

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1265

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as provided in ~~subsection subsections~~ (b) and (c), "candidate" means a **person an individual** who:

- (1) has taken the action necessary to qualify under Indiana law for listing on the ballot at an election or to become a write-in candidate;
- (2) has publicly announced or declared candidacy for an elected office; or
- (3) otherwise seeks nomination for or election to an elected office, regardless of whether the individual wins election to the office.

(b) As used in IC 3-9, an individual becomes a "candidate" when the individual, the candidate's committee, or a person acting with the consent of the individual:

- (1) receives more than one hundred dollars (\$100) in contributions; or
- (2) makes more than one hundred dollars (\$100) in expenditures.

(c) As used in IC 3-13-1 and IC 3-13-2, "candidate" includes an **individual filling a general or municipal election ballot vacancy under IC 3-13-1 or IC 3-13-2 when a county or town election**

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board, the Indiana election commission, or a court has determined that the required action of:

(1) the individual; or

(2) another person under IC 3-13-1 or IC 3-13-2;

is void or invalid.

SECTION 2. IC 3-5-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. "Chute" means the area ~~or pathway~~ that extends fifty (50) feet in ~~length~~, **radius**, measured from the entrance to:

(1) the polls; or

(2) for purposes of early voting:

(A) the office of the circuit court clerk; or

(B) a satellite office of the circuit court clerk established under IC 3-11-10-26.3.

If the property line of the polling place **or an office described in subdivision (2)** is less than fifty (50) feet from the door or entrance to the polling place **or office**, the chute is measured from the exterior door or entrance to the polling place **or office** to one-half (1/2) the distance to the property line of the polling place **or office** nearest to the entrance to the polls. Whenever there are two (2) or more doors or entrances to the polls, the inspector of the precinct shall designate one (1) door or entrance as the door for voters to enter for the purpose of voting.

SECTION 3. IC 3-5-2-43.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43.5. "Scantron" means **an optical scan ballot that consists of an optical scan card that contains:**

(1) the names of; or

(2) coding that indicates the names of;

political parties and candidates selected by the voter.

SECTION 4. IC 3-5-4-1.7, AS AMENDED BY P.L.227-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1.7. (a) Except as otherwise expressly authorized or required under this title, a filing by a person with a commission, the election division, an election board, or a county voter registration office may not be made by fax or electronic mail.

(b) This subsection does not apply to a petition of nomination described in IC 3-8-2, IC 3-8-3, or IC 3-8-6 that may be forwarded by a county voter registration official to the election division. Notwithstanding subsection (a) and except as provided in IC 3-12-5, a:

(1) circuit court clerk;

(2) voter registration official; or



(3) county election board;
may make a filing by fax or electronic mail, if the filing is required under this title to be made with the commission or election division.

~~(b)~~ **(c)** A petition of nomination filed with a county voter registration office under IC 3-8-2, IC 3-8-2.5, IC 3-8-3, or IC 3-8-6 or a petition to place a public question on the ballot, or any other petition filed that requires the county voter registration office to certify the validity of signatures, may not contain the electronic signature, including a signature described in IC 26-2-8-106, digital signature, digitized signature, or photocopied signature of a voter.

~~(c)~~ **(d)** An electronic signature, digital signature, digitized signature, or photocopied signature of a candidate, campaign finance committee chairman, or campaign finance committee treasurer may be used for campaign finance statements and reports filed under IC 3-9.

SECTION 5. IC 3-5-10-7.1, AS ADDED BY SEA 135-2024, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) A redistricting authority described in section 7(a)(1) of this chapter that did not redistrict election districts or did not recertify existing districts following the 2020 decennial census, shall:

(1) after January 1, 2025, and before ~~June 30, 2025~~, **November 1, 2025**, redistrict election districts for an office that is on the ballot during the 2024 general election; or

(2) before ~~June 30, 2025~~: **November 1, 2025**:

(A) recertify existing districts under section 8 of this chapter;
 or

(B) redistrict election districts for an office that is not on the ballot during the 2024 general election.

(b) Redistricting or recertifying under this section must be based on the 2020 decennial census.

(c) A member of a redistricting authority described in subsection (a) that fails to:

(1) redistrict election districts; or

(2) recertify existing districts under section 8 of this chapter;

before June 30, 2025, shall not be entitled to receive payment of any salary or fees, as fixed by law, until the redistricting authority complies with subsection (a).

(d) This section expires July 1, ~~2025~~: **2026**.

SECTION 6. IC 3-6-5-17.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 17.3. The county election board of a county that is not designated as a vote center county under IC 3-11-18.1 must**



establish a plan that specifies the method and timing of providing absentee reports to persons who are entitled to receive the reports under this title. Absentee reports must be provided to all persons entitled to the reports without unreasonable delay.

SECTION 7. IC 3-7-27-6, AS AMENDED BY P.L.128-2015, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As required under 52 U.S.C. 20507(i), a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the following:

- (1) Lists of names and addresses of voters who were sent notices under the voter list maintenance program.
- (2) Information concerning whether a voter has responded to a notice described by subdivision (1) as of the date the inspection of the record is made.

(b) The county voter registration office shall retain the records described by this section for at least two (2) years. Except for records concerning declinations to register to vote or that indicate the identity of a voter registration agency where a person registered, the county voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.

(c) In accordance with IC 5-14-3-3(h) and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must:

- (1) apply to all records maintained in the computerized list, including election administration records and absentee activity reports; and**
- (2) either:**

(A) permit a person to duplicate or obtain a duplicate copy of a computer disc or other similar record system that contains this voter registration information; or

(B) not permit the person to duplicate or obtain a duplicate copy of the information.

