 (1) If the voter provides a fax number to which a confirmation
36 may be sent, the county election board shall send the
37 confirmation to the voter at the fax number provided by the
38 voter.

39 (2) If the voter provides an electronic mail address to which
40 a confirmation may be sent, the county election board shall
41 send the confirmation to the voter at the electronic mail
42 address provided by the voter.



(3) If:

(A) the voter does not provide a fax number or an electronic mail address; or

(B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's ballot;

the county election board shall send the confirmation by United States mail.

(b) The county election board shall send the confirmation required by this section not later than the end of the first business day after the county election board receives the voter's ballot.

Sec. 8. (a) Upon approval of an individual's application, a county election board shall transmit ballots to an absent uniformed services voter or an overseas voter by electronic mail under a program authorized and administered by the Federal Voting Assistance Program of the United States Department of Defense or directly to the individual at the individual's electronic mail address, if requested to do so by the individual.

(b) An individual described by this section may transmit a voted ballot to a county election board by electronic mail. If an individual described in this section transmits a voted ballot through the United States Department of Defense program, the ballot must be transmitted in accordance with the procedures established under that program. An electronic mail message transmitting a voted ballot under this subsection must include a digital image of the voter's signature on the statement required under section 6 of this chapter.

Sec. 9. (a) An application under this chapter must be made on a standard form approved under 52 U.S.C. 20301(b) or on the form prescribed by the election division.

(b) An application under this chapter from an:

(1) absent uniformed services voter; or

(2) address confidentiality program participant;

must show that the voter or program participant is a resident otherwise qualified to vote in the precinct.

(c) An application under this chapter from an overseas voter must show that the overseas voter was a resident and otherwise qualified to vote in the precinct where the voter resided before leaving the United States.

Sec. 10. (a) This section applies to an overseas voter described in IC 3-5-2-34.5(3).



1 (b) An overseas voter who resides outside the United States and
 2 who is no longer a resident of a precinct in Indiana is entitled to
 3 receive a ballot only for federal offices under this chapter.

4 (c) A voter described in subsection (a) is considered to be a voter
 5 of the Indiana precinct where the voter registration office of the
 6 county where the person was domiciled before leaving the United
 7 States is located.

8 **Sec. 11. (a)** This section applies to an absent uniformed services
 9 voter or overseas voter.

10 (b) If a voter makes a timely application for and does not receive
 11 a ballot from a county election board, the voter may use a federal
 12 write-in absentee ballot in the form prescribed by the Federal
 13 Voting Assistance Program of the United States Department of
 14 Defense and in accordance with the requirements set forth in 52
 15 U.S.C. 20303 to cast a vote by mail, electronic mail, or fax for any
 16 of the following:

17 (1) Any candidate for nomination at a primary election.

18 (2) Any candidate, political party, or public question on a
 19 general election, municipal election, or special election ballot.

20 (c) The voluntary waiver of confidentiality under section 6 of
 21 this chapter is not required for a federal write-in absentee ballot.

22 (d) When a county election board receives a federal write-in
 23 absentee ballot, the board shall process the ballot as prescribed by
 24 IC 3-11.1-5-3.

25 **Chapter 7. Receipt of Ballots**

26 **Sec. 1. (a)** A county election board must receive a mail ballot not
 27 later than 6 p.m. on election day.

28 (b) A mail ballot received by the county election board after 6
 29 p.m. is considered as arriving too late and may not be opened
 30 except as required by a court order.

31 **Sec. 2. (a)** Upon receipt of a mail ballot, the voter board in the
 32 office of the circuit court clerk shall immediately examine the
 33 signature of the voter to determine its genuineness.

34 (b) This subsection does not apply to a ballot cast by a voter
 35 permitted to transmit the voter's ballot by fax or electronic mail
 36 under IC 3-11.1-6. The board shall compare the signature as it
 37 appears upon the envelope containing the ballot with the signature
 38 of the voter as it appears in the voter's voter registration record.
 39 The board may also compare the signature on the ballot envelope
 40 with any other admittedly genuine signature of the voter.

41 (c) This subsection applies to a ballot cast by a voter permitted
 42 to transmit the voter's ballots by fax or electronic mail under



1 IC 3-11.1-6. The board shall compare the signature as it appears
 2 on the affidavit transmitted with the voter's ballot to the voter's
 3 signature as it appears in the voter's voter registration record. The
 4 board may also compare the signature on the affidavit with any
 5 other admittedly genuine signature of the voter.

6 (d) If a member of the board questions whether a signature on
 7 a ballot envelope or transmitted affidavit is genuine, the matter
 8 shall be referred to the county election board for consideration
 9 under section 4 of this chapter.

10 Sec. 3. (a) Upon receipt of a ballot from a voter required to
 11 provide additional information to the county voter registration
 12 office under IC 3-7-33-4.5, the county election board shall contact
 13 the county voter registration office to determine if the voter has
 14 filed the additional information with the office.

15 (b) If the voter has filed the information with the county voter
 16 registration office, the county election board shall add a notation
 17 to the ballot indicating that the required information has been filed
 18 and that the ballot may be counted if the ballot otherwise is entitled
 19 to be counted under this title.

20 (c) If the voter has not filed the information with the county
 21 voter registration office, the county election board shall add a
 22 notation to the ballot reading substantially as follows:

23 "BALLOT COUNTER: AS OF (insert date the ballot is
 24 received) THIS VOTER WAS REQUIRED TO FILE
 25 ADDITIONAL DOCUMENTATION WITH THE COUNTY
 26 VOTER REGISTRATION OFFICE BEFORE THIS
 27 BALLOT MAY BE COUNTED. CHECK WITH THE
 28 COUNTY ELECTION BOARD TO SEE IF THE VOTER
 29 HAS FILED THIS INFORMATION. IF NOT, PROCESS AS
 30 A PROVISIONAL BALLOT IF THIS BALLOT
 31 OTHERWISE COMPLIES WITH INDIANA LAW."

32 (d) Not later than noon on election day, the county voter
 33 registration office shall visit the appropriate post office to accept
 34 delivery of mail containing documentation submitted by a voter to
 35 comply with IC 3-7-33-4.5. The office shall immediately notify the
 36 county election board regarding the filing of this documentation to
 37 permit the board to provide certification of this filing to the ballot
 38 counters.

39 Sec. 4. If a county election board unanimously finds that the
 40 signature on a ballot envelope or transmitted affidavit is not
 41 genuine, the board shall write upon the ballot envelope or
 42 transmitted affidavit the following:



- 1 **"The county election board has rejected this ballot because**
 2 **the signature of this voter is not genuine."**
- 3 **Sec. 5. If a county election board is unable to unanimously**
 4 **determine whether the signature on a ballot envelope is genuine,**
 5 **the board shall write upon the ballot envelope or transmitted**
 6 **affidavit the words "Signature Disputed".**
- 7 **Sec. 6. If the voter board (or the county election board**
 8 **unanimously) finds that the signature on a ballot envelope or**
 9 **transmitted affidavit is genuine, the board shall immediately**
 10 **enclose the accepted and unopened ballot envelope in a large or**
 11 **carrier envelope. The envelope shall be securely sealed and**
 12 **endorsed with the name and official title of the circuit court clerk**
 13 **and the following words:**
- 14 **"This envelope contains a ballot and must be opened only on**
 15 **election day under IC 3-11.1."**
- 16 **Sec. 7. Each circuit court clerk shall keep all accepted ballot**
 17 **envelopes securely in the clerk's office until the ballot envelopes are**
 18 **opened by ballot counters in accordance with IC 3-11.5.**
- 19 **Sec. 8. (a) During the period that ballots are being received,**
 20 **each county election board shall keep the ballots in cabinets, boxes,**
 21 **or a room upon which there are two (2) locks, one (1) for each of**
 22 **the appointed members of the board.**
- 23 **(b) Each day the ballots shall be placed in the cabinets, boxes, or**
 24 **room under the direction of the appointed members of the board.**
 25 **If an appointed member cannot be present each day, then that**
 26 **member shall designate someone from the member's political party**
 27 **to be present with the key to the lock at the time the ballots are**
 28 **secured.**
- 29 **Sec. 9. Each circuit court clerk or the clerk's agent shall visit the**
 30 **appropriate post office to accept delivery of ballot envelopes at the**
 31 **latest possible time that will permit acceptance of ballots before 6**
 32 **p.m. on election day.**
- 33 **Sec. 10. (a) As used in this section, "election period" refers to**
 34 **the period of time:**
- 35 **(1) beginning on the day ballots are first mailed to voters; and**
 36 **(2) ending at 6 p.m. on election day.**
- 37 **(b) Each county election board shall acquire and place secure,**
 38 **locked boxes at public locations throughout the county in which**
 39 **voters may deposit their sealed ballots during the election period.**
- 40 **(c) Each county election board shall appoint teams of ballot**
 41 **couriers consisting of two (2) voters of the county, one (1) from**
 42 **each of the two (2) political parties that have appointed members**



1 on the county election board.

2 (d) Not later than 6 p.m. on each day, a team of ballot couriers
3 shall:

4 (1) collect ballots deposited in each of the boxes placed under
5 subsection (b); and

6 (2) return the ballots to the circuit court clerk's office.

7 (e) The county election board may provide for the collection of
8 ballots from the boxes to happen more than one (1) time each day.

9 (f) Upon delivery of ballots by the ballot couriers, the ballots
10 shall be processed as ballots received from the United States Postal
11 Service.

12 Chapter 8. Voting at Circuit Court Clerk's Office, at Satellite
13 Offices, before a Traveling Voter Board, and at Vote Centers

14 Sec. 1. (a) Even though a voter receives a ballot in the mail, if
15 the voter has not returned the ballot, the voter may vote as
16 provided in this chapter under the conditions prescribed by this
17 section.

18 (b) Before the voter may vote under this chapter, the voter must
19 return the ballot to the voter board. The voter's mail ballot shall be
20 marked "canceled" and preserved with other defective ballots.

21 (c) If a voter has marked and returned a ballot, the voter may
22 not vote under this chapter except as provided in this chapter.

23 (d) If an envelope containing a ballot has been marked
24 "Rejected as defective" and the voter appears in person before the
25 polls close at a location where a voter may vote under this chapter,
26 the voter may vote as any other voter voting under this chapter.

27 Sec. 2. (a) As an alternative to voting by mail, a voter is entitled
28 to cast a ballot before a voter board at any of the following:

29 (1) In a county to which IC 3-6-5.2 and IC 3-6-5.4 do not
30 apply, one (1) location of the office of the circuit court clerk
31 designated by the circuit court clerk.

32 (2) In a county in which IC 3-6-5.2 or IC 3-6-5.4 apply, the
33 office of the board of elections and registration.

34 (3) A satellite office established under section 12 of this
35 chapter.

36 (b) Except for a location designated under subsection (a)(1),
37 each location of the office of the circuit court clerk must be
38 established as a satellite office under section 12 of this chapter.

39 Sec. 3. A voter must do the following before being permitted to
40 vote under this chapter:

41 (1) This subdivision does not apply to a county that uses
42 electronic poll books for voting under this section. The voter



1 must sign an application on the form prescribed by the
2 election division.

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

7 (A) Sign the electronic poll book.

8 (B) Provide proof of identification.

