

# HOUSE BILL No. 1347

---

## 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:** Mail in ballots. Requires that all elections be conducted by mail beginning with elections in 2022. Provides for the January 1, 2022, 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, 2018.

---

---

## Kersey

---

---

January 16, 2018, read first time and referred to Committee on Elections and Apportionment.

---

---



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

# HOUSE BILL No. 1347

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, 2018]: **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, 2021,**  
11 **are conducted as provided in IC 3-11.1.**

12 **(c) This section expires January 1, 2022.**

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, 2018]: **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, 2018]: 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, 2021, 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, 2018]: 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, 2022.**

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, 2018]: 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, 2021, 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, 2018]: 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, 2022.**



1 SECTION 7. IC 3-6-6-36 IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2018]: 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 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, 2018]: 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, 2022.**

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 2018]: 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, 2022.**

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, 2018]: 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, 2022.**

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, 2018]: **Sec. 1.1. (a) This section applies only after December 31,  
 20 2021.**

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, 2018]: **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, 2022.**

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, 2018]: 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, 2022.**

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, 2018]: 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, 2022.**

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, 2018]: **Sec. 36. This chapter expires January 1, 2022.**

29 SECTION 16. IC 3-10-8-7.5, AS ADDED BY P.L.219-2013,  
30 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2018]: 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), and notwithstanding  
 11 IC 3-11-10-14, a county election board shall accept ~~an absentee~~ a ballot  
 12 cast by an absent uniformed services voter or an overseas voter for up  
 13 to forty-five (45) days after the ~~absentee~~ ballot is transmitted to the  
 14 voter.
- 15 (h) Notwithstanding IC 3-12-5-8(a), if a ballot accepted under  
 16 subsection (g) is determined by the county election board to be  
 17 otherwise valid, the circuit court clerk shall file an amendment to the  
 18 certified statement previously filed under IC 3-12-5-6 with the election  
 19 division not later than noon seven (7) days following the determination  
 20 of the validity of the ballot. Notwithstanding IC 3-12-5-9, the election  
 21 division, the secretary of state, and the governor shall prepare, execute,  
 22 and transmit a replacement certificate of election if the amendment  
 23 filed under this subsection results in a different candidate receiving the  
 24 highest number of votes for the office.
- 25 SECTION 17. IC 3-11-2-17 IS ADDED TO THE INDIANA CODE  
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 27 1, 2018]: **Sec. 17. This chapter expires January 1, 2022.**
- 28 SECTION 18. IC 3-11-3-1 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter  
 30 applies to each precinct.
- 31 (b) **After December 31, 2021, this chapter applies only to vote**  
 32 **centers.**
- 33 SECTION 19. IC 3-11-3-3, AS AMENDED BY P.L.221-2005,  
 34 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2018]: Sec. 3. (a) If, in the judgment of a county election  
 36 board, the number of voters in a precinct of the county where a voting  
 37 system is used for voting is so large that the voting system in use will  
 38 not be sufficient to register the vote of all the voters in the precinct, the  
 39 board may use paper ballots in addition to the voting system. The  
 40 voting by paper ballot is subject to all the restrictions prescribed by this  
 41 article.
- 42 (b) **This section expires January 1, 2022.**





1 SECTION 20. IC 3-11-3-16, AS AMENDED BY P.L.169-2015,  
 2 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2018]: Sec. 16. (a) Except as provided in subsection (b), each  
 4 county election board shall prepare and have delivered to the inspectors  
 5 of the precincts, at the time they receive the ballots for their precincts,  
 6 a suitable number of voter registration lists certified under IC 3-7-29  
 7 and any other forms, papers, certificates, and oaths that are required to  
 8 be furnished to precinct election boards. The forms and papers must be  
 9 prepared in compliance with IC 3-5-4-8.