Notwithstanding IC 5-14-3-8, the county election board may adopt a nondiscriminatory uniform fee for the production of this electronic record.

(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that



the person will not:

- (1) use the information to solicit merchandise, goods, services, or subscriptions; or
- (2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;

for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

SECTION 8. IC 3-7-38.2-4, AS AMENDED BY P.L.71-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) As provided under 52 U.S.C. 20507(c)(2)(B)(ii), this chapter does not prevent the correction of voter registration records under this article.

(b) ~~This subsection applies to a voter registration record~~ **The NVRA official shall, at least once each calendar year, review and identify voter registration records that does do not contain a date of birth or contains contain a date of birth that is at least one hundred fifteen (115) years or more before the date of the request. review.**

(c) The election division shall request that the bureau of motor vehicles provide the election division with any information kept by the bureau of motor vehicles that sets forth the date of birth of ~~the a~~ **a voter identified by the NVRA official.** If the election division receives date of birth information under this subsection, the election division shall forward the information to the appropriate county voter registration office.

(d) The NVRA official shall send to the voter registration offices the names of voters associated with a voter registration record identified under subsection (b).

(e) The county voter registration office shall:

- (1) determine if the information applies to the voter registration record that does not contain a date of birth or contains a date of birth that is at least one hundred fifteen (115) years or more before the date of the request; and
- (2) if the information applies, amend the voter registration record to contain the correct date of birth and document the source of the information in the computerized list.

SECTION 9. IC 3-10-1-31.1, AS AMENDED BY P.L.131-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 31.1. (a) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms,



to the circuit court clerk when making returns.

(b) Except for unused ballots disposed of under IC 3-11-3-31 or **the copies of the** affidavits received by the county election board under IC 3-14-5-2 for delivery to the ~~foreman of a grand jury~~, **prosecuting attorney**, the circuit court clerk shall seal the ballots (including provisional ballots) and other material (including election material related to provisional ballots) during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (c) and notwithstanding any other provision of state law, after the recount or contest filing period, the election material, including election material related to provisional ballots (except for ballots and provisional ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 52 U.S.C. 20701, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

- (1) IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 52 U.S.C. 10301;

requires the continued preservation of the ballots or other material.

(c) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(d) Upon delivery of the poll lists, the county voter registration office shall unseal the envelopes containing the poll lists, inspect the poll lists, and update the registration records of the county. The county voter registration office shall use the poll lists and information on affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list and affidavits shall be preserved with the ballots and other materials in the manner prescribed by subsection (b) for the period prescribed by subsections (b) and (c).

(e) In addition to the poll lists described in subsection (d), the county voter registration office shall use the affidavits described by IC 3-10-10-7, IC 3-10-11-4, and IC 3-10-12-3.4 to update the registration records of the county as soon as the affidavits are delivered to the county voter registration office.

(f) The county voter registration office shall retain a voter's paper registration records associated with the address at which the voter is registered to vote until all of the following are satisfied:

- (1) The voter's registration at the address stated in the voter's



registration application has been canceled.

(2) The general election immediately following the cancellation of the voter's registration under subdivision (1) has occurred.

(3) Twenty-four (24) months have elapsed following the general election described in subdivision (2).

(g) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (b), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

(h) After the expiration of the period described in subsection (b) or (c), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

(i) This subsection applies to a detachable recording unit or compartment used to record a ballot cast on a direct record electronic voting system. After the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election, the circuit court clerk shall transfer the data contained in the unit or compartment to a disc or other recording medium. After transferring the data, the clerk may clear or erase the unit or compartment. The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 52 U.S.C. 20701, after which time the disc or medium may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the disc or medium is issued under the following:

(1) IC 3-12-6-19.

(2) IC 3-12-11-16.

(3) 52 U.S.C. 10301.

(j) This subsection applies to a county using an electronic poll book. After each election, the county shall save all data recorded on the electronic poll book and any information stored on the dedicated, private server required under IC 3-11-8-10.3(b)(4). The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 52 U.S.C. 20701, after which time the data may be erased or destroyed, subject to IC 5-15-6,



unless an order requiring the continued preservation of the data is issued under the following:

- (1) IC 3-12-6-19.
- (2) IC 3-12-11-16.
- (3) 52 U.S.C. 10301.

(k) This section does not prohibit county election officials from performing post-election audits, as authorized by statute.

(l) This section does not prohibit county election officials from performing a duty under IC 3-11.7.

SECTION 10. IC 3-11-2-12.3, AS ADDED BY P.L.227-2023, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.3. **(a) This section does not apply to a political party office printed on a primary ballot.**

(b) A ballot must be arranged so that all candidates for the same office appear on the same page or screen of the ballot.

SECTION 11. IC 3-11-4-3, AS AMENDED BY P.L.170-2023, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) For purposes of this section, "clerk" means:**

- (1) the circuit court clerk; or**
- (2) in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration.**

~~(a)~~ **(b)** Except as provided in subsection ~~(c)~~ **(e)** and section 6 of this chapter, an **absentee ballot** application for an ~~absentee ballot~~ must be received by the ~~circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration)~~ not earlier than the date the registration period resumes under IC 3-7-13-10. ~~nor later than~~

(c) An absentee ballot application must be received by the clerk not later than the following:

- (1) Noon on election day if the voter registers to vote under IC 3-7-36-14.
- (2) Noon on the day before election day if the voter:
 - (A) completes the application in the office of the circuit court clerk under IC 3-11-10-26; or
 - (B) is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by electronic mail or fax under section 6(h) of this chapter.
- (3) Noon on the day before election day if:
 - (A) the application is mailed, transmitted by electronic mail or fax, or hand delivered from a confined voter or voter caring for a confined person; and



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

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

- (A) a mailed application;
- (B) transmitted by electronic mail;
- (C) transmitted by fax; or
- (D) hand delivered;

from other voters who request to vote by mail under IC 3-11-10-24 or for a voter with print disabilities to vote by electronic mail or fax under section 6(h) of this chapter.