9 (C) If the county election board has prescribed an affidavit
10 under section 4 of this chapter that includes a unique
11 identifier to comply with section 11(b) of this chapter, sign
12 the affidavit.

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

17 (A) Sign the electronic poll book.

18 (B) Provide proof of identification.

19 (C) Sign the affidavit prescribed by section 14 of this
20 chapter.

21 Sec. 4. (a) To comply with section 11(b) of this chapter, the
22 county election board may do either of the following:

23 (1) Prescribe an affidavit that includes a unique identifier.

24 (2) Establish a procedure to produce a document, label, or
25 electronic record that is associated with each voter and
26 includes a unique identifier.

27 (b) After the county election board approves an affidavit or
28 procedure described in subsection (a) and before the affidavit or
29 procedure is used in an election, the county election board shall file
30 a copy of the affidavit or a brief description of the procedure with
31 the election division to assist the state recount commission in
32 conducting proceedings under IC 3-12-11.

33 Sec. 5. A voter may vote before the voter board not:

34 (1) more than twenty-eight (28) days; and

35 (2) later than noon on the day;

36 before election day. If the close of a voter registration period is
37 transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a
38 later date due to the Columbus Day holiday, the voter may vote
39 before the board on the first day following the day on which the
40 voter registration period closes.

41 Sec. 6. (a) An absent uniformed services voter who is eligible to
42 vote in the circuit court clerk's office under IC 3-7-36-14 may vote



1 before a voter board not:

- 2 (1) more than twenty-eight (28) days before the election; and
 3 (2) later than noon on election day.

4 If the close of a voter registration period is transferred under
 5 IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the
 6 Columbus Day holiday, the voter may vote before the voter board
 7 on the first day following the day on which the voter registration
 8 period closes.

9 (b) If a voter described in this section wishes to cast a ballot
 10 during the period beginning at noon on the day before election day
 11 and ending at noon on election day, the voter board may receive
 12 and process the ballot at a location designated by resolution of the
 13 county election board.

14 Sec. 7. (a) The voter board in the office of the circuit court clerk
 15 must permit voters to cast ballots under this chapter for at least
 16 seven (7) hours on each of the two (2) Saturdays before election
 17 day.

18 (b) Notwithstanding subsection (a), in a county with a
 19 population of less than twenty thousand (20,000), the voter board
 20 in the office of the circuit court clerk, with the approval of the
 21 county election board, may reduce the number of hours available
 22 to cast ballots under this chapter to a minimum of four (4) hours
 23 on each of the two (2) Saturdays before election day.

24 Sec. 8. As provided by 52 U.S.C. 21081, when a ballot is
 25 provided under this chapter, the board must also comply with
 26 IC 3-11.1-1-4.

27 Sec. 9. A voter casting a ballot under this chapter is entitled to
 28 cast the voter's ballot in accordance with IC 3-11-9.

29 Sec. 10. If:

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

35 the voter shall be permitted to cast a ballot and the voter's ballot
 36 shall be treated as a provisional ballot.

37 Sec. 11. (a) A county election board or board of elections and
 38 registration shall comply with IC 3-11-9-6 by providing an
 39 electronic voting system for voting:

- 40 (1) in the office of the circuit court clerk or the board of
 41 elections and registration; or
 42 (2) at a satellite office established under section 12 of this



- 1 **chapter;**
 2 **by a voter with disabilities or any other qualified voter who wishes**
 3 **to cast a ballot on the electronic voting system.**
 4 **(b) The county election board or board of elections and**
 5 **registration may adopt a resolution under this section to authorize**
 6 **the circuit court clerk to use an electronic voting system for voting**
 7 **by voters eligible to cast a ballot before a voter board under section**
 8 **16 of this chapter. A resolution adopted under this section must be**
 9 **adopted by the unanimous vote of the board's entire membership.**
 10 **(c) A county providing voting under this section must adopt**
 11 **procedures to do the following:**
 12 **(1) Secure votes cast on an electronic voting system that**
 13 **provide protection comparable to the protection provided to**
 14 **votes cast by paper ballot.**
 15 **(2) Compare the signature on a ballot application with the**
 16 **applicant's signature on the applicant's voter registration**
 17 **record.**
 18 **(3) Ensure that an invalid ballot is not counted.**
 19 **(4) Specify how a spoiled ballot is to be canceled in the**
 20 **electronic voting system if a voter casts and returns a**
 21 **replacement ballot.**
 22 **(d) A resolution adopted under this section may contain other**
 23 **provisions to implement this section that the board considers useful**
 24 **and that are not contrary to Indiana or federal law.**
 25 **(e) If a resolution is adopted under this section, the circuit court**
 26 **clerk may use as many electronic voting machines for recording**
 27 **votes as the clerk considers necessary, subject to the resolution**
 28 **adopted by the board.**
 29 **(f) Notwithstanding any other law, a ballot voted on an**
 30 **electronic voting system under this section is not required to bear**
 31 **the seal, signature, and initials prescribed by section 16 of this**
 32 **chapter.**
 33 **(g) If a resolution is adopted under this section, the procedure**
 34 **for casting a ballot on an electronic voting system must, except as**
 35 **provided in this section, be substantially the same as the procedure**
 36 **for casting a ballot in the office of the circuit court clerk under this**
 37 **chapter by paper ballot or ballot card.**
 38 **Sec. 12. (a) A county election board may adopt a resolution to**
 39 **authorize the circuit court clerk to establish satellite offices in the**
 40 **county where voters may cast ballots before a voter board.**
 41 **(b) A resolution adopted under this section must do the**
 42 **following:**



- 1 (1) State the locations of the satellite offices.
 2 (2) State the hours at which voting may occur at the satellite
 3 offices.
 4 (c) The resolution may contain other provisions the board
 5 considers useful.
 6 (d) If a resolution is adopted under this section for a primary
 7 election, the locations of the satellite offices and the hours at which
 8 voting may occur at the satellite offices established for the primary
 9 election must be used for the subsequent general or municipal
 10 election.
 11 (e) If a resolution is adopted under this section, the procedure
 12 for casting a ballot at a satellite office must, except as provided in
 13 this section, be substantially the same as the procedure for casting
 14 a ballot in the office of the circuit court clerk under this chapter.
 15 (f) A satellite office established by a circuit court clerk under
 16 this section must comply with the polling place accessibility
 17 requirements of IC 3-11-8.
 18 (g) A resolution adopted under this section expires January 1 of
 19 the year immediately after the year in which the resolution is
 20 adopted.
- 21 Sec. 13. (a) A voter voting before a voter board shall mark the
 22 voter's ballot in the presence of the board, but not in such a
 23 manner that either of the board members can see for whom the
 24 voter voted, unless the voter requests the help of the board in
 25 marking a ballot under IC 3-11-9.
 26 (b) The voter shall then, in the presence of the board, place the
 27 ballot in an envelope furnished by the county election board.
 28 (c) The circuit court clerk shall provide, to the extent
 29 practicable, the same degree of privacy to voters voting under this
 30 chapter as provided to voters at a vote center on election day.
 31 (d) This subsection applies to a voter required to present
 32 additional information under IC 3-7-33-4.5. If the voter does not
 33 present the required additional information before receiving the
 34 ballot, the ballot shall be processed in accordance with
 35 IC 3-11.1-7-3.
 36 (e) Upon accepting the completed ballot from the voter, the
 37 board shall provide the voter with a notice:
 38 (1) listing the documentation the voter may submit to the
 39 county voter registration office to comply with IC 3-7-33-4.5;
 40 and
 41 (2) stating the address and hours of the county voter
 42 registration office.



1 **Sec. 14. (a) The envelope required by section 13 of this chapter**
 2 **must bear upon its face the following:**

3 **(1) The voter's precinct and township (or ward and city or**
 4 **town).**

5 **(2) Whether the voter is entitled to vote as a resident of the**
 6 **precinct or is entitled to vote under IC 3-10-11 or IC 3-10-12.**

7 **(3) A printed affidavit containing the voter's affirmation**
 8 **under penalties of perjury that the information described in**
 9 **subdivisions (1) and (2) is true.**

10 **(b) The voter must sign and date the affidavit, and the voter**
 11 **board members each must sign the affidavit and print the**
 12 **member's name.**

13 **(c) The voter board must indicate on the affidavit if:**

14 **(1) the board visited the voter in the manner authorized under**
 15 **section 15(c) of this chapter; and**

16 **(2) the voter was a voter with disabilities who was unable to**
 17 **make a voting mark on the ballot or sign the ballot secrecy**
 18 **envelope under section 15(b) of this chapter.**

19 **Sec. 15. (a) A voter who is in the county on election day may**
 20 **vote before a voter board because of:**

21 **(1) illness or injury; or**

22 **(2) caring for a confined person at a private residence.**

23 **(b) A voter with disabilities who:**

24 **(1) is unable to make a voting mark on the ballot or sign the**
 25 **ballot secrecy envelope; and**

26 **(2) requests that the ballot be delivered to an address within**
 27 **Indiana;**

28 **must vote before a voter board under this section.**

29 **(c) If requested by a voter described in subsection (a) or by a**
 30 **voter with disabilities, a voter board shall visit the voter's place of**
 31 **confinement, the residence of the voter with disabilities, or the**
 32 **private residence:**

33 **(1) during the regular office hours of the circuit court clerk;**

34 **(2) at a time agreed to by the board and the voter;**

35 **(3) on any of the nineteen (19) days immediately before**
 36 **election day; and**

37 **(4) only once before an election, unless:**

38 **(A) the confined voter is unavailable at the time of the**
 39 **board's first visit due to a medical emergency; or**

40 **(B) the board, in its discretion, decides to make an**
 41 **additional visit.**

42 **(d) This subsection applies to a voter confined due to illness or**



1 injury. A voter board may not be denied access to the voter's place
 2 of confinement if the board is present at the place of confinement
 3 at a time:

4 (1) agreed to by the board and the voter; and

5 (2) during the regular office hours of the circuit court clerk.

6 A person who knowingly violates this subsection commits
 7 obstruction or interference with an election officer in the discharge
 8 of the officer's duty, a violation of IC 3-14-3-4.

9 (e) The county election board, by unanimous vote of the board's
 10 entire membership, may authorize a voter board to visit a voter
 11 who is confined due to illness or injury and will be outside the
 12 county on election day in accordance with the procedures set forth
 13 in subsection (c).

14 (f) A voter is not required to provide proof of identification
 15 when voting before a voter board under this section.

16 Sec. 16. (a) Subject to IC 3-5-4-9, before a ballot is voted under
 17 section 15 of this chapter before a voter board, it must bear the
 18 circuit court clerk's official seal and signature or facsimile
 19 signature and be initialed by the voter board visiting the voter
 20 under section 15(c) of this chapter (except in a county subject to
 21 subsection (c)).

22 (b) Subject to IC 3-5-4-9, before a ballot is:

23 (1) voted under section 2 of this chapter; or

24 (2) placed in a secrecy envelope if it has been marked using a
 25 marking device for an optical scan ballot;

26 the ballot must bear the circuit court clerk's official seal and
 27 signature or facsimile signature and be initialed by the county
 28 election board or the board's designated representatives under
 29 IC 3-11-4-19.

30 (c) A county election board may adopt a resolution providing
 31 that the ballots to be voted before a voter board visiting the voter
 32 under section 15(c) of this chapter must be initialed by the county
 33 election board or the board's representatives under IC 3-11.1-4-2
 34 and not by the voter board visiting the voter. A resolution adopted
 35 under this subsection remains in effect until rescinded by the
 36 county election board. The election board may not rescind the
 37 resolution during the final sixty (60) days before an election.