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

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

16 **(d) This section expires January 1, 2022.**

17 SECTION 21. IC 3-11-3-16.1 IS ADDED TO THE INDIANA  
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2018]: **Sec. 16.1. (a) This section applies only**  
 20 **after December 31, 2021.**

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

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

26 SECTION 22. IC 3-11-3-20 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. **(a)** On the front  
 28 cover of the bound looseleaf poll list sheets or the book form poll lists  
 29 the following should be printed:

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

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

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

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

41 (B) The type of election.

42 (C) The date of the election.



1           **(b) This section expires January 1, 2022.**

2           SECTION 23. IC 3-11-4-23 IS ADDED TO THE INDIANA CODE  
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2018]: **Sec. 23. This chapter expires January 1, 2022.**

5           SECTION 24. IC 3-11-8-0.1 IS REPEALED [EFFECTIVE JULY  
6 1, 2018]. ~~Sec. 0.1. The amendments made to sections 2 and 6 of this  
7 chapter by P.L.4-1991 apply to elections held after December 31, 1991.~~

8           SECTION 25. IC 3-11-8-1 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter  
10 applies to each precinct.

11           **(b) After December 31, 2021, this chapter applies to each vote  
12 center.**

13           SECTION 26. IC 3-11-8-2, AS AMENDED BY P.L.225-2011,  
14 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2018]: Sec. 2. (a) A voter shall vote at the polls for the  
16 precinct where the voter resides except when authorized to vote in  
17 another precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

18           **(b) This section expires January 1, 2022.**

19           SECTION 27. IC 3-11-8-3, AS AMENDED BY P.L.169-2015,  
20 SECTION 108, IS AMENDED TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) This section does not apply  
22 to a county using vote centers under IC 3-11-18.1.

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

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

30           (1) either:

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

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

35           (2) located in an accessible facility.

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

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

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



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

7 **(f) This section expires January 1, 2022.**

8 SECTION 28. IC 3-11-8-3.1, AS AMENDED BY P.L.225-2011,  
 9 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2018]: Sec. 3.1. (a) A county executive shall designate the  
 11 polls for each precinct not less than twenty-nine (29) days before  
 12 election day.

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

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

21 **(c) This section expires January 1, 2022.**

22 SECTION 29. IC 3-11-8-3.2, AS AMENDED BY P.L.225-2011,  
 23 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2018]: Sec. 3.2. (a) A county executive shall give ten (10)  
 25 days notice of the place of voting in each precinct by publication in the  
 26 manner prescribed by IC 5-3-1-4. The notice must state whether the  
 27 polls are located in an accessible facility.

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

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

40 **(d) This section expires January 1, 2022.**

41 SECTION 30. IC 3-11-8-4.3, AS AMENDED BY P.L.230-2005,  
 42 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 4.3. (a) If the county election board adopts an  
 2 order by the unanimous vote of the entire membership of the board, the  
 3 county executive may locate the polls for the precinct at the polls for  
 4 an adjoining precinct, using the precinct election board of the adjoining  
 5 precinct.

6 (b) An order adopted under this section expires December 31 after  
 7 the date the order was adopted.

8 (c) If a precinct election board administers more than one (1)  
 9 precinct under this section, the board shall keep the ballots cast in each  
 10 precinct separate from ballots cast in any other precinct, so that the  
 11 votes cast for each candidate and on each public question in each of the  
 12 precincts administered by the board may be determined.

13 **(d) This section expires January 1, 2022.**

14 SECTION 31. IC 3-11-8-6, AS AMENDED BY P.L.225-2011,  
 15 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2018]: Sec. 6. (a) The county executive shall locate the polls  
 17 for each precinct in an accessible facility.

18 **(b) This section expires January 1, 2022.**

19 SECTION 32. IC 3-11-8-17, AS AMENDED BY P.L.258-2013,  
 20 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2018]: Sec. 17. (a) This section does not apply to a county  
 22 using vote centers under IC 3-11-18.1.

23 (b) In a precinct, as many voters may be admitted to the polls at one  
 24 (1) time for the purpose of voting as there are stations for voting in the  
 25 polls.