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

~~(c)~~ **(e)** If the circuit court clerk receives an absentee ballot application for a voter that is not registered to vote in the county where the clerk serves, the clerk shall forward the application, on an expedited basis, to the circuit court clerk of the county where the voter is registered to vote. The circuit court clerk that receives the application on an expedited basis shall consider the application as filed on the date and time it was filed with the clerk that forwarded the application.

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

SECTION 12. IC 3-11-4-6, AS AMENDED BY P.L.227-2023, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

- (1) An absent uniformed services voter.
- (2) An address confidentiality program participant (as defined in



IC 5-26.5-1-6).

(3) An overseas voter.

(4) A voter with print disabilities.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section. Except as provided in section ~~3(d)~~ **3(f)** of this chapter, a person may apply for an absentee ballot at any time after the registration period resumes under IC 3-7-13-10.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election by filing either of the following:

(1) A combined absentee registration form and absentee ballot request approved under 52 U.S.C. 20301(b)(2).

(2) A form prescribed under IC 3-5-4-8 that identifies the applicant as an absent uniformed services voter, an overseas voter, or a voter with print disabilities. A form prescribed under this subdivision must permit the applicant to designate whether the applicant wishes to receive the absentee ballot by electronic mail, fax, or United States mail.

(d) If the county election board receives an absentee ballot application from a person described by subsection (c), the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under section 15 of this chapter, unless the person has indicated under subsection (c) that the person wishes to receive the absentee ballot by electronic mail or fax.

(e) Whenever a voter files an application for an absentee ballot and indicates on the application that the voter is an absent uniformed services voter, an overseas voter, or a voter with print disabilities, the application is an adequate application for an absentee ballot for an election conducted during the period that ends on December 31 following the date the application is filed, unless an absentee ballot mailed to the voter at the address set forth in the application is returned to the county election board during that period as undeliverable. The circuit court clerk and county election board shall process this application and send general election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for a change of address within the same county or for a change of name or other information set forth in the voter's registration record, the



previously approved absentee ballot application remains effective for the same period, unless the acknowledgment notice sent to the voter at that address is returned by the United States Postal Service due to an unknown or insufficient address in accordance with IC 3-7-33-5. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for an address that is not located in the same county, the voter must file a new absentee ballot application under this section with the appropriate county election board.

(f) Whenever a voter described in subsection (a)(2) files an application for a primary election absentee ballot and indicates on the application that the voter is an address confidentiality program participant, the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the period that ends on December 31 following the date the application is filed. The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(g) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

- (1) To a law enforcement agency, upon request.
- (2) As directed by a court order.

(h) The county election board shall by fax or electronic mail transmit an absentee ballot to and receive an absentee ballot from an absent uniformed services voter, an overseas voter, or a voter with print disabilities by electronic mail or fax at the request of the voter indicated in the application filed under this section. If the voter wants to submit absentee ballots by fax or electronic mail, the voter must separately sign and date a statement submitted with the electronic mail or the fax transmission that states substantively the following: "I understand that by faxing or e-mailing my voted ballot I am voluntarily waiving my right to a secret ballot."

(i) The county election board shall send confirmation to a voter described in subsection (h) that the voter's absentee ballot has been



received as follows:

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

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail 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 absentee ballot;

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

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

(j) Upon approval of the voter's absentee ballot application, a county election board shall transmit an absentee ballot 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 voter at the voter's electronic mail address, if requested to do so by the voter. A voter described by this section may transmit the voted absentee ballot to a county election board by electronic mail. If a voter described in this section transmits the voted absentee 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 absentee ballot under this subsection must include a digital image of the voter's signature on the statement required under subsection (h).

(k) The secretary of state, with the approval of the election division, shall develop a system that complies with the Web Content Guidelines.

SECTION 13. IC 3-11-4-17.6, AS ADDED BY P.L.140-2023, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.6. (a) For purposes of this section, "clerk" means:

(1) the circuit court clerk; or

(2) in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of



the board of elections and registration.

(b) This subsection applies to an application to receive an absentee ballot by mail under IC 3-11-10-24 that is received by the clerk ~~more than~~ twelve (12) **or more** days before election day. If the clerk determines that the application does not fully comply with the requirements of this title, the clerk shall transmit the following to the applicant:

- (1) An application for an absentee ballot.
- (2) A written notice prescribed by the election division under IC 3-5-4-8 that includes:
 - (A) a brief explanation of each defect in the noncompliant application;
 - (B) a statement informing the voter that the voter is not entitled to vote before election day by absentee ballot unless the application complies with all legal requirements; and
 - (C) instructions for submitting a second application for an absentee ballot.

(c) This subsection applies to an application to receive an absentee ballot by mail under IC 3-11-10-24 that is received by the clerk:

- (1) after 11:59 p.m. twelve (12) days before election day; and
- (2) before noon on the day before election day.

If the clerk determines that the application does not fully comply with the requirements of this title, the clerk shall transmit to the applicant a written notice that includes the information described by subsection (b)(2)(A) through (b)(2)(B). If applicable, the notice must also include a statement that the application was late.