38 (d) The initials must be:

39 (1) in ink on the back of the ballot, in the person's ordinary
 40 handwriting or printing, and without a distinguishing mark
 41 of any kind; or

42 (2) in a county using an electronic poll list:



1 (A) printed on the back of the ballot by a printer separate
 2 from the electronic poll list, immediately before the ballot
 3 is delivered to the voter; and

4 (B) the initials of the county election board or the board's
 5 representatives captured through the electronic signature
 6 pad or tablet at the time the county election board or the
 7 board's representatives log into the electronic poll book
 8 system.

9 (e) A resolution adopted under subsection (c) may also provide
 10 that a precinct designation is not required to be preprinted on
 11 ballots printed immediately before the ballot is delivered to a voter,
 12 but may be added in the same manner as the initials of the county
 13 election board or the board's representatives under IC 3-11.1-4-2
 14 are added under subsection (d).

15 (f) No other initialing of the ballot is necessary.

16 Sec. 17. A voter is entitled to vote on election day at a vote
 17 center established under IC 3-11-18.1.

18 Sec. 18. Each day after voting concludes in the circuit court
 19 clerk's office, a satellite office, or a vote center, the county election
 20 board shall direct that the vote history be uploaded from each
 21 electronic poll list into the computerized list.

22 Chapter 9. Voter Boards

23 Sec. 1. Each county election board shall appoint voter boards.

24 Sec. 2. (a) Each voter board must consist of two (2) voters of the
 25 county, one (1) from each of the two (2) political parties that have
 26 appointed members on the county election board. If a special
 27 election is held for a local public question, the county election
 28 board may, by unanimous vote of the entire membership of the
 29 board, adopt a resolution to provide that the party membership
 30 requirement does not apply to voter boards appointed to conduct
 31 the special election. A resolution adopted under this subsection
 32 may not be repealed and expires the day after the special election.

33 (b) An individual is not eligible to serve on a voter board if any
 34 of the following apply to the individual:

35 (1) The individual is unable to read, write, and speak the
 36 English language.

37 (2) The individual has any property bet or wagered on the
 38 result of the election.

39 (3) The individual is a candidate to be voted for at the
 40 election, except as an unopposed candidate for precinct
 41 committeeman or state convention delegate.

42 (4) The individual is the spouse, parent, father-in-law,



1 mother-in-law, child, son-in-law, daughter-in-law,
 2 grandparent, grandchild, brother, sister, brother-in-law,
 3 sister-in-law, uncle, aunt, nephew, or niece of a candidate or
 4 declared write-in candidate to be voted for at the election,
 5 except as an unopposed candidate. This subdivision
 6 disqualifies an individual whose relationship to the candidate
 7 is the result of birth, marriage, or adoption.

8 (c) An individual who is a candidate to be voted for at the
 9 election or who is related to a candidate in a manner that would
 10 result in disqualification under subsection (b) may,
 11 notwithstanding subsection (b), serve as a member of a voter board
 12 if:

13 (1) the candidate is seeking nomination or election to an office
 14 in an election district that does not consist of the entire
 15 county; and

16 (2) the county election board restricts the duties of the
 17 individual as a voter board member to performing functions
 18 that could have no influence on the casting or counting of
 19 ballots within the election district.

20 Sec. 3. (a) Not later than noon fifty (50) days before election day,
 21 each county election board shall notify the county chairmen of the
 22 two (2) political parties that have appointed members on the
 23 county election board of the number of voter boards to be
 24 appointed under section 2 of this chapter.

25 (b) The county chairmen shall make written recommendations
 26 for the appointments to the county election board not later than
 27 noon forty-six (46) days before election day. The county election
 28 board shall make the appointments as recommended. If a county
 29 chairman fails to make any recommendations, then the county
 30 election board may appoint any voters of the county who comply
 31 with section 2 of this chapter.

32 Sec. 4. The individuals appointed to the voter boards under
 33 section 2 of this chapter shall be compensated in the following
 34 manner:

35 (1) The boards that are sent to voters under IC 3-11.1-8-15
 36 are entitled to a per diem set by the county executive and a
 37 sum for mileage at a rate determined by the county fiscal
 38 body.

39 (2) The boards that are assigned to the circuit court clerk's
 40 office during the period from thirty (30) days before election
 41 day through the day before election day are entitled to a per
 42 diem set by the county executive.



1 **Sec. 5. Each county election board shall conduct a training**
 2 **session for the members of the voter boards. A member of a voter**
 3 **board must receive the training before the member begins**
 4 **performing the member's duties. At the training session the duties**
 5 **of the voter boards and the election laws and penalties pertaining**
 6 **to their duties shall be explained in detail. The members of voter**
 7 **boards are entitled to a per diem set by the county executive for**
 8 **attending the training session.**

9 SECTION 41. IC 3-11.5-2-1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this
 11 article, "absentee "ballot counter" refers to a person designated under
 12 IC 3-11.5-4-22.

13 SECTION 42. IC 3-11.5-2-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this
 15 article, "central location for counting absentee ballots" refers to **the**
 16 **following:**

17 **(1) Before January 1, 2024, a location for counting absentee**
 18 **ballots that a county election board must establish under this**
 19 **article.**

20 **(2) After December 31, 2023, a location for counting all ballots**
 21 **that a county election board is required to establish under this**
 22 **article.**

23 SECTION 43. IC 3-11.5-2-5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. **(a)** An absentee
 25 ballot application or an absentee ballot is considered "sent" to a voter
 26 if the application or ballot is:

27 (1) sent by United States mail addressed to the voter;

28 (2) transmitted by fax to a number provided by the voter; or

29 (3) personally given to the voter.

30 **(b) This section expires January 1, 2024.**

31 SECTION 44. IC 3-11.5-2-6 IS ADDED TO THE INDIANA CODE
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2021]: Sec. 6. **(a) Before January 1, 2024, the following apply:**

34 **(1) A reference in this article to a "ballot" is a reference to an**
 35 **absentee ballot.**

36 **(2) A reference in this article to a "ballot counter" is a**
 37 **reference to an absentee ballot counter.**

38 **(3) A reference in this article to a "voter" is a reference to a**
 39 **voter who has voted an absentee ballot.**

40 **(4) A reference in this article to a "voter board" is a reference**
 41 **to an absentee voter board.**

42 **(b) This section expires January 1, 2024.**



1 SECTION 45. IC 3-11.5-3-1, AS AMENDED BY P.L.169-2015,
 2 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2021]: Sec. 1. The following apply for the
 4 purposes of IC 3-6-8, IC 3-6-9, and IC 3-6-10:

5 (1) A central location for counting ~~absentee~~ ballots shall be
 6 treated the same as a precinct poll.

7 (2) ~~An absentee~~ A ballot counter shall be treated the same as a
 8 precinct election official.

9 (3) A major political party of a county is entitled to appoint the
 10 number of watchers equal to the number of teams of ~~absentee~~
 11 ballot counters.

12 SECTION 46. IC 3-11.5-3-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Political parties
 14 or independent candidates described in IC 3-6-8-1 may appoint
 15 watchers at a central location for counting ~~absentee~~ ballots.

16 (b) A watcher appointed under this section:

17 (1) has the rights; and

18 (2) must follow the requirements;

19 set forth in IC 3-6-8.

20 SECTION 47. IC 3-11.5-3-3 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) A candidate
 22 entitled to appoint a watcher under IC 3-6-9 may appoint a watcher at
 23 a central location for counting ~~absentee~~ ballots.

24 (b) A watcher appointed under this section:

25 (1) has the rights; and

26 (2) must follow the requirements;

27 set forth in IC 3-6-9.

28 SECTION 48. IC 3-11.5-3-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Media entitled to
 30 appoint a watcher under IC 3-6-10 may appoint a watcher at a central
 31 location for counting ~~absentee~~ ballots.

32 (b) A watcher appointed under this section:

33 (1) has the rights; and

34 (2) must follow the requirements;

35 set forth in IC 3-6-10.

36 SECTION 49. IC 3-11.5-4-1, AS AMENDED BY P.L.157-2019,
 37 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 1. (a) Each circuit court clerk shall do the
 39 following:

40 (1) Keep a separate absentee ballot record for each precinct in the
 41 county.

42 (2) This subdivision applies to a county in which the county voter



1 registration office prepares a certified list of all voters registered
2 to vote in each precinct in the county under IC 3-7-29-1. Either:

3 (A) certify to each inspector or the inspector's representative,
4 at the time that the ballots and supplies are delivered under
5 IC 3-11-3, the names of the voters:

6 (i) to whom absentee ballots were sent or who marked
7 ballots in person; and

8 (ii) whose ballots have been received by the county election
9 board under IC 3-11-10; or

10 (B) provide a certified list of voters that have been marked to
11 designate the names of the voters described in clause (A).

12 (3) This subdivision applies to a county that has adopted an order
13 to use an electronic poll book under IC 3-7-29-6 or is a vote
14 center county under IC 3-11-18.1. Certify at the time the county
15 voter registration office downloads information to an electronic
16 poll book under IC 3-7-29-6(c), the names of the voters:

17 (A) to whom absentee ballots were sent or who marked ballots
18 in person; and

19 (B) whose ballots have been received by the county election
20 board under IC 3-11-10.

21 **(b) This section expires January 1, 2024.**

22 SECTION 50. IC 3-11.5-4-2 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) This section
24 applies to a voter voting by an absentee ballot that is defective and
25 ordered corrected under IC 3-11-2-16 or includes a candidate for
26 election to office who:

27 (1) ceases to be a candidate; and

28 (2) is succeeded by a candidate selected under IC 3-13-1 or
29 IC 3-13-2.

30 (b) Through the last day before the election day, an absentee voter
31 may recast the ballot during the period specified by IC 3-11-10-26. To
32 obtain another set of ballots, the absentee voter must present a written
33 request for another set of ballots from the circuit court clerk.

34 (c) Upon receiving a written request under subsection (b), the circuit
35 court clerk shall do the following:

36 (1) Place the written request with the absentee voter's original
37 ballots.

38 (2) Mark "canceled" on the original set of ballots.

39 (3) Preserve the original ballots with other defective ballots.

40 (4) Deliver a new set of ballots to the absentee voter.

41 **(d) This section expires January 1, 2024.**

42 SECTION 51. IC 3-11.5-4-3 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) A county election
2 board must receive an absentee ballot before noon on election day.

3 **(b) This section expires January 1, 2024.**

4 SECTION 52. IC 3-11.5-4-5, AS AMENDED BY P.L.157-2019,
5 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2021]: Sec. 5. (a) If a county election board unanimously finds
7 that the signature on a ballot envelope or transmitted affidavit is
8 genuine, the board shall enclose immediately the accepted and
9 unopened ballot envelope, together with the voter's application for the
10 absentee ballot, in a large or carrier envelope. The board may enclose
11 in the same carrier envelope all absentee ballot envelopes and
12 applications for the same precinct.

13 (b) The envelope shall be securely sealed and endorsed with the
14 name and official title of the circuit court clerk and the following
15 words: "This envelope contains ~~an absentee~~ a ballot and must be
16 opened only on election day under IC 3-11.5."