26 **(c) This section expires January 1, 2022.**

27 SECTION 33. IC 3-11-9-1, AS AMENDED BY P.L.66-2010,  
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2018]: Sec. 1. (a) This chapter applies to:

- 30 (1) each precinct; and  
 31 (2) absentee voting, including the casting of an absentee ballot  
 32 before an absentee voter board:

33 (A) in the office of the:

- 34 (i) circuit court clerk; or  
 35 (ii) board of elections and registration in a county subject to  
 36 IC 3-6-5.2 or IC 3-6-5.4; or

37 (B) at a satellite office established under IC 3-11-10-26.3.

38 **(b) This section expires January 1, 2022.**

39 SECTION 34. IC 3-11-9-1.1 IS ADDED TO THE INDIANA CODE  
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 41 1, 2018]: Sec. 1.1. (a) This section applies after December 31, 2021.

42 **(b) This chapter applies to casting a ballot at any of the**



- 1 following:
- 2 (1) Before a voter board at any of the following:
- 3 (A) The office of the circuit court clerk.
- 4 (B) The office of the board of elections and registration in
- 5 a county subject to IC 3-6-5.2 or IC 3-6-5.4.
- 6 (C) A satellite office established under IC 3-11.1-8-12.
- 7 (2) A vote center.
- 8 SECTION 35. IC 3-11-10-40 IS ADDED TO THE INDIANA
- 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2018]: **Sec. 40. This chapter expires January**
- 11 **1, 2022.**
- 12 SECTION 36. IC 3-11-11-20 IS ADDED TO THE INDIANA
- 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2018]: **Sec. 20. This chapter expires January**
- 15 **1, 2022.**
- 16 SECTION 37. IC 3-11-18.1-1, AS ADDED BY P.L.1-2011,
- 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2018]: Sec. 1. (a) This chapter applies to a county designated
- 19 as a vote center county under this chapter.
- 20 (b) On January 1, 2011, a county designated as a vote center pilot
- 21 county under:
- 22 (1) IC 3-11-18 (before its expiration);
- 23 (2) P.L.164-2006, SECTION 148 (before its expiration); or
- 24 (3) P.L.108-2008, SECTION 4 (before its expiration);
- 25 is automatically redesignated as a vote center county under this
- 26 chapter.
- 27 (c) **After December 31, 2021, each county is a vote center**
- 28 **county.**
- 29 SECTION 38. IC 3-11-18.1-3, AS ADDED BY P.L.1-2011,
- 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2018]: Sec. 3. (a) A county must comply with this section to
- 32 become a vote center county.
- 33 (b) As used in this section, "board" refers to any of the following:
- 34 (1) The county election board.
- 35 (2) The board of elections and registration established under
- 36 IC 3-6-5.2 or IC 3-6-5.4.
- 37 (c) The board shall hold a public hearing to present a draft plan for
- 38 administration of vote centers in the county.
- 39 (d) After presentation of the draft plan under subsection (c), the
- 40 board shall accept written public comments on the draft plan.
- 41 (e) At least thirty (30) days after the hearing held under subsection
- 42 (c), the board shall hold a public hearing to consider the following:



- 1 (1) The draft plan.
- 2 (2) The written public comments.
- 3 (3) Any other public comment that the board may permit on the
- 4 draft plan.
- 5 (f) After consideration of the draft plan and the public comments,
- 6 the board may do the following:
- 7 (1) Adopt an order approving the draft plan.
- 8 (2) Amend the draft plan and adopt an order approving the
- 9 amended draft plan.
- 10 The board may adopt the order to approve a plan only by unanimous
- 11 vote of the entire membership of the board.
- 12 (g) All members of the board must sign the order adopting the plan.
- 13 (h) The order and the adopted plan must be filed with the election
- 14 division and must include a copy of:
- 15 (1) a resolution adopted by the county executive; and
- 16 (2) a resolution adopted by the county fiscal body;
- 17 approving the designation of the county as a vote center county.
- 18 **(i) A county that is not a vote center county on July 1, 2018,**
- 19 **shall comply with this section before July 1, 2021.**
- 20 **(j) If a county does not adopt a vote center plan under**
- 21 **subsection (i) before July 1, 2021, the commission shall adopt a**
- 22 **plan for the county, taking into consideration the following:**
- 23 **(1) Any draft plans presented to the county election board.**
- 24 **(2) Written public comments presented to the county election**
- 25 **board.**
- 26 **(3) Written public comments presented to the commission.**
- 27 SECTION 39. IC 3-11-18.1-8, AS AMENDED BY P.L.258-2013,
- 28 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2018]: Sec. 8. (a) Except as provided in subsection (b), the
- 30 designation of a county as a vote center county takes effect
- 31 immediately upon the filing of the order with the election division,
- 32 unless otherwise specified by the county election board.
- 33 (b) An order filed with the election division during the final sixty
- 34 (60) days before an election becomes effective on the day following the
- 35 election.
- 36 (c) The designation of a county as a vote center county remains in
- 37 effect until the county election board, by unanimous vote of its entire
- 38 membership:
- 39 (1) rescinds the order designating the county as a vote center
- 40 county; and
- 41 (2) files a copy of the document rescinding the order with the
- 42 election division.



1 **A county may amend its vote center plan as provided in section 15**  
 2 **of this chapter, but a county may not rescind the order establishing**  
 3 **vote centers.**

4 SECTION 40. IC 3-11.1 IS ADDED TO THE INDIANA CODE AS  
 5 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 6 2018]:

7 **ARTICLE 11.1. CASTING AND COUNTING BALLOTS**

8 **Chapter 1. General Provisions**

9 **Sec. 1. This article applies only to elections held after December**  
 10 **31, 2021.**

11 **Sec. 2. After December 31, 2021, a voter may vote in an election**  
 12 **by any of the following means:**

13 (1) **By mail, as provided in this article.**

14 (2) **As provided in IC 3-11.1-8-1.**

15 (3) **On election day at a vote center established under**  
 16 **IC 3-11-18.1.**

17 **Sec. 3. For purposes of this article, a ballot is considered "sent"**  
 18 **to a voter if any of the following applies:**

19 (1) **The ballot is sent by United States mail addressed to the**  
 20 **voter.**

21 (2) **The ballot is transmitted by fax to a fax number provided**  
 22 **by the voter.**

23 (3) **The ballot is sent by electronic mail to a voter as provided**  
 24 **in this article.**

25 (4) **The ballot is personally given to the voter by an individual**  
 26 **authorized under this title to give the ballot to the voter.**

27 **Sec. 4. (a) As provided by 52 U.S.C. 21081, a voter casting a**  
 28 **ballot under this article must be:**

29 (1) **permitted to verify in a private and independent manner**  
 30 **the votes selected by the voter before the ballot is cast and**  
 31 **counted;**

32 (2) **provided with the opportunity to change the voter's ballot**  
 33 **or correct any error in a private and independent manner**  
 34 **before the ballot is cast and counted, including the**  
 35 **opportunity to receive a replacement ballot if the voter is**  
 36 **otherwise unable to change or correct the ballot; and**

37 (3) **notified before the ballot is cast regarding the effect of**  
 38 **casting multiple votes for the office and provided an**  
 39 **opportunity to correct the ballot before the ballot is cast and**  
 40 **counted.**

41 **(b) As provided by 52 U.S.C. 21081, when a ballot is sent to a**  
 42 **voter under this article, the voter must also be provided with:**



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

3 (2) instructions on how to correct the ballot before the ballot  
4 is cast and counted, including how to get replacement ballots.

5 Sec. 5. The county election board shall include a copy of the  
6 Voter's Bill of Rights with a ballot sent to a voter.