(d) This subsection applies to a voter who submits a defective application to receive an absentee ballot that is received by the clerk before the deadline for receipt of absentee ballots under section 3 of this chapter. Notwithstanding the requirement under IC 3-11-10-25(e) for prior unanimous approval by the county election board, the clerk may:

- (1) deliver a second absentee application in person to a voter described by this subsection;
- (2) approve the second absentee application if the clerk determines that each defect in the first absentee application has been corrected; and
- (3) if accompanied by an absentee voter board, provide the absentee ballot to the voter.

(e) After receiving the ballot under subsection (d), the voter may return the voted absentee ballot:

- (1) in person to the absentee voter board; or



(2) to the county election board;
before the deadline for receipt of absentee ballots under IC 3-11.5-4-10.

(f) If a clerk uses the procedure described in subsection (d), the procedure must be applied uniformly to all applications covered by subsection (d).

SECTION 14. IC 3-11-8-15, AS AMENDED BY P.L.227-2023, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders and challengers.
- (6) Watchers.
- (7) Voters for the purposes of voting.
- (8) Minor children accompanying voters as provided under IC 3-11-11-8.
- (9) An assistant to a precinct election officer appointed under IC 3-6-6-39.
- (10) An individual authorized to assist a voter in accordance with IC 3-11-9.
- (11) A member of a county election board, acting on behalf of the board.
- (12) A technician authorized to act on behalf of a county election board to repair a voting system (if the technician bears credentials signed by each member of the board).
- (13) Either of the following who have been issued credentials signed by the members of the county election board:
 - (A) The county chairman of a political party.
 - (B) The county vice chairman of a political party.

However, a county chairman or a county vice chairman who is a candidate for nomination or election to office at the election may not enter the polls under this subdivision.

(14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(15) A person credentialed by the Indiana protection and advocacy services commission to conduct activities for the protection and advocacy for voting access program provided under 52 U.S.C. 21061.



(b) Except for an individual described in subsection (a)(8) or (a)(10), an individual must be a citizen of the United States to be permitted in the polls during an election.

(c) The secretary of state may exempt an individual from the requirement to be a United States citizen.

(d) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(e) The inspector of a precinct has authority over all simulated election activities conducted under subsection (d) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

(f) A person described in subsection (a)(15) must carry an identification card that clearly states the following:

(1) The name of the individual carrying the identification card.

(2) A statement that the person is credentialed by the Indiana protection and advocacy services commission to enter the polling location.

(3) A brief statement that the individual is conducting activities provided under federal law.

SECTION 15. IC 3-11-10-26.3, AS AMENDED BY P.L.169-2015, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 26.3. (a) A county election board may adopt a resolution to authorize the circuit court clerk to establish satellite offices in the county where voters may cast absentee ballots before an absentee voter board.

(b) To be adopted under this section, a resolution must be adopted by the unanimous vote of the board's entire membership.

(c) A resolution adopted under this section must do the following:

(1) State the locations of the satellite offices.

(2) State the hours at which absentee voting may occur at the satellite offices.

(d) The resolution may contain other provisions the board considers useful.

(e) If a resolution is adopted under this section for a primary election, the **following apply:**

(1) Except as provided in subdivision (2), the locations of the satellite offices and the hours at which absentee voting may occur at the satellite offices established for the primary election must be



used for the subsequent general or municipal election.

(2) The board may, by unanimous vote of the board's entire membership, amend the resolution to modify, for the subsequent general or municipal election:

(A) the locations of the satellite offices; and

(B) the hours at which absentee voting may occur at the satellite offices.

A board in a county designated as a vote center county under IC 3-11-18.1 that amends a resolution under subdivision (2) shall also amend its plan under IC 3-11-18.1-15 to conform to the amendment.

(f) If a resolution is adopted under this section, the procedure for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk under section 26 of this chapter.

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

(h) A satellite office established by a circuit court clerk under this section must comply with the polling place accessibility requirements of IC 3-11-8.

(i) A resolution adopted under this section expires January 1 of the year immediately after the year in which the resolution is adopted.

SECTION 16. IC 3-11-10-29, AS AMENDED BY P.L.109-2021, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) The envelope required by section 28 of this chapter must bear upon its face a printed affidavit containing the voter's affirmation under penalties of perjury that the following information is true:

The voter must indicate the voter's precinct and township (or ward and city or town) and indicate whether the voter is entitled to vote as a resident of the precinct or is entitled to vote under IC 3-10-11 or IC 3-10-12.

(b) The voter must sign and date the affidavit. ~~and~~ **After the voter has signed and dated the affidavit**, the absentee voter board members each must sign the affidavit and print the member's name.

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

(1) the board visited the voter in the manner authorized under section 25(b) of this chapter; and

(2) the voter was a voter with disabilities who was unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope under section 24(d) of this chapter.



SECTION 17. IC 3-11-18.1-15, AS AMENDED BY P.L.170-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15. (a) A county may amend a plan adopted with a county election board's order under section 3 of this chapter.

(b) For a county to amend its plan:

- (1) the county election board or board of elections and registration, by unanimous vote of the entire membership of the board, must approve the plan amendment;
- (2) all members of the board must sign the amendment; and
- (3) the amendment must be filed with the election division.

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county election board.

(d) A plan amendment may be filed with the election division by fax or electronic mail.

SECTION 18. IC 3-11.5-4-13, AS AMENDED BY P.L.227-2023, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be rejected:

- (1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:
 - (A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;
 - (B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or
 - (C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

A scantron complies with the endorsement requirement under this subdivision if the scantron is endorsed with the initials of two (2) members under clause (A), (B), or (C).

- (2) The signatures do not correspond or there is no signature, and the signature mismatch or missing signature is not cured by the deadline established under section 13.5 or 13.6 of this chapter.
- (3) The absentee voter is not a qualified voter in the precinct.
- (4) The absentee voter has voted in person at the election.
- (5) The absentee voter has not registered.
- (6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual



designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and there is no absentee ballot application from the voter to support the absentee ballot.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by any of the following:

(1) The absentee voter board under section 22 of this chapter.