17 **(c) This section expires January 1, 2024.**

18 SECTION 53. IC 3-11.5-4-6, AS AMENDED BY P.L.278-2019,
19 SECTION 123, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Each circuit court clerk shall
21 keep all accepted ballot envelopes securely sealed in the clerk's office
22 until the ballot envelopes are opened by ~~absentee~~ ballot counters in
23 accordance with this chapter.

24 (b) A county election board may not scan a voted ~~absentee~~ ballot
25 card using an optical scan ballot scanner before election day.

26 SECTION 54. IC 3-11.5-4-7 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Not later than
28 noon on election day each circuit court clerk, or an agent of the clerk,
29 shall visit the appropriate post office to accept delivery of ~~absentee~~
30 envelopes.

31 **(b) This section expires January 1, 2024.**

32 SECTION 55. IC 3-11.5-4-8, AS AMENDED BY P.L.169-2015,
33 SECTION 136, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This section does not apply
35 to a county that:

36 (1) has adopted an order to use an electronic poll book under
37 IC 3-7-29-6(a)(1); or

38 (2) is a vote center county under IC 3-11-18.1;

39 if the electronic poll book used at a polling place or vote center is
40 immediately updated to indicate the county received, not later than
41 noon on election day, ~~an absentee~~ a ballot from a voter.

42 (b) Each county election board shall certify the names of voters:



- 1 (1) to whom ~~absentee~~ ballots were sent or who marked ballots in
 2 person; and
 3 (2) whose ballots have been received by the board under this
 4 chapter;
 5 after the certification under section 1 of this chapter and not later than
 6 noon on election day.
- 7 (c) The county election board shall have:
 8 (1) the certificates described in subsection (b); and
 9 (2) the circuit court clerk's certificates for voters who have
 10 registered and voted under IC 3-7-36-14;
 11 delivered to the precinct election boards at their respective polls on
 12 election day by couriers appointed under section 22 of this chapter.
- 13 (d) The certificates shall be delivered not later than 3 p.m. on
 14 election day.
- 15 **(e) This section expires January 1, 2024.**
- 16 SECTION 56. IC 3-11.5-4-9, AS AMENDED BY P.L.157-2019,
 17 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 9. (a) This section does not apply to a county that:
 19 (1) has adopted an order to use an electronic poll book under
 20 IC 3-7-29-6(a)(1); or
 21 (2) is a vote center county under IC 3-11-18.1;
 22 if the electronic poll book used at a polling place or vote center is
 23 immediately updated to indicate that the county received, not later than
 24 noon on election day, ~~an absentee a~~ ballot from a voter.
- 25 (b) Upon delivery of the certificates under section 8 of this chapter
 26 to a precinct election board, the inspector shall do the following in the
 27 presence of the poll clerks:
 28 (1) Mark the poll list.
 29 (2) Attach the certificates of voters who have registered and voted
 30 under IC 3-7-36-14 to the poll list.
 31 (3) Indicate next to the voter's name on either:
 32 (A) the certificate prepared under section 1 of this chapter; or
 33 (B) the certificate delivered under section 8 of this chapter;
 34 that the voter has voted in person at the polls if a person listed in
 35 either certificate has voted in person at the polls.
- 36 The poll clerks shall sign the statement printed on the certificate
 37 indicating that the inspector marked the poll list and attached the
 38 certificates under this section in the presence of both poll clerks to
 39 indicate that the ~~absentee~~ ballot of the voter has been received by the
 40 county election board.
- 41 (c) The inspector shall then deposit:
 42 (1) the certificate prepared under section 1 of this chapter, if any



1 was provided by the circuit court clerk;

2 (2) the certificate prepared under section 8 of this chapter; and

3 (3) any challenge affidavit executed by a qualified person under
4 section 15 of this chapter;

5 in an envelope in the presence of both poll clerks.

6 (d) The inspector shall seal the envelope. The inspector and each
7 poll clerk shall then sign a statement printed on the envelope indicating
8 that the inspector or poll clerk has complied with the requirements of
9 this chapter governing the marking of the poll list and certificates.

10 (e) The couriers shall immediately return the envelope described in
11 subsection (c) to the county election board. Upon delivering the
12 envelope to the county election board, each courier shall sign a
13 statement printed on the envelope indicating that the courier has not
14 opened or tampered with the envelope since the envelope was delivered
15 to the courier.

16 **(f) This section expires January 1, 2024.**

17 SECTION 57. IC 3-11.5-4-10, AS AMENDED BY P.L.64-2014,
18 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2021]: Sec. 10. (a) Subject to IC 3-10-8-7.5, IC 3-12-1-17,
20 and section 7 of this chapter, ~~absentee~~ ballots received by mail (or by
21 fax or electronic mail under IC 3-11-4-6) after noon on election day are
22 considered as arriving too late and may not be counted.

23 **(b) This section expires January 1, 2024.**

24 SECTION 58. IC 3-11.5-4-11, AS AMENDED BY P.L.278-2019,
25 SECTION 124, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) Except as provided in
27 subsection (b), (c), or (d), at any time after the couriers return the
28 certificate under section 9 of this chapter, ~~absentee~~ ballot counters
29 appointed under section 22 of this chapter, in the presence of the
30 county election board, shall, except for a ballot rejected under section
31 13 of this chapter:

32 (1) open the outer or carrier envelope containing ~~an absentee~~ a
33 ballot envelope and application;

34 (2) announce the ~~absentee~~ voter's name; and

35 (3) compare the signature upon the application or electronic poll
36 book with the signature upon the affidavit on the ballot envelope,
37 transmitted affidavit under IC 3-11-4-6(h), or voter registration
38 record.

39 (b) This subsection applies to a county (other than a county
40 described in subsection (c) or (d)) that:

41 (1) has adopted an order to use an electronic poll book under
42 IC 3-7-29-6(a)(1); or



- 1 (2) is a vote center county under IC 3-11-18.1.
 2 Immediately after the electronic poll books used at each polling place
 3 or vote center have been updated to indicate that the county received,
 4 not later than noon on election day, ~~an absentee a~~ ballot from a voter,
 5 the ~~absentee~~ ballot counters shall, in a central counting location
 6 designated by the county election board, count the ~~absentee ballot~~ votes
 7 cast for each candidate for each office and on each public question in
 8 the precinct.
- 9 (c) This subsection applies to a county having a consolidated city,
 10 if the county:
 11 (1) has adopted an order to use an electronic poll book under
 12 IC 3-7-29-6(a)(1); or
 13 (2) is a vote center county under IC 3-11-18.1.
- 14 After the receipt and processing required under sections 12 and 12.5 of
 15 this chapter to process ~~an absentee a~~ ballot from a voter and after
 16 ensuring that the electronic poll books used in each polling place or
 17 vote center have been updated to reflect all ~~absentee~~ ballots received
 18 by the county not later than 12:01 a.m. on election day, the ~~absentee~~
 19 ballot counters shall, at any time after 6:00 a.m. on election day, in a
 20 central counting location designated by the county election board,
 21 count the ~~absentee ballot~~ votes cast for each candidate, for each office,
 22 and on each public question.
- 23 (d) This subsection applies to a county other than a county having
 24 a consolidated city, if the county election board has adopted a
 25 resolution by the unanimous vote of the entire membership of the board
 26 to use procedures set forth in this subsection, and the county:
 27 (1) has adopted an order to use an electronic poll book under
 28 IC 3-7-29-6(a)(1); or
 29 (2) is a vote center county under IC 3-11-18.1.
- 30 After the receipt and processing required under section 12 of this
 31 chapter to process ~~an absentee a~~ ballot from a voter and after ensuring
 32 that the electronic poll books used in each polling place or vote center
 33 have been updated to reflect all ~~absentee~~ ballots received by the county
 34 not later than 12:01 a.m. on election day, the ~~absentee~~ ballot counters
 35 shall, at any time after 6:00 a.m. on election day, in a central counting
 36 location designated by the county election board, count the ~~absentee~~
 37 ~~ballot~~ votes cast for each candidate, for each office, and on each public
 38 question.
- 39 (e) A resolution adopted under subsection (d) may be repealed or
 40 amended only by the unanimous vote of the entire membership of the
 41 county election board.
- 42 (f) **This section expires January 1, 2024.**



1 SECTION 59. IC 3-11.5-4-12, AS AMENDED BY P.L.210-2018,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2021]: Sec. 12. (a) Notwithstanding any provision to the
 4 contrary in this chapter, in a county described by subsection (e) or (f),
 5 the signature review process described in this section may be
 6 conducted at any time after receipt of ~~an absentee a~~ ballot by the
 7 county election board.

8 (b) If the ~~absentee~~ ballot counters find under section 11 of this
 9 chapter that:

- 10 (1) the affidavit is properly executed;
- 11 (2) the signatures correspond;
- 12 (3) the ~~absentee~~ voter is a qualified voter of the precinct;
- 13 (4) the ~~absentee~~ voter is registered and is not required to file
 14 additional information with the county voter registration office
 15 under IC 3-7-33-4.5; and
- 16 (5) in case of a primary election, if the ~~absentee~~ voter has not
 17 previously voted, the ~~absentee~~ voter has executed the proper
 18 declaration relative to age and qualifications and the political
 19 party with which the ~~absentee~~ voter intends to affiliate;

20 the ~~absentee~~ ballot counters shall open the envelope containing the
 21 ~~absentee~~ ballots so as not to deface or destroy the affidavit and take out
 22 each ballot enclosed without unfolding or permitting a ballot to be
 23 unfolded or examined.

24 (c) If the ~~absentee~~ ballot counters find under subsection (b) that the
 25 voter has not filed the additional information required to be filed with
 26 the county voter registration office under IC 3-7-33-4.5, but that all of
 27 the other findings listed under subsection (b) apply, the ~~absentee~~ ballot
 28 shall be processed as a provisional ballot under IC 3-11.7.

29 (d) The ~~absentee~~ ballot counters shall then deposit the ballots in a
 30 secure envelope with the name of the precinct set forth on the outside
 31 of the envelope. After the ~~absentee~~ ballot counters or the county
 32 election board has made the findings described in subsection (b) or
 33 section 13 of this chapter for all ~~absentee~~ ballots of the precinct, the
 34 ~~absentee~~ ballot counters shall remove all the ballots deposited in the
 35 envelope under this section for counting under IC 3-11.5-5 or
 36 IC 3-11.5-6.

37 (e) This subsection applies to a county having a consolidated city.
 38 For ~~an absentee a~~ ballot cast in person by a voter under IC 3-11-10-25,
 39 IC 3-11-10-26, or IC 3-11-10-26.3, the ~~absentee~~ ballot counters may,
 40 but are not required to, make the findings required under subsection
 41 (b)(2) or (b)(3). ~~of this section.~~

42 (f) This subsection applies to a county:



- 1 (1) that does not have a consolidated city; and
- 2 (2) when the county election board has adopted a resolution by
- 3 the unanimous vote of its entire membership to use the procedures
- 4 set forth in this subsection.

5 For ~~an absentee~~ a ballot cast in person by a voter under IC 3-11-10-25,
6 IC 3-11-10-26, or IC 3-11-10-26.3, the ~~absentee~~ ballot counters may,
7 but are not required to, make the findings required under subsection
8 (b)(2) or (b)(3). ~~of this section.~~

9 (g) A resolution adopted under subsection (f) may be repealed or
10 amended only by the unanimous vote of the entire membership of the
11 county election board.