7 Sec. 6. A ballot is considered to be cast in the precinct in which  
8 the voter who cast the ballot resides for the purpose of the  
9 following statutes:

10 (1) IC 3-12-6.

11 (2) IC 3-12-11.

12 (3) IC 3-12-12.

13 Sec. 7. In accordance with 52 U.S.C. 20302(b), but subject to  
14 section 8 of this chapter, the election division is designated as the  
15 single office in Indiana responsible for providing information  
16 regarding ballot procedures under this article to be used by absent  
17 uniformed services voters and overseas voters who wish to vote in  
18 any jurisdiction in Indiana.

19 Sec. 8. (a) As used in this section, "MOVE" refers to the  
20 Military and Overseas Voter Empowerment Act (P.L. 111-84,  
21 Division A, Title V, Subtitle H (Section 575 et seq.)).

22 (b) As used in this section, "voter" refers only to either of the  
23 following:

24 (1) An absent uniformed services voter.

25 (2) An overseas voter.

26 (c) Except as expressly provided by law, the state delegates its  
27 responsibilities to carry out the requirements of MOVE to each  
28 county election board (or board of elections and registration  
29 established under IC 3-6-5.2 or IC 3-6-5.4).

30 (d) To implement 52 U.S.C. 20302, electronic mail, fax, and web  
31 publication are designated as means of communication for a voter  
32 to request a voter registration application and a ballot application  
33 from the election division, a county election board, or a county  
34 voter registration office.

35 (e) An office described in subsection (d) that receives an  
36 electronic mail or fax from a voter shall provide a ballot  
37 application or a voter registration application by electronic mail or  
38 fax to the voter if:

39 (1) requested by the voter; and

40 (2) the voter provides an electronic mail address or a fax  
41 number that permits the office to send an application not later  
42 than the end of the first business day after the office receives





1           the communication from the voter.

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

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

12           (1) the security and integrity of the application request  
13           processes; and

14           (2) the privacy of the identity and other personal data of the  
15           voter who requests or is sent an application under subsection

16           (e);

17          throughout the process of making the request or being sent the  
18          application.

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

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

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

41          (b) If an individual signs a document as the properly authorized  
42          attorney in fact for a voter, the attorney in fact must attach a copy



1 of the power of attorney to the application.

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

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

9 (2) The date the assistance was provided.

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

12 (4) That the individual providing assistance has no knowledge  
13 or reason to believe that the individual assisted:

14 (A) is ineligible to vote or otherwise submit the document;  
15 or

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

17 When providing assistance to another individual, the individual  
18 providing assistance must, in the assisted individual's presence and  
19 with the assisted individual's consent, provide the assistance.

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

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

## 25 Chapter 2. Preparation of Ballots

26 Sec. 1. Each circuit court clerk shall:

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

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

31 estimate the number of ballots that will be required in the county  
32 for the election.

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

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



1 (c) Space for write-in voting for an office is not required if there  
 2 are no declared write-in candidates for that office. However,  
 3 procedures must be implemented to permit write-in voting for  
 4 candidates for federal offices.

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

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

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

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

### 23 Chapter 3. General Election Ballot Form

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

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

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

- 32 (1) of uniform size;
- 33 (2) of the same quality and color of paper; and
- 34 (3) sufficiently thick that the printing cannot be distinguished  
 35 from the back.

36 Sec. 3. The nominees of a:

- 37 (1) major political party;
  - 38 (2) political party described by IC 3-8-4-10; or
  - 39 (3) group of petitioners under IC 3-8-6 who are identified by  
 40 the petition as the nominees of a political party;
- 41 shall be listed on the ballots under the name of the party or  
 42 petitioners as designated by them in their certificate or petition. If



1 the same device is selected by two (2) parties it shall be given to the  
2 party that first filed the device under IC 3-8-7-11.

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

5 (1) The major political party whose candidate received the  
6 greatest number of votes in the county for secretary