(2) A member of the voter's household.

(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) This subsection does not apply to an absentee ballot rejected under this section based on a finding that the voter's signature on the absentee ballot security envelope affidavit does not correspond to any signature on the voter's absentee ballot application. The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 19. IC 3-11.5-4-13.5, AS ADDED BY P.L.109-2021, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2024]: Sec. 13.5. (a) This section applies to an absentee ballot where there is a finding that the voter's signature on the absentee ballot security envelope affidavit does not correspond to the signature on the voter's absentee ballot application or electronic poll book, or any signature by the voter maintained in the statewide voter registration system.

(b) If the absentee voter board, the absentee ballot counters, or the county election board determine that a voter's signature on the absentee ballot security envelope affidavit does not correspond to:

- (1) the voter's signature on the absentee ballot application;
- (2) the voter's signature on the electronic poll book; or
- (3) any signature of the voter maintained in the statewide voter registration system;

the absentee ballot security envelope shall not be opened and the ballot shall not be counted.

(c) The absentee voter board, the absentee ballot counters, or the county election board shall write the date and cause of the mismatched signature on the face of the security envelope after completing the procedures set forth in this section.

(d) The county election board or board of elections and registration shall send a notice produced from the computerized system established by IC 3-7-26.3 to the voter of the determination of the absentee voter board, absentee ballot counters, county election board, or board of elections and registration that an absentee ballot signature mismatch has occurred. The county election board shall:

- (1) **either:**
 - (A) **hand deliver the notice; or**
 - (B) mail the notice by first class United States mail; to the registration address of the voter;
- (2) send the notice by electronic mail to the voter if an electronic mail address for the voter is available; and
- (3) call the voter by telephone to provide notice of the signature mismatch determination, if a telephone number for the voter is available;

not later than the close of business two (2) business days after the signature mismatch determination by the county occurs. **If a county election board is unable to produce the notice from the computerized list, the county election board may send the notice provided by the election division.**

(e) **If:**

- (1) **the county election board does not provide the voter with the notice described in subsection (d) before the close of**



business two (2) business days after the signature mismatch is determined; and

(2) the voter learns that the notice described in subsection (d) should have been provided;

the voter or a representative of the voter may request the notice described in subsection (d) from the county election board or the election division.

(f) An absentee ballot sealed inside an absentee ballot security envelope affidavit with a signature mismatch shall be treated as a provisional ballot under IC 3-11.7. The signature mismatch may be cured under this section and the absentee ballot counted if the ballot is otherwise valid.

(g) A voter notified by the county election board or board of elections and registration under subsection (d) must verify the voter's signature under this section on:

- (1) the absentee ballot security envelope affidavit;
- (2) the absentee ballot application or electronic poll book; or
- (3) both;

by filing an affidavit with the county election board or board of elections and registration not later than noon, prevailing local time, eight (8) days after election day.

(h) The notice under subsection (d) is subject to IC 3-5-4-8 and must contain the following information:

- (1) A statement from the county election board or board of elections and registration notifying the voter that the county has determined that a signature mismatch has occurred between the signature of the voter on the absentee ballot security envelope affidavit and the voter's signature on the absentee ballot application or electronic poll book, or any signature made by the voter on file in the statewide voter registration system.
- (2) A statement that the voter's absentee ballot will be rejected and not counted unless the voter cures the signature mismatch under this section by filing a signed signature verification affidavit with the county election board or board of elections and registration not later than noon, local prevailing time, eight (8) days after election day, and specifying the date on which the eighth day will fall.
- (3) A signature line for the voter to print the voter's name and date and sign the signature verification affidavit.
- (4) A statement that the signature verification affidavit must be:
 - (A) placed into a mailing envelope addressed to the county election board or board of elections and registration, and either



mailed with sufficient postage or hand delivered to the board;
or

(B) sent to the board by electronic mail or facsimile transmission.

(5) Information provided by the board setting forth the mailing address, electronic mail address, or facsimile number of the board.

(6) The name of the voter.

(h) (i) The signature verification affidavit shall be prescribed by the election division under IC 3-5-4-8, shall be produced from the computerized list established under IC 3-7-26.3, must substantially be in the following form, and may be included on the same page as the notice and instructions:

SIGNATURE VERIFICATION AFFIDAVIT

I, [voter's name], am a registered voter of [voter's county of residence] County, State of Indiana. I declare under the penalties of perjury that I requested and returned an absentee ballot. I am a resident of the precinct in which I have voted (or I am entitled to vote in this precinct under Indiana law), and I am the person whose name appears on the absentee ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment, a fine, or both. I understand that my failure to sign this statement means my absentee ballot will not be counted.

Voter's Signature

Voter's Printed Name

Voter's Registration Address

If there is a reason why your signature does not match, please explain here. Examples include age or disability of the voter or execution of the absentee affidavit by the person holding the voter's power of attorney or any person assisting a voter under IC 3-11-4-2(b) or a member of the voter's immediate household or power of attorney attesting to the voter's signature on the absentee by mail return envelope under IC 3-11.5-4-13(c). The computerized list shall preprint the name of the voter in the appropriate parts of the affidavit.