12 SECTION 60. IC 3-11.5-4-13, AS AMENDED BY P.L.157-2019,
13 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2021]: Sec. 13. (a) If the ~~absentee~~ ballot counters find under
15 section 11 of this chapter that any of the following applies, the ballots
16 shall be rejected:

- 17 (1) The affidavit is insufficient or that the ballot has not been
- 18 endorsed with the initials of:
 - 19 (A) the two (2) members of the ~~absentee~~ voter board in the
 - 20 office of the clerk of the circuit court under IC 3-11-4-19 or
 - 21 IC 3-11-10-27;
 - 22 (B) the two (2) members of the ~~absentee~~ voter board visiting
 - 23 the voter under IC 3-11-10-25; or
 - 24 (C) the two (2) appointed members of the county election
 - 25 board or their designated representatives under IC 3-11-4-19.
- 26 (2) The signatures do not correspond or there is no signature.
- 27 (3) The ~~absentee~~ voter is not a qualified voter in the precinct.
- 28 (4) The ~~absentee~~ voter has voted in person at the election.
- 29 (5) The ~~absentee~~ voter has not registered.
- 30 (6) The ballot is open or has been opened and resealed. This
- 31 subdivision does not permit ~~an absentee~~ a ballot transmitted by
- 32 fax or electronic mail under IC 3-11-4-6 to be rejected because
- 33 the ballot was sealed in the ~~absentee~~ ballot envelope by the
- 34 individual designated by the circuit court to receive ~~absentee~~
- 35 ballots transmitted by fax or electronic mail.
- 36 (7) The ballot envelope contains more than one (1) ballot of any
- 37 kind for the same office or public question.
- 38 (8) In case of a primary election, if the ~~absentee~~ voter has not
- 39 previously voted, the voter failed to execute the proper
- 40 declaration relative to age and qualifications and the political
- 41 party with which the voter intends to affiliate.
- 42 (9) The ballot has been challenged and there is no ~~absentee~~ ballot



- 1 application from the voter to support the ~~absentee~~ ballot.
- 2 (b) Subsection (c) applies whenever a voter with a disability is
3 unable to make a signature:
- 4 (1) on ~~an absentee a~~ ballot application that corresponds to the
5 voter's signature in the records of the county voter registration
6 office; or
- 7 (2) on ~~an absentee a~~ ballot security envelope that corresponds
8 with the voter's signature:
- 9 (A) in the records of the county voter registration office; or
10 (B) on ~~the absentee a~~ ballot application.
- 11 (c) The voter may request that the voter's signature or mark be
12 attested to by any of the following:
- 13 (1) The ~~absentee~~ voter board under section 22 of this chapter.
14 (2) A member of the voter's household.
15 (3) An individual serving as attorney in fact for the voter.
- 16 (d) An attestation under subsection (c) provides an adequate basis
17 for the ~~absentee~~ ballot counters to determine that a signature or mark
18 complies with subsection (a)(2).
- 19 (e) If the ~~absentee~~ ballot counters are unable to agree on a finding
20 described under this section or section 12 of this chapter, the county
21 election board shall make the finding.
- 22 (f) The ~~absentee~~ ballot counters or county election board shall issue
23 a certificate to a voter whose ballot:
- 24 (1) has been rejected under this section; or
25 (2) has not been received by the county by noon on election day
26 and will not be counted under section 10 of this chapter;
27 if the voter appears in person before the board not later than 5 p.m. on
28 election day. The certificate must state that the voter's ~~absentee~~ ballot
29 has been rejected and that the voter may vote in person under section
30 21 of this chapter if otherwise qualified to vote.
- 31 SECTION 61. IC 3-11.5-4-14 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) Each ballot
33 rejected for any of the reasons prescribed by section 13 of this chapter
34 shall, without being unfolded to disclose how the ballot is marked, be
35 endorsed with the words: "Rejected (giving the reason or reasons for
36 the rejection).".
- 37 (b) All rejected ~~absentee~~ ballots shall be enclosed and securely
38 sealed in an envelope on which the ~~absentee~~ ballot counters shall write
39 the words: "Rejected ~~absentee~~ ballots". The ~~absentee~~ ballot counters
40 shall also identify the precinct and the date of the election on the
41 envelope containing the rejected ballots.
- 42 (c) The rejected ~~absentee~~ ballots shall be returned to the same



1 officer and in the same manner as prescribed by this title for the return
2 and preservation of official ballots cast and uncast at the election.

3 SECTION 62. IC 3-11.5-4-15, AS AMENDED BY P.L.169-2015,
4 SECTION 139, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) Except as provided in
6 subsection (c), the vote of ~~an absentee~~ a voter may be challenged at the
7 polls for the reason that the ~~absentee~~ voter is not a legal voter of the
8 precinct where the ballot is being cast.

9 (b) Before the inspector prepares to mark the poll list to indicate that
10 ~~an absentee~~ a ballot cast by the voter has been received by the county
11 election board according to a certificate delivered to the polls under
12 section 1 or ~~section~~ 8 of this chapter, the inspector shall notify the
13 challengers and the pollbook holders that the inspector is about to mark
14 the poll list under this section. The inspector shall provide the
15 challengers and pollbook holders with the name and address of each
16 voter listed in the certificate so that the voter may be challenged under
17 this article.

18 (c) This section applies to a county that:

19 (1) has adopted an order to use an electronic poll list under
20 IC 3-7-29-6(a)(1); or

21 (2) is a vote center county under IC 3-11-18.1.

22 The vote of ~~an absentee~~ a ballot may be challenged for the reason that
23 the ~~absentee~~ voter is not a legal voter of the precinct for which the
24 ~~absentee~~ ballot was issued. Before the ~~absentee~~ ballot counters process
25 ~~an absentee~~ a ballot, the ~~absentee~~ ballot counters shall notify the county
26 election board. A county election board member, or a representative
27 designated by a county election board member, may challenge the
28 ~~absentee~~ ballot under section 16 of this chapter.

29 (d) The challenge under this section must be determined using the
30 procedures for counting a provisional ballot under IC 3-11.7.

31 **(e) This section expires January 1, 2024.**

32 SECTION 63. IC 3-11.5-4-16, AS AMENDED BY P.L.76-2014,
33 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2021]: Sec. 16. (a) If ~~an absentee~~ a ballot is challenged under
35 section 15 of this chapter, the ~~absentee~~ voter's application for ~~an~~
36 ~~absentee~~ a ballot shall be considered as the affidavit required to be
37 made by a voter when challenged at the polls while voting in person.

38 (b) Except as provided in subsection (c), the challenge procedure
39 under this section is the same as though the ballot was cast by the voter
40 in person.

41 (c) ~~An absentee~~ A voter is not required to provide proof of
42 identification.



1 (d) The ~~absentee~~ ballot cast by the challenged voter shall be counted
 2 if the county election board makes the findings required under
 3 IC 3-11.7-5.

4 **(e) This section expires January 1, 2024.**

5 SECTION 64. IC 3-11.5-4-17 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) If proof is given
 7 to the ~~absentee~~ ballot counters that ~~an absentee a~~ voter marked and
 8 forwarded ~~an absentee a~~ ballot but died before election day, the ballot
 9 of the deceased voter shall be rejected under section 13 of this chapter
 10 and retained with the other rejected ballots under section 14 of this
 11 chapter.

12 (b) The casting of ~~an absentee a~~ ballot by a deceased voter does not
 13 invalidate an election.

14 **(c) This section expires January 1, 2024.**

15 SECTION 65. IC 3-11.5-4-18, AS AMENDED BY P.L.169-2015,
 16 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) If a voter has not returned
 18 ~~an absentee a~~ ballot, the voter may vote in person.

19 (b) However, if the voter has received ~~an absentee a~~ ballot, before
 20 the voter may vote, the voter must return the ballot to the inspector.
 21 The ~~absentee~~ ballot shall be marked "canceled" and preserved with the
 22 rejected ballots.

23 (c) If the voter has requested but not received ~~an absentee a~~ ballot,
 24 the voter may vote if the voter executes an affidavit affirming that the
 25 voter has not received an absentee ballot.

26 **(d) This section expires January 1, 2024.**

27 SECTION 66. IC 3-11.5-4-20 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. (a) If the inspector
 29 has marked the poll list to indicate that the ~~absentee~~ ballot cast by the
 30 voter has been received by the county election board, the voter may not
 31 vote in person except as provided in section 21 of this chapter.

32 **(b) This section expires January 1, 2024.**

33 SECTION 67. IC 3-11.5-4-21, AS AMENDED BY P.L.157-2019,
 34 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 21. (a) If an envelope containing a voter's
 36 ~~absentee~~ ballot has been marked "Rejected" or a voter's ~~absentee~~ ballot
 37 has been received by noon on election day and will not be counted
 38 under section 10 of this chapter, and the voter appears in person at the
 39 precinct before the polls close, the voter may vote as any other voter
 40 voting in person if the voter presents the precinct election board with
 41 the certificate issued under section 13(f) of this chapter.

42 **(b) This section expires January 1, 2024.**



1 SECTION 68. IC 3-11.5-4-21.5, AS ADDED BY P.L.169-2015,
 2 SECTION 141, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2021]: Sec. 21.5. Rejected ~~absentee~~ ballots may
 4 not be opened, except on order of a court or the state recount
 5 commission.

6 SECTION 69. IC 3-11.5-4-22, AS AMENDED BY P.L.169-2015,
 7 SECTION 142, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2021]: Sec. 22. (a) Except as provided in
 9 subsection (b), each county election board shall appoint **the following:**

- 10 (1) ~~absentee~~ Voter boards.
- 11 (2) Teams of ~~absentee~~ ballot counters. ~~and~~
- 12 (3) **Before January 1, 2024**, teams of couriers.

13 ~~consisting~~ **The boards and teams must consist** of two (2) voters of the
 14 county, one (1) from each of the two (2) political parties that have
 15 appointed members on the county election board.

16 (b) Notwithstanding subsection (a), a county election board:

- 17 (1) may appoint, by a unanimous vote of the board's members,
 18 only one (1) ~~absentee~~ ballot courier if the person appointed is a
 19 voter of the county; and
- 20 (2) shall not appoint teams of couriers, if the county:
 - 21 (A) has adopted an order to use an electronic poll book under
 - 22 IC 3-7-29-6(a)(1); or
 - 23 (B) is a vote center county under IC 3-11-18.1.

24 (c) An otherwise qualified ~~person~~ **individual** is eligible to serve on
 25 ~~an absentee a~~ voter board or as ~~an absentee a~~ ballot counter or a courier
 26 unless **any of the following apply to the person:** ~~individual:~~

- 27 (1) **The individual** is unable to read, write, and speak the English
 28 language.
- 29 (2) **The individual** has any property bet or wagered on the result
 30 of the election.
- 31 (3) **The individual** is a candidate to be voted for at the election
 32 except as an unopposed candidate for precinct committeeman or
 33 state convention delegate. ~~or~~
- 34 (4) **The individual** is the spouse, parent, father-in-law,
 35 mother-in-law, child, son-in-law, daughter-in-law, grandparent,
 36 grandchild, brother, sister, brother-in-law, sister-in-law, uncle,
 37 aunt, nephew, or niece of a candidate or declared write-in
 38 candidate to be voted for at the election except as an unopposed
 39 candidate. This subdivision disqualifies ~~a person~~ **an individual**
 40 whose relationship to the candidate is the result of birth, marriage,
 41 or adoption.

