

# HOUSE BILL No. 1221

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-11; IC 3-12-4-6.

**Synopsis:** Poll hours; vote centers. Provides that the polls close at 8 p.m. (Under current law, the polls must close at 6 p.m.) Provides that the adoption, recession, or amendment of a vote center plan may be taken by a majority vote of all members of a county election board. (Current law requires such action to be taken by the unanimous vote of a county election board.)

**Effective:** January 1, 2021.

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January 7, 2020, read first time and referred to Committee on Elections and Apportionment.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1221

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 3-11-4-18, AS AMENDED BY P.L.100-2018,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2021]: Sec. 18. (a) If a voter satisfies any of the  
4 qualifications described in IC 3-11-10-24 that entitle a voter to cast an  
5 absentee ballot by mail, the county election board shall, at the request  
6 of the voter, mail the official ballot, postage fully prepaid, to the voter  
7 at the address stated in the application. Each ballot may be assigned a  
8 unique tracking number as prescribed by the election division using  
9 IMb Tracing or a similar automated tracking method to provide  
10 real-time tracking information for the envelope containing the ballot.  
11 As used in this subsection, "IMb Tracing" refers to a real-time mail  
12 tracking service offered through the United States Postal Service.

13 (b) If the county election board mails an absentee ballot to a voter  
14 required to file additional documentation with the county voter  
15 registration office before voting by absentee ballot under this chapter,  
16 the board shall include a notice to the voter in the envelope mailed to  
17 the voter under section 20 of this chapter. The notice must inform the



1 voter that the voter must file the additional documentation required  
 2 under IC 3-7-33-4.5 with the county voter registration office not later  
 3 than noon on election day for the absentee ballot to be counted as an  
 4 absentee ballot, and that, if the documentation required under  
 5 IC 3-7-33-4.5 is filed after noon and before 6 8 p.m. on election day,  
 6 the ballot will be processed as a provisional ballot. The election  
 7 division shall prescribe the form of this notice under IC 3-5-4-8.

8 (c) Except as provided in this subsection, section 18.5 of this  
 9 chapter, or IC 3-11-10-26.5, the ballot shall be transmitted:

10 (1) on the day of the receipt of the voter's application; or

11 (2) not more than five (5) days after the date of delivery of the  
 12 ballots under section 15 of this chapter;

13 whichever is later. If the election board determines that the county  
 14 voter registration office has received an application from the applicant  
 15 for registration at an address within the precinct indicated on the  
 16 application, and the election board determines that this application is  
 17 pending under IC 3-7-33, the ballot shall be mailed on the date the  
 18 county voter registration office indicates under IC 3-7-33-5(g) that the  
 19 applicant is a registered voter.

20 (d) As required by 52 U.S.C. 21081, an election board shall  
 21 establish a voter education program (specific to a paper ballot or  
 22 optical scan ballot card provided as an absentee ballot under this  
 23 chapter) to notify a voter of the effect of casting multiple votes for a  
 24 single office.

25 (e) As provided by 52 U.S.C. 21081, when an absentee ballot is  
 26 transmitted under this section, the mailing must include:

27 (1) information concerning the effect of casting multiple votes for  
 28 an office; and

29 (2) instructions on how to correct the ballot before the ballot is  
 30 cast and counted, including the issuance of replacement ballots.

31 SECTION 2. IC 3-11-8-8, AS AMENDED BY P.L.278-2019,  
 32 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JANUARY 1, 2021]: Sec. 8. (a) The polls in each precinct open at 6  
 34 a.m. and close at 6 8 p.m. on election day.

35 (b) A county election board or a board of elections and registration  
 36 does not have the power to extend the hours that the polls are to be  
 37 open in any precinct or vote center of the county.

38 SECTION 3. IC 3-11-14-19 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 19. Each county  
 40 election board shall be at its office from 5 a.m. until 6 8 p.m. on  
 41 election day. Upon notice that an electronic voting system is out of  
 42 order or fails to work, the board shall be ready between those hours to



1 deliver to any precinct in the county:

- 2 (1) necessary paper ballots;  
 3 (2) election booths with an adequate number of stalls;  
 4 (3) ballot boxes; and  
 5 (4) all necessary supplies and equipment as required by law.

6 SECTION 4. IC 3-11-18.1-3, AS AMENDED BY P.L.170-2019,  
 7 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JANUARY 1, 2021]: Sec. 3. (a) A county must comply with this  
 9 section to become a vote center county.

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

- 11 (1) The county election board.  
 12 (2) The board of elections and registration.

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

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

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

- 19 (1) The draft plan.  
 20 (2) The written public comments.  
 21 (3) Any other public comment that the board may permit on the  
 22 draft plan.

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

- 25 (1) Adopt an order approving the draft plan.  
 26 (2) Amend the draft plan and adopt an order approving the  
 27 amended draft plan.

28 The board may adopt the order to approve a plan only by ~~unanimous~~ a  
 29 **majority** vote of the entire membership of the board.

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

31 ~~(h)~~ (g) The order and the adopted plan must be filed with the  
 32 election division and must include a copy of:

- 33 (1) a resolution adopted by the county executive; and  
 34 (2) a resolution adopted by the county fiscal body;

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

36 SECTION 5. IC 3-11-18.1-8, AS AMENDED BY P.L.258-2013,  
 37 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JANUARY 1, 2021]: Sec. 8. (a) Except as provided in subsection (b),  
 39 the designation of a county as a vote center county takes effect  
 40 immediately upon the filing of the order with the election division,  
 41 unless otherwise specified by the county election board.

42 (b) An order filed with the election division during the final sixty



- 1 (60) days before an election becomes effective on the day following the  
 2 election.
- 3 (c) The designation of a county as a vote center county remains in  
 4 effect until the county election board, by **unanimous a majority** vote  
 5 of its entire membership:
- 6 (1) rescinds the order designating the county as a vote center  
 7 county; and  
 8 (2) files a copy of the document rescinding the order with the  
 9 election division.
- 10 SECTION 6. IC 3-11-18.1-15, AS AMENDED BY P.L.170-2019,  
 11 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JANUARY 1, 2021]: Sec. 15. (a) A county may amend a plan adopted  
 13 with a county election board's order under section 3 of this chapter.
- 14 (b) For a county to amend its plan:
- 15 (1) the county election board or board of elections and  
 16 registration, by **unanimous a majority** vote of the entire  
 17 membership of the board, must approve the plan amendment;  
 18 ~~(2) all members of the board must sign the amendment;~~ and  
 19 ~~(3)~~ **(2)** the amendment must be filed with the election division.
- 20 (c) A plan amendment takes effect immediately upon filing with the  
 21 election division, unless otherwise specified by the county election  
 22 board.
- 23 SECTION 7. IC 3-12-4-6 IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JANUARY 1, 2021]: Sec. 6. (a) At ~~6~~ **8** p.m. on each  
 25 election day, the county election board shall assemble in a room to  
 26 canvass the certificates, poll lists, and tally papers returned by each  
 27 inspector in the county and to declare the results of the election as  
 28 provided in this chapter.
- 29 (b) The canvassing must be performed in public under IC 5-14-1.5.  
 30 However, the board may restrict access to parts of the room where  
 31 election material is being handled or transported to safeguard the  
 32 material.
- 33 (c) Except as provided in section 7 of this chapter, the county  
 34 executive shall provide a room in the courthouse that contains adequate  
 35 space to permit members of the public to witness the canvassing of  
 36 votes.