(i) (j) The county election board or board of elections and registration may not reject an absentee ballot with a nonconforming



security envelope signature if each of the following conditions are satisfied:

- (1) The voter delivers:
 - (A) in person;
 - (B) by mail;
 - (C) by facsimile transmission; or
 - (D) by electronic mail;

a signature verification affidavit signed by the voter and the county election board or board of elections and registration receives the affidavit not later than noon, prevailing time, eight (8) days after election day, or the voter, before the close of the polls on election day, completes and files a signature verification affidavit with the inspector or other chief election official of the precinct or vote center within the county. The inspector or vote center official shall forward the signature verification statement to the county election board or board of elections and registration with the other materials from the precinct. **The voter may deliver a signature verification affidavit signed by the voter to an absentee voter board at a circuit court clerk's office or satellite location during the period of early voting described in IC 3-11-10-26.**

- (2) Upon receipt of the signature verification statement, the county election board or county board of elections and registration shall open the provisional ballot envelope to access the voter's absentee ballot security envelope to:

- (A) compare the signature on the verification statement with the signature on the affidavit of the ballot envelope; or
- (B) if the ballot is for a military or overseas voter who transmitted the ballot by facsimile or electronic mail, compare the affidavit found under IC 3-11-4-6(h) and, if applicable, the signature found in the voter's registration record or the signature on the absentee ballot application.

~~(j)~~ **(k)** If, upon conducting the comparison of signatures, the board determines that the signatures match and no other challenges have been made to the ballot, the board shall open the absentee ballot security envelope and add the votes cast on the ballot to the tally for the voter's precinct.

~~(k)~~ **(l)** A ballot may not be removed from the security envelope until the time for processing ballots. If, upon conducting the comparison of the signatures under this section, the election officials determine that the signatures are mismatched, the voter's absentee ballot security envelope may not be opened and the ballot shall not be counted. The



election officials shall write "this ballot has been rejected because of a mismatched signature" on the face of the security envelope. The absentee ballot security envelope must be resealed and the status of the rejected provisional ballot must be made under the "County Election Board Findings" on the affidavit.

(~~f~~) (m) A mismatched absentee ballot security envelope is to be treated as a provisional ballot and is subject to the same confidentiality restrictions under IC 3-11.7-6-3.

(~~m~~) (n) If the county election board or board of elections and registration determines that the signatures match, the board shall provide a copy of the statement to the county voter registration officer in any county where there is a separate board of registration. The voter registration officer shall then use the signature in the signature verification statement, even if returned untimely, to update the voter's signature in the voter's registration record.

SECTION 20. IC 3-11.5-4-13.6, AS ADDED BY P.L.109-2021, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13.6. (a) This section applies to an absentee ballot where there is a finding that the voter's signature on the absentee ballot security envelope affidavit is missing and therefore does not correspond to the signature on the voter's absentee ballot application or electronic poll book.

(b) Section 13.5(c), 13.5(d), **13.5(e)**, and ~~13.5(f)~~ **13.5(g)** of this chapter apply to this section.

(c) The county election board or board of elections and registration shall not reject an absentee ballot with a missing security envelope signature if ~~either any~~ of the following conditions ~~is are~~ satisfied and the county election board or board of elections and registration determines that the unsigned absentee ballot affidavit is truthful and otherwise in compliance with this section:

- (1) The voter delivers:
 - (A) in person;
 - (B) by mail;
 - (C) by facsimile; or
 - (D) by electronic mail;

an affidavit of unsigned ballot that is signed by the voter, and the county election board or board of elections and registration receives the affidavit not later than noon eight (8) days after election day.

- (2) Before the close of the polls on election day, the voter completes and files an affidavit of unsigned ballot with the inspector or other chief election official of the precinct or vote



center within the county. The inspector or vote center official shall forward the affidavit of unsigned ballot to the county election board or board of elections and registration with the other materials from the precinct.

(3) The voter delivers an affidavit of unsigned ballot that is signed by the voter to an absentee voter board at a circuit court clerk's office or satellite location during the period of early voting described in IC 3-11-10-26.

(d) Upon receipt of the affidavit of unsigned ballot, the county election board or county board of elections and registration shall open the provisional ballot envelope to access the voter's absentee ballot security envelope to:

(1) compare the signature on the affidavit of unsigned ballot with the most recent signature on the voter's registration record in the statewide voter registration system, or the signature on the absentee ballot application; or

(2) if the ballot is for a military or overseas voter who transmitted the ballot by facsimile or electronic mail, compare the affidavit found under IC 3-11-4-6(h) and, if applicable, the signature found in the voter's registration record or the signature on the absentee ballot application.

(e) If, upon conducting the comparison of the signatures, the board determines that the signatures match and there are no other challenges that have been made to the ballot, the board shall open the absentee ballot security envelope and add the votes cast on the ballot to the tally for the voter's precinct.

(f) If, upon conducting the comparison of the signatures, the board determines that the signatures are mismatched, the voter's absentee ballot security envelope shall not be opened and the ballot may not be counted. The board shall write "this ballot has been rejected because of a mismatched signature" on the face of the security envelope. The provisional ballot envelope must be resealed and the status of the rejected ballot must be set forth under the "County Election Board Findings" on the affidavit.

(g) The affidavit of unsigned ballot shall be prescribed by the election division under IC 3-5-4-8, shall be produced from the computerized list established under IC 3-7-26.3, must be in substantially the following form, and may be included on the same page as the notice and instructions:

AFFIDAVIT OF UNSIGNED BALLOT

I, [voter's name], am a registered voter of [voter's county of residence] County, State of Indiana. I declare under the penalties



of perjury that I requested and returned an absentee ballot. I am a resident of the precinct in which I have voted (or I am entitled to vote in this precinct under Indiana law), and I am the person whose name appears on the absentee ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment, a fine, or both. I understand that my failure to sign this statement means that my absentee ballot will not be counted.