42 (d) ~~A person~~ **An individual** who is a candidate to be voted for at the



1 election or who is related to a candidate in a manner that would result
 2 in disqualification under subsection (c) may, notwithstanding
 3 subsection (c), serve as a member of ~~an absentee a~~ voter board if:

- 4 (1) the candidate is seeking nomination or election to an office in
 5 an election district that does not consist of the entire county; and
 6 (2) the county election board restricts the duties of the ~~person~~
 7 **individual** as ~~an absentee a~~ voter board member to performing
 8 functions that could have no influence on the casting or counting
 9 of ~~absentee~~ ballots within the election district.

10 SECTION 70. IC 3-11.5-4-23, AS AMENDED BY P.L.147-2020,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 23. (a) Not later than noon fifty (50) days before
 13 election day, each county election board shall notify the county
 14 chairmen of the two (2) political parties that have appointed members
 15 on the county election board of the number of:

- 16 (1) ~~absentee~~ voter boards;
 17 (2) teams of ~~absentee~~ ballot counters; and
 18 (3) **before January 1, 2024**, teams of couriers;

19 to be appointed under section 22 of this chapter.

20 (b) The county chairmen shall make written recommendations for
 21 the appointments to the county election board not later than forty-six
 22 (46) days before election day. The county election board shall make the
 23 appointments as recommended.

24 (c) If a county chairman fails to make any recommendations, then
 25 the county election board may appoint any voters of the county who
 26 comply with section 22 of this chapter.

27 (d) The county election board may permit an individual who is not
 28 a voter to serve as ~~an absentee a~~ ballot counter or courier if the
 29 individual:

- 30 (1) satisfies the requirements under IC 3-6-6-39; and
 31 (2) is approved by the unanimous vote of the entire membership
 32 of the county election board.

33 (e) An individual appointed to serve as ~~an absentee a~~ ballot counter
 34 or courier under subsection (d), while serving as an absentee ballot
 35 counter or courier:

- 36 (1) is not required to obtain an employment certificate under
 37 IC 22-2-18 (before its expiration on June 30, 2021); and
 38 (2) is not subject to the limitations on time and duration of
 39 employment under IC 22-2-18 (before its expiration on June 30,
 40 2021) or IC 22-2-18.1.

41 (f) The county election board is not required to register as an
 42 employer under IC 22-2-18.1.



1 SECTION 71. IC 3-11.5-4-24, AS AMENDED BY P.L.157-2019,
 2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2021]: Sec. 24. (a) This section does not apply to a county
 4 that:

5 (1) has adopted an order to use an electronic poll book under
 6 IC 3-7-29-6(a)(1); or

7 (2) is a vote center county under IC 3-11-18.1.

8 (b) This subsection does not apply if the circuit court clerk has
 9 provided a marked poll list under section 1(2)(B) of this chapter. In
 10 addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27,
 11 or IC 3-11-14-16, the inspector shall:

12 (1) mark the poll list; and

13 (2) attach the certificates of voters who have registered and voted
 14 under IC 3-7-36-14 to the poll list;

15 in the presence of the poll clerks to indicate the voters of the precinct
 16 whose ~~absentee~~ ballots have been received by the county election board
 17 according to the certificate supplied under section 1 of this chapter.

18 (c) The poll clerks shall sign the statement printed on the certificate
 19 supplied under section 1 of this chapter indicating that the inspector:

20 (1) marked the poll list; and

21 (2) attached the certificates described in subsection (b)(2);
 22 under this section in the presence of both poll clerks.

23 (d) The inspector shall retain custody of the certificate supplied
 24 under section 1 of this chapter until the certificate is returned under
 25 section 9 of this chapter.

26 **(e) This section expires January 1, 2024.**

27 SECTION 72. IC 3-11.5-4-28 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. (a) When all votes
 29 have been counted, the precinct election board shall prepare a
 30 certificate stating the number of votes that each candidate received for
 31 each office and the number of votes cast on each public question. The
 32 number of votes that each candidate and public question received shall
 33 be written in words and numbers. The board shall also prepare a
 34 memorandum of the total vote cast for each candidate and ensure that
 35 each member of the board receives a copy of the memorandum.

36 **(b) This section expires January 1, 2024.**

37 SECTION 73. IC 3-11.5-5-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. This chapter applies
 39 to the counting of ~~absentee ballots~~ **votes** cast on paper ballots.

40 SECTION 74. IC 3-11.5-5-3, AS AMENDED BY P.L.169-2015,
 41 SECTION 144, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Except as provided in



- 1 subsection (b), immediately after:
- 2 (1) the couriers have returned the certificate from a precinct under
- 3 IC 3-11.5-4-9; and
- 4 (2) the ~~absentee~~ ballot counters or the county election board have
- 5 made the findings required under IC 3-11-10 and IC 3-11.5-4 for
- 6 the ~~absentee~~ ballots cast by voters of the precinct and deposited
- 7 the accepted ~~absentee~~ ballots in the envelope required under
- 8 IC 3-11.5-4-12;
- 9 the ~~absentee~~ ballot counters shall, in a central counting location
- 10 designated by the county election board, count the ~~absentee~~ ballot votes
- 11 for each candidate for each office and on each public question in the
- 12 precinct.
- 13 (b) This section applies to a county that:
- 14 (1) has adopted an order to use an electronic poll book under
- 15 IC 3-7-29-6(a)(1); or
- 16 (2) is a vote center county under IC 3-11-18.1.
- 17 Immediately after the electronic poll books used at each polling place
- 18 or vote center have been updated to indicate that the county received,
- 19 not later than noon on election day, ~~an absentee a~~ ballot from a voter,
- 20 the ~~absentee~~ ballot counters shall, in a central counting location
- 21 designated by the county election board, count the ~~absentee ballot~~ votes
- 22 cast for each candidate for each office and on each public question in
- 23 the precinct.
- 24 SECTION 75. IC 3-11.5-5-5 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. To minimize delay,
- 26 the ~~absentee~~ ballot counters shall continue the count without
- 27 interruption until all ~~absentee~~ ballots for the precinct are canvassed and
- 28 the certificates required by this chapter are prepared and delivered to
- 29 the person entitled to receive the certificates.
- 30 SECTION 76. IC 3-11.5-5-7 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. During the counting
- 32 of the votes, one (1) of the ~~absentee~~ ballot counters shall read the name
- 33 of the candidates voted for from the ballots. A:
- 34 (1) member of the county election board who is not a member of
- 35 the same political party as the ~~absentee~~ ballot counter; or
- 36 (2) representative designated by the member;
- 37 reading the names shall view the ballots as the names are read.
- 38 SECTION 77. IC 3-11.5-5-8 IS AMENDED TO READ AS
- 39 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. During the counting
- 40 of the votes:
- 41 (1) ~~an absentee a~~ ballot counter performing the counting;
- 42 (2) a member of the county election board; or



1 (3) a representative designated by the members;
 2 may protest the counting of any ballot or any part of a ballot.

3 SECTION 78. IC 3-11.5-5-9 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. If a ballot or any part
 5 of a ballot is protested, ~~an absentee~~ a ballot counter immediately shall
 6 write on the back of the protested ballot the word "counted" or "not
 7 counted", as appropriate.

8 SECTION 79. IC 3-11.5-5-10 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. If the ~~absentee~~
 10 ballot counters cannot agree whether to count a ballot following a
 11 protest under section 8 of this chapter, the question shall be referred to
 12 the county election board for a decision.

13 SECTION 80. IC 3-11.5-5-11 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. Following a
 15 decision by the ~~absentee~~ ballot counters or the county election board,
 16 the ~~absentee~~ ballot counters shall officially sign each protested ballot.

17 SECTION 81. IC 3-11.5-5-12 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. ~~An absentee~~ A
 19 ballot counter may not count ~~absentee~~ ballots for a precinct under this
 20 chapter while counting ~~absentee~~ ballots for any other precinct.

21 SECTION 82. IC 3-11.5-5-13 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) This section
 23 applies if at least two (2) sets of ~~absentee~~ ballot counters in a county
 24 are counting ~~absentee~~ ballots under this chapter.

25 (b) A set of ~~absentee~~ ballot counters may count ~~absentee~~ ballots
 26 from a precinct while another set of ~~absentee~~ ballot counters is
 27 counting ~~absentee~~ ballots from another precinct in the county if each
 28 set of counters counts the ballots in compliance with section 7 of this
 29 chapter.

30 SECTION 83. IC 3-11.5-5-14, AS AMENDED BY P.L.201-2017,
 31 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2021]: Sec. 14. (a) This section applies to the counting of
 33 federal write-in ~~absentee~~ ballots described in IC 3-11-4-12.5.

34 (b) If a voter writes an abbreviation, a misspelling, or other minor
 35 variation instead of the correct name of a candidate or political party,
 36 that vote shall be counted if the intent of the voter can be determined.

37 (c) If a voter casts a ballot under this section for President or Vice
 38 President and writes in the name of a candidate or political party that
 39 has not:

- 40 (1) certified a list of presidential electors and alternate
 41 presidential electors under IC 3-10-4-5; or
 42 (2) included a list of presidential electors and alternate



1 presidential electors on the declaration of intent to be a write-in
 2 candidate filed by a write-in candidate under IC 3-8-2-2.5;
 3 the vote for President or Vice President is void. The remaining votes on
 4 the ballot may be counted.

5 (d) As required by 52 U.S.C. 20303(b), and except as provided in
 6 this section, an absentee ballot subject to this section shall be
 7 submitted and processed in the same manner provided by this title for
 8 a regular absentee ballot.

9 (e) IC 3-12-1-7 applies to a ballot subject to this section.

10 (f) As required under 52 U.S.C. 20303(b), a ballot subject to this
 11 section may not be counted if:

12 (1) the ballot was submitted:

13 (A) by an overseas voter who is not an absent uniformed
 14 services voter; and

15 (B) from within the United States;

16 (2) the overseas voter's application for a regular absentee ballot
 17 was received by the county election board after the applicable
 18 absentee ballot application deadline set forth in IC 3-11-4-3;

19 (3) the voter's completed regular state absentee ballot was
 20 received by the county election board by the deadline for
 21 receiving absentee ballots under IC 3-11.5-4-7 or IC 3-12-1-17;
 22 or

23 (4) the ballot subject to this section was not received by the
 24 county election board by the deadline for receiving absentee
 25 ballots under IC 3-11.5-4-7 or IC 3-12-1-17.

26 (g) If a federal write-in absentee ballot is received by the county
 27 election board in an envelope that does not indicate that the envelope
 28 contains the ballot, and the envelope is opened by the county election
 29 board, the absentee ballot shall nevertheless be counted if otherwise
 30 valid. The county election board shall:

31 (1) immediately seal the absentee ballot and the envelope in
 32 which the ballot was received in a carrier envelope indicating that
 33 a voted absentee ballot is enclosed; and

34 (2) document the date the absentee ballot was sealed within the
 35 carrier envelope, attested to by the signature of each member of
 36 the county election board.

37 SECTION 84. IC 3-11.5-5-15 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. When all the votes
 39 have been counted, the absentee ballot counters shall prepare a
 40 certificate stating the number of votes that each candidate received for
 41 each office and the number of votes cast on each public question.