Voter's Signature

Voter's Printed Name

Voter's Registration Address

The computerized list shall preprint the name of the voter in the appropriate parts of the affidavit.

(h) The following instructions, prescribed by the election division under IC 3-5-4-8 and produced from the computerized list established under IC 3-7-26.3, shall accompany the affidavit of unsigned ballot in substantially the following form:

**NOTICE FROM COUNTY ELECTION BOARD
REGARDING AN AFFIDAVIT OF UNSIGNED BALLOT FOR
ABSENTEE BALLOT**

Read these instructions carefully before completing the statement. Failure to follow these instructions may cause your ballot to not be counted.

- (1) We have determined that your signature is missing on your absentee ballot security envelope. To ensure that your absentee ballot will be counted, you must complete and return an affidavit of unsigned ballot.
- (2) Your affidavit of unsigned ballot must be received by the county election board or board of elections and registration not later than noon, local prevailing time, eight (8) days after the election, with the statement specifying the day on which the eighth day after the election will fall.
- (3) You must sign your name where specified on the affidavit of unsigned ballot.
- (4) Place the affidavit of unsigned ballot into a mailing envelope addressed to your county election official. Mail, hand deliver, or have your completed affidavit delivered to the board. Be sure to include sufficient postage if mailed, and



include the address of the county election board provided below.

(5) If you do not wish to send your affidavit of unsigned ballot by mail or have it hand delivered, you may submit your completed affidavit by electronic mail or facsimile transmission to the county election board using the following information provided by your county [insert county electronic mail address and facsimile number].

(6) Include your name on the affidavit.

(i) A ballot may not be removed from the security envelope until the time for processing the ballot.

(j) Except where clearly inapplicable under IC 3-11.7, an unsigned absentee ballot security envelope is to be treated as a provisional ballot and is subject to the same confidentiality restrictions under IC 3-11.7-6-3. The affidavit of unsigned ballot and the signature verification statement executed by the voter are confidential under IC 3-11.7-6-3.

SECTION 21. IC 3-11.5-4-23, AS AMENDED BY P.L.109-2021, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 23. (a) Not later than noon fifty (50) days before election day, each county election board shall notify the county chairmen of the two (2) political parties that have appointed members on the county election board of the number of:

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

to be appointed under section 22 of this chapter.

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

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

(d) The county election board may permit an individual who is not a voter to serve as an absentee board member, other than a member of a board under IC 3-11-10-25, an absentee ballot counter, or a courier if the individual:

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

(e) An individual appointed to serve as an absentee board member,



other than the member of a board under IC 3-11-10-25, an absentee ballot counter or a courier under subsection (d), while serving as an absentee ballot counter or courier:

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

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

(g) When the county election board makes an appointment under this section and the individual accepts the appointment by swearing the oath of office required under this title, a contract is created between the county election board and the individual in which the county election board retains the services of the appointed individual as an independent contractor.

(h) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, the position of:

- (1) member of an absentee voter board;**
- (2) member of an absentee ballot counter team; or**
- (3) member of a courier team;**

is not a lucrative office.

SECTION 22. IC 3-13-1-7, AS AMENDED BY P.L.193-2021, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection (b), action to fill a candidate vacancy must be taken:

- (1) not later than noon July 3 after the primary election if the vacancy exists on a general or municipal election ballot; and
- (2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

(b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general, municipal, or special election and that is due to any of the following:

- (1) The death of a candidate.
- (2) The withdrawal of a candidate.
- (3) The disqualification of a candidate under IC 3-8-1-5.
- (4) A court order issued under IC 3-8-7-29(d).
- (5) The successful challenge of a candidate nominated by a state, county, or town convention of a political party.
- (6) The successful challenge of a candidate under IC 3-8-8.
- (7) The successful challenge of a candidate under ~~sections~~ **section**



16.5 and or 20.5 of this chapter.

(8) The successful challenge of a candidate in a judicial proceeding.

Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

SECTION 23. IC 3-13-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. **(a) Subject to IC 3-8-8-7**, a person who was defeated in a primary election or in a town or state convention is eligible to be appointed by the political party that the person affiliated with by voting in the most recent primary election held by that party. The person selected may fill any vacancy on the party's ticket as a candidate in any general, municipal, or special election following that primary election or convention in which the vacancy occurred. ~~However,~~

(b) Subject to subsection (c), a person is not disqualified from appointment under ~~this section~~ **subsection (a)** for not having voted in the most recent primary election if the appointee is certified as a member of that party by the county chairman for the county in which the appointee resides.

(c) A person described in subsection (a) may not be appointed to fill a vacancy by a political party that differs from the party with which the person affiliated when the person was defeated in the primary election or in the town or state convention.

SECTION 24. IC 3-13-2-1, AS AMENDED BY P.L.227-2023, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** This chapter applies to the filling of a candidate vacancy of a former candidate for nomination or election to an office at a general, municipal, or special election **that occurs** after the thirty-first day before a general, municipal, or special election **that is due to any of the following:**

- (1) The death of a candidate.**
- (2) The withdrawal of a candidate.**
- (3) The disqualification of a candidate under IC 3-8-1-5.**
- (4) A court order issued under IC 3-8-7-29(d).**
- (5) The successful challenge of a candidate nominated by a state, county, or town convention of a political party.**
- (6) The successful challenge of a candidate under IC 3-8-8.**
- (7) The successful challenge of a candidate under IC 3-13-1-16.5 or IC 3-13-1-20.5.**
- (8) The successful challenge of a candidate in a judicial proceeding.**



(b) Action to fill a candidate vacancy under this chapter must be taken not later than 6 a.m. on election day.