42 SECTION 85. IC 3-11.5-5-16 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. The number of
 2 votes that each candidate and public question received shall be written
 3 in words and numbers. The ~~absentee~~ ballot counters shall prepare a
 4 memorandum of the total votes cast for each candidate and on each
 5 public question and ensure that each member of the county election
 6 board receives a copy of the memorandum.

7 SECTION 86. IC 3-11.5-5-17 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. The ~~absentee~~ ballot
 9 counters shall deliver the certificates prepared under section 15 of this
 10 chapter and the tally papers to the county election board immediately
 11 upon the tabulation of the vote in each precinct.

12 SECTION 87. IC 3-11.5-5-18 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. As soon as the
 14 ballots have been counted, the ~~absentee~~ ballot counters shall in the
 15 presence of the county election board do the following:

- 16 (1) Place in a strong paper envelope or bag the following:
 - 17 (A) All ballots, voted and not voted, together with all protested
 18 and uncounted ballots.
 - 19 (B) One (1) copy of each of the certificates prepared under
 20 IC 3-11.5-4-1 and IC 3-11.5-4-8.
 - 21 (C) The tally papers.
- 22 (2) Securely seal the envelope or bag.
- 23 (3) Have both ~~absentee~~ ballot counters initial the envelope or bag.
- 24 (4) Plainly mark on the outside of the envelope or bag, in ink, the
 25 precinct for which the ~~absentee~~ ballots were cast.
- 26 (5) Deliver the envelope or bag to the circuit court clerk.
- 27 (6) Notify the circuit court clerk of the number of ballots placed
 28 in the envelope or bag.

29 SECTION 88. IC 3-11.5-5-19 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. Upon delivery of
 31 the envelope or bag to the circuit court clerk, each ~~absentee~~ ballot
 32 counter shall take and subscribe an oath before the clerk stating that the
 33 counter:

- 34 (1) securely kept the ballots and papers in the envelope or bag;
- 35 (2) did not permit any person to open the envelope or bag or to
 36 otherwise touch or tamper with the ballots; and
- 37 (3) had no knowledge of any other person opening the envelope
 38 or bag.

39 SECTION 89. IC 3-11.5-5-27 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. Immediately upon
 41 completion of the vote count, the ~~absentee~~ ballot counters shall make
 42 and sign a certificate for the news media showing the total number of



1 absentee ballot votes received by each candidate and on each public
2 question in the precinct.

3 SECTION 90. IC 3-11.5-5-28 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. The absentee ballot
5 counters shall deliver the certificate to the circuit court clerk as soon as
6 the certificate is completed. The circuit court clerk shall deliver the
7 certificate made for the news media to any person designated to receive
8 the certificate by the editors of the newspapers published in the county
9 or by the managers of the radio and television stations operating in the
10 county immediately upon the completion of the certificate, but not
11 before the closing of the polls.

12 SECTION 91. IC 3-11.5-5-29 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. (a) This section
14 applies to a person who observes or performs any of the following
15 under this chapter:

- 16 (1) The counting of absentee ballots.
- 17 (2) The proceedings of absentee ballot counters or the county
18 election board regarding a protested ballot.
- 19 (3) The preparation of a certificate by absentee ballot counters.
- 20 (4) The delivery of a certificate to the circuit court clerk or county
21 election board.

22 (b) Except as prescribed by this chapter, a person shall not provide
23 any other person with information concerning the number of votes:

- 24 (1) a candidate received for an office; or
- 25 (2) cast to approve or reject a public question;

26 on absentee ballots counted under this chapter before the closing of the
27 polls.

28 SECTION 92. IC 3-11.5-6-2 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. This chapter applies
30 to the counting of absentee ballots cast on ballot cards.

31 SECTION 93. IC 3-11.5-6-3, AS AMENDED BY P.L.210-2018,
32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2021]: Sec. 3. (a) Except as provided in subsection (b), (c), or
34 (d), immediately after:

- 35 (1) the couriers have returned the certificate from a precinct under
36 IC 3-11.5-4-9; and
- 37 (2) the absentee ballot counters or the county election board has
38 made the findings required under IC 3-11-10 and IC 3-11.5-4 for
39 the absentee ballots cast by voters of the precinct and deposited
40 the accepted absentee ballots in the envelope required under
41 IC 3-11.5-4-12;

42 the absentee ballot counters shall, in a central counting location



1 designated by the county election board, count the ~~absentee ballot~~ votes
 2 for each candidate for each office and on each public question in the
 3 precinct with the assistance of any persons required for the operation
 4 of the automatic tabulating machine.

5 (b) This subsection does not apply to a county having a consolidated
 6 city. This subsection applies to a county that:

7 (1) has adopted an order to use an electronic poll book under
 8 IC 3-7-29-6(a)(1); or

9 (2) is a vote center county under IC 3-11-18.1.

10 Immediately after the electronic poll books used at each polling place
 11 or vote center have been updated to indicate that the county received,
 12 not later than noon on election day, ~~an absentee a~~ ballot from a voter,
 13 the ~~absentee~~ ballot counters shall, in a central counting location
 14 designated by the county election board, count the ~~absentee ballot~~ votes
 15 cast for each candidate for each office and on each public question in
 16 the precinct.

17 (c) This subsection applies to a county having a consolidated city,
 18 if the county:

19 (1) has adopted an order to use an electronic poll book under
 20 IC 3-7-29-6(a)(1); or

21 (2) is a vote center county under IC 3-11-18.1.

22 After the receipt and processing required under IC 3-11.5-4-11(c) to
 23 process ~~an absentee a~~ ballot from a voter and after ensuring that the
 24 electronic poll books used in each polling place or vote center have
 25 been updated to reflect all ~~absentee~~ ballots received by the county not
 26 later than 12:01 a.m. on election day, the ~~absentee~~ ballot counters shall,
 27 at any time after 6:00 a.m. on election day, in a central counting
 28 location designated by the county election board, count the ~~absentee~~
 29 ~~ballot~~ votes cast for each candidate, for each office, and on each public
 30 question.

31 (d) This subsection applies to a county other than a county having
 32 a consolidated city, if the county election board has adopted a
 33 resolution by the unanimous vote of the entire membership of the board
 34 to use procedures set forth in this subsection, and the county:

35 (1) has adopted an order to use an electronic poll book under
 36 IC 3-7-29-6(a)(1); or

37 (2) is a vote center county under IC 3-11-18.1.

38 After the receipt and processing required under IC 3-11.5-4-11(d) to
 39 process ~~an absentee a~~ ballot from a voter and after ensuring that the
 40 electronic poll books used in each polling place or vote center have
 41 been updated to reflect all ~~absentee~~ ballots received by the county not
 42 later than 12:01 a.m. on election day, the ~~absentee~~ ballot counters shall,



1 at any time after 6:00 a.m. on election day, in a central counting
 2 location designated by the county election board, count the ~~absentee~~
 3 ~~ballot~~ votes cast for each candidate, for each office, and on each public
 4 question.

5 (e) A resolution adopted under subsection (d) may be repealed or
 6 amended only by the unanimous vote of the entire membership of the
 7 county election board.

8 SECTION 94. IC 3-11.5-6-4, AS AMENDED BY P.L.278-2019,
 9 SECTION 129, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) This subsection does not
 11 apply to a county having a consolidated city. To minimize delay, the
 12 ~~absentee~~ ballot counters shall continue to count without interruption
 13 until all ~~absentee~~ ballots for the precinct are canvassed and the
 14 certificates required by this chapter are prepared and delivered to the
 15 person entitled to receive the certificates.

16 (b) This subsection applies to a county having a consolidated city.
 17 To minimize delay, the ~~absentee~~ ballot counters shall continue to count
 18 without interruption until all ~~absentee~~ ballots that have been accepted
 19 by the absentee ballot counters under IC 3-11.5-4-12 are canvassed,
 20 and the certificates required by this chapter are prepared and delivered
 21 to the person entitled to receive the certificates.

22 SECTION 95. IC 3-11.5-6-5, AS AMENDED BY P.L.210-2018,
 23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 5. (a) This section does not apply to a county
 25 having a consolidated city.

26 (b) The ~~absentee~~ ballot counters shall determine if the ballot cards
 27 are properly grouped and arranged so that all similar cards from a
 28 precinct are together before the ballots are counted on an automatic
 29 tabulating machine.

30 SECTION 96. IC 3-11.5-6-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. During the tabulation
 32 of votes at a central counting location, ~~an absentee a~~ ballot counter
 33 performing the count, a member of the county election board, or a
 34 representative designated by the member of the board may protest the
 35 counting of a ballot or part of a ballot cast by a voter of a precinct.

36 SECTION 97. IC 3-11.5-6-7 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. If the ~~absentee~~ ballot
 38 counters cannot agree whether to count a ballot following a protest
 39 under section 6 of this chapter, the question shall be referred to the
 40 county election board for a decision.

41 SECTION 98. IC 3-11.5-6-8 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. Following a decision



1 by the absentee ballot counters or the county election board:

2 (1) the absentee ballot counters immediately shall write on the
3 back of the protested ballot card the word "counted" or "not
4 counted", as appropriate; and

5 (2) the person protesting the ballot under section 6 of this chapter
6 shall officially sign the protested ballot card.

7 SECTION 99. IC 3-11.5-6-9 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. If an absentee a
9 ballot is damaged or defective so that the ballot cannot properly be
10 counted by an automatic tabulating machine, a remake team composed
11 of one (1) person from each of the major political parties of the county
12 shall have the card prepared for processing so as to record accurately
13 the intent of the voter insofar as the intent can be ascertained.

14 SECTION 100. IC 3-11.5-6-14, AS AMENDED BY P.L.85-2017,
15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2021]: Sec. 14. If a test of automatic tabulating machines
17 required by IC 3-11-13-22 is not conducted for a particular office or
18 public question, the absentee ballot votes for that office shall be
19 counted manually.

20 SECTION 101. IC 3-11.5-6-15 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. If for any reason the
22 county election board determines that it is impracticable to count all or
23 some of the absentee ballots under this chapter with an automatic
24 tabulating machine, the board may direct that the ballot cards be
25 counted manually.

26 SECTION 102. IC 3-11.5-6-17, AS AMENDED BY P.L.128-2015,
27 SECTION 200, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2021]: Sec. 17. IC 3-11.5-5-14 applies to the
29 counting of write-in absentee ballots for a federal office cast on a ballot
30 card received under 52 U.S.C. 20301.

31 SECTION 103. IC 3-11.5-6-18 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. When all the votes
33 have been counted, the absentee ballot counters shall prepare a
34 certificate stating the number of votes that each candidate received for
35 each office and the number of votes cast on each public question.

36 SECTION 104. IC 3-11.5-6-19 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. The number of
38 votes that each candidate and each public question received shall be
39 written in words and numbers. The absentee ballot counters shall
40 prepare a memorandum of the total votes cast for each candidate and
41 on each public question and ensure that each member of the county
42 election board receives a copy of the memorandum.



1 SECTION 105. IC 3-11.5-6-20 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. The ~~absentee~~ ballot
 3 counters shall deliver the certificates prepared under section 18 of this
 4 chapter and the return printed by the automatic tabulating machine to
 5 the county election board immediately upon the tabulation of the vote
 6 in each precinct.

7 SECTION 106. IC 3-11.5-6-21, AS AMENDED BY P.L.210-2018,
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 21. (a) As soon as the ballots have been counted,
 10 the ~~absentee~~ ballot counters shall, in the presence of the county election
 11 board, do the following:

- 12 (1) Place in a strong paper envelope or bag the following:
 13 (A) All ballots, voted and not voted, together with all protested
 14 and uncounted ballots.
 15 (B) One (1) copy of each of the certificates prepared under
 16 IC 3-11.5-4-1 and IC 3-11.5-4-8.
 17 (C) The tally papers.
 18 (2) Securely seal the envelope or bag.
 19 (3) Have both ~~absentee~~ ballot counters initial the envelope or bag.
 20 (4) Plainly mark on the outside of the envelope or bag, in ink, the
 21 precinct for which the ~~absentee~~ ballots were cast.
 22 (5) Deliver the envelope or bag to the circuit court clerk.
 23 (6) Notify the circuit court clerk of the number of ballots placed
 24 in the envelope or bag.

25 (b) This subsection applies to a county having a consolidated city.
 26 Notwithstanding subsection (a)(4), the ~~absentee~~ ballots may be stored
 27 in the order in which the ~~absentee~~ ballots were counted and not in order
 28 by precinct.

29 SECTION 107. IC 3-11.5-6-22 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. Upon delivery of
 31 the envelope or bag to the circuit court clerk, each ~~absentee~~ ballot
 32 counter shall take and subscribe an oath before the clerk stating that the
 33 counter:

- 34 (1) securely kept the ballots and papers in the envelope or bag;
 35 (2) did not permit any person to open the envelope or bag or to
 36 otherwise touch or tamper with the ballots; and
 37 (3) had no knowledge of any other person opening the envelope
 38 or bag.

39 SECTION 108. IC 3-11.5-6-30 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. Immediately upon
 41 completion of the vote count, the ~~absentee~~ ballot counters shall make
 42 and sign a certificate for the news media showing the total number of



1 ~~absentee ballot~~ votes received by each candidate and on each public
2 question in the precinct.

3 SECTION 109. IC 3-11.5-6-31 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31. The ~~absentee~~ ballot
5 counters shall deliver the certificate to the circuit court clerk as soon as
6 the certificate is completed. The circuit court clerk shall deliver the
7 certificate made for the news media to any person designated to receive
8 the certificate by the editors of the newspapers published in the county
9 or by the managers of the radio and television stations operating in the
10 county immediately upon the completion of the certificate, but not
11 before the closing of the polls.

12 SECTION 110. IC 3-11.5-6-32 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 32. (a) This section
14 applies to a person who observes or performs any of the following
15 under this chapter:

- 16 (1) The counting of ~~absentee~~ ballots.
- 17 (2) The proceedings of ~~absentee~~ ballot counters or the county
18 election board regarding a protested ballot.
- 19 (3) The preparation of a certificate by ~~absentee~~ ballot counters.
- 20 (4) The delivery of a certificate to the circuit court clerk or county
21 election board.

22 (b) Except as prescribed by this chapter, a person shall not provide
23 any other person with information concerning the number of votes:

- 24 (1) a candidate received for an office; or
- 25 (2) cast to approve or reject a public question;

26 on ~~absentee~~ ballots counted under this chapter before the closing of the
27 polls.

28 SECTION 111. IC 3-11.5-7-1, AS AMENDED BY P.L.64-2014,
29 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2021]: Sec. 1. (a) ~~Absentee~~ Ballot counters shall conduct the
31 activities conducted by precinct election officials in submitting returns
32 to the county election board under IC 3-12-4.

33 (b) The returns of ~~absentee~~ ballot counters shall be treated the same
34 as the returns of a precinct election board under IC 3-12-4.

35 SECTION 112. IC 3-11.5-7-2 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. The voters appointed
37 as couriers or ~~absentee~~ ballot counters under this article shall be
38 compensated in the following manner:

- 39 (1) Couriers assigned to deliver ~~absentee ballots~~ **ballot**
40 certifications to the precincts on election day under IC 3-11.5-4-8,
41 are entitled to a per diem established by the county executive and
42 a sum for mileage established by the county fiscal body.



- 1 (2) The ~~absentee~~ ballot counters who are assigned to perform
 2 duties regarding ~~absentee~~ ballots on election day are entitled to a
 3 per diem established by the county executive.
- 4 SECTION 113. IC 3-11.5-7-3 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. ~~An absentee~~ A ballot
 6 is considered to be cast in the precinct in which the voter who cast the
 7 ballot resides for the purpose of the following chapters:
- 8 (1) IC 3-12-6.
 9 (2) IC 3-12-11.
 10 (3) IC 3-12-12.
- 11 SECTION 114. IC 3-11.7-1-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as
 13 provided in subsection (b), a provisional ballot must have the same
 14 form as ~~an absentee a~~ ballot for:
- 15 (1) the election for which the ballot is cast; and
 16 (2) the precinct in which the ballot is cast.
- 17 (b) A provisional ballot must indicate that the ballot is a provisional
 18 ballot and not ~~an absentee a regular~~ ballot.
- 19 **(c) This section expires January 1, 2024.**
- 20 SECTION 115. IC 3-11.7-1-2.1 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2021]: **Sec. 2.1. (a) This section applies after**
 23 **December 31, 2021.**
- 24 **(b) Except as provided in subsection (c), a provisional ballot**
 25 **must have the same form as a mail ballot for:**
- 26 **(1) the election for which the ballot is cast; and**
 27 **(2) the precinct in which the ballot is cast.**
- 28 **(c) A provisional ballot must indicate that the ballot is a**
 29 **provisional ballot and not a regular ballot.**
- 30 SECTION 116. IC 3-11.7-3-6, AS AMENDED BY P.L.278-2019,
 31 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2021]: Sec. 6. An individual serving as ~~an~~
 33 ~~absentee a~~ ballot counter under IC 3-11.5-4-22 may also serve as a
 34 provisional ballot counter under this chapter.
- 35 SECTION 117. IC 3-12-1-13, AS AMENDED BY P.L.64-2014,
 36 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 13. (a) This section applies only to ~~absentee~~
 38 ballots.
- 39 (b) The whole ballot may not be counted unless the ballot is
 40 endorsed with the initials of:
- 41 (1) the two (2) members of the ~~absentee~~ voter board under
 42 IC 3-11-4-19, IC 3-11-10-25, IC 3-11-10-26, IC 3-11-10-26.3, or



1 IC 3-11-18.1-11; or

2 (2) the two (2) appointed members of the county election board
3 (or their designated representatives) under IC 3-11-4-19.

4 **(c) This section expires January 1, 2024.**

5 SECTION 118. IC 3-12-2-1, AS AMENDED BY P.L.278-2019,
6 SECTION 141, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This chapter:

8 (1) is enacted to comply with 52 U.S.C. 21081 by establishing
9 uniform and nondiscriminatory standards to define what will be
10 counted as a vote on a paper ballot; and

11 (2) applies to each precinct where voting is by paper ballot.

12 (b) After the polls have closed, each precinct election board shall
13 count the paper ballot votes for each candidate for each office and on
14 each public question. The ballots shall be counted by laying each ballot
15 upon a table in the order in which it is taken from the ballot box.

16 (c) If a precinct election board administers more than one (1)
17 precinct, the board shall keep the ballots cast in each precinct separate
18 from ballots cast in any other precinct, so that the votes cast for each
19 candidate and on each public question in each of the precincts
20 administered by the board may be determined.

21 **(d) This section expires January 1, 2024.**

22 SECTION 119. IC 3-12-3-5, AS AMENDED BY P.L.194-2013,
23 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2021]: Sec. 5. (a) If a ballot card is damaged or defective so
25 that it cannot properly be counted by the automatic tabulating
26 machines, then a remake team composed of one (1) person from each
27 of the major political parties of the county shall have the card prepared
28 for processing so as to record accurately the intention of the voter
29 insofar as it can be ascertained.

30 (b) If the ballot card voting system is designed to allow the counting
31 and tabulation of votes by the precinct election board, the members of
32 the remake team must be members of the precinct election board in
33 which the ballot was cast. If a county provides for the counting and
34 tabulation of ballot card voting systems in a central location, the
35 members of the remake team shall be appointed by the county election
36 board.

37 (c) If necessary, a true, duplicate copy shall be made of the damaged
38 ballot card in the presence of witnesses and substituted for the damaged
39 card. Similarly, a duplicate ballot card shall be made of a defective
40 card, not including the uncounted votes.

41 (d) This subsection applies to an absent uniformed services voter or
42 overseas voter permitted to transmit ~~an absentee~~ a ballot by fax or



1 electronic mail under IC 3-11-4-6. To facilitate the transmittal and
 2 return of the voter's absentee ballot by fax or electronic mail, the county
 3 election board may provide the voter with a paper ballot rather than a
 4 ballot card. The paper ballot must conform with the requirements for
 5 paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns
 6 the ballot by fax or electronic mail, a remake team appointed by the
 7 county election board under this section shall prepare a ballot card for
 8 processing that accurately records the intention of the voter as
 9 indicated on the paper ballot. The ballot card created under this
 10 subsection must be marked and counted as a duplicate ballot under
 11 sections 6 through 7 of this chapter.

12 (e) If an automatic tabulating machine fails during the counting and
 13 tabulation of votes following the close of the polls, the county election
 14 board shall immediately arrange for the repair and proper functioning
 15 of the system. The county election board may, by unanimous vote of its
 16 entire membership, authorize the counting and tabulation of votes for
 17 this election on an automatic tabulating machine approved for use in
 18 Indiana by the commission:

19 (1) until the repair and retesting of the malfunctioning machine;

20 and

21 (2) whether or not the machine was tested under IC 3-11-13-22.

22 SECTION 120. IC 3-12-3-12 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) Votes by
 24 absentee voters may be cast on paper ballots or ballot cards, or both
 25 methods may be used. The ballots may be counted by an automatic
 26 tabulating machine or by special canvassing boards appointed by and
 27 under the direction of the county election board. A true copy of each
 28 paper absentee ballot may be made on a ballot card, which, after being
 29 verified in the presence of witnesses, shall be counted in the same
 30 manner as other ballot cards.

31 **(b) This section expires January 1, 2024.**

32 SECTION 121. IC 3-12-3-14 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The precinct
 34 election board may count absentee ballots before the polls have closed.

35 (b) If the precinct election board counts absentee ballots under this
 36 section, a member of the precinct election board may not, before the
 37 polls have closed, provide any person other than a member of the
 38 precinct election board with information concerning the number of
 39 votes:

40 (1) a candidate received for an office; or

41 (2) cast to approve or reject a public question;

42 on absentee ballots counted under this section.



1 **(c) This section expires January 1, 2024.**
2 SECTION 122. IC 3-12-3.5-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The precinct
4 election board may count ~~absentee~~ ballots before the polls have closed.
5 (b) If the precinct election board counts ~~absentee~~ ballots under this
6 section, a member of the precinct election board may not, before the
7 polls have closed, provide any person other than a member of the
8 precinct election board with information concerning the number of
9 votes:
10 (1) a candidate received for an office; or
11 (2) cast to approve or reject a public question;
12 on ~~absentee~~ ballots counted under this section.
13 **(c) This section expires January 1, 2024.**