SECTION 25. IC 3-13-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) Subject to IC 3-8-8-7**, a person who was defeated in a primary election or in a town or state convention is eligible to be appointed by the ~~person's own~~ political party **to that the person affiliated with by voting in the most recent primary election held by that party. The person selected may fill any vacancy on the party's ticket as a candidate in any general, municipal, or special election following that primary election or convention in which the vacancy occurred.**

(b) Subject to subsection (c), a person is not disqualified from appointment under subsection (a) for not having voted in the most recent primary election if the appointee is certified as a member of that party by the county chairman for the county in which the appointee resides.

(c) A person described in subsection (a) may not be appointed to fill a vacancy by a political party that differs from the party with which the person affiliated when the person was defeated in the primary election or in the town or state convention.

SECTION 26. IC 3-14-5-2, AS AMENDED BY P.L.227-2023, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) Each precinct election board shall, at the close of the polls, place any affidavit prescribed by IC 3-10-1-9 to challenge the party affiliation of a person wishing to cast a ballot in a primary election in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

(b) Each precinct election board shall, at the close of the polls, place any affidavit:

- (1) other than an affidavit described in subsection (a) that is challenging the eligibility of a person who has offered to vote at a primary election; and**
- (2) including the form printed on the face of the provisional ballot envelope described in IC 3-11.7-5-3;**

in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

(c) The inspector and judge of the opposite political party shall deliver the sealed bags or envelopes to the county election board. The county election board shall do the following:

- (1) Remove the affidavits described in subsections (a) and (b) from the bag or envelope and make three (3) copies of each**



affidavit.

(2) Mail a copy of each affidavit to the secretary of state.

(3) Replace the affidavits within the bag or envelope **and keep the affidavits secure in accordance with IC 3-10-1-31.1. The affidavits may be removed from the bag or envelope by the county election board during a meeting or hearing when the affidavit is to be reviewed under this title.**

(4) Reseal the bag or envelope **containing the affidavits** with the endorsement of the name of each county election board member on the back of the bag or envelope **immediately after the county election board determines which provisional ballots can be counted and not counted under IC 3-11.7.**

(5) Carefully preserve the resealed bag or envelope **and deliver it, with the county election board's seal unbroken, to the foreman of the grand jury when next in session. in accordance with IC 3-10-1-31.1.**

(d) The county election board shall do the following after the conclusion of the period for filing a petition for a recount or contest described IC 3-10-1-31.1(b) and IC 3-10-1-31.1(c) during which election materials are required to be sealed by the circuit court clerk:

(1) Retain one (1) copy of each affidavit to make available for public inspection and copying under IC 5-14-3.

(2) Deliver one (1) copy of each affidavit, sealed in a bag or envelope by the county election board, to the prosecuting attorney of the county.

(e) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section. The grand jury or prosecuting attorney of the county where the grand jury is sitting may request the original affidavit from the circuit court clerk if the grand jury determines that it is necessary to review the original affidavit during the inquiry.

(f) The grand jury shall file a report of the result of its inquiry with:

(1) the court; and

(2) the NVRA official if a violation of NVRA appears to have occurred.

(g) If the original affidavit is delivered to the grand jury or the prosecuting attorney under subsection (e), the prosecuting attorney shall:

(1) preserve the affidavits affidavit and envelopes envelope in



accordance with IC 3-10-1-31.1; ~~and shall~~

(2) ensure that no person can access a provisional ballot contained in the envelope that the affidavit described in subsection (b) is printed on; and

(3) return the ~~affidavits~~ affidavit and ~~envelopes~~ envelope to the circuit court clerk after the prosecuting attorney has completed any proceeding resulting from the investigation of the ~~affidavits~~ affidavit and ~~envelopes~~ envelope.

SECTION 27. IC 9-14-13-2, AS ADDED BY P.L.198-2016, SECTION 193, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The bureau shall not disclose:

- (1) the Social Security number;
- (2) the federal identification number;
- (3) the driver's license number;
- (4) the digital image of the driver's license, identification card, or photo exempt identification card applicant;
- (5) a reproduction of the signature secured under IC 9-24-9-1, IC 9-24-16-2, or IC 9-24-16.5-2; or
- (6) medical or disability information;

of any individual except as provided in subsection (b).

(b) The bureau may disclose any information listed in subsection (a):

- (1) to a law enforcement officer;
- (2) to an agent or a designee of the department of state revenue;
- (3) for uses permitted under IC 9-14-13-7(1), IC 9-14-13-7(4), IC 9-14-13-7(6), and IC 9-14-13-7(9); or
- (4) for voter registration and election purposes required under IC 3-7, **IC 3-11**, or IC 9-24-2.5.

SECTION 28. [EFFECTIVE JULY 1, 2024] **(a) The amendment to the Constitution of the State of Indiana concerning the line of succession to the governor, agreed to by the One Hundred Twenty-Second General Assembly (P.L.176-2022) and the One Hundred Twenty-Third General Assembly (P.L.253-2023), shall be submitted to the electors of Indiana at the 2024 general election in the manner provided for the submission of constitutional amendments under IC 3.**

(b) Under Article 16, Section 1 of the Constitution of the State of Indiana, which requires the general assembly to submit constitutional amendments to the electors at the next general election after the general assembly agrees to the amendment referred to it by the last previously elected general assembly, and in accordance with IC 3-10-3, the general assembly prescribes the



form in which the public question concerning the ratification of this state constitutional amendment must appear on the 2024 general election ballot as follows:

"Public Question #1

Shall the Constitution of the State of Indiana be amended to remove the state superintendent of public instruction from the list of officeholders who shall discharge the powers and duties of the governor if the office of the governor and lieutenant governor are both vacant?"

SECTION 29. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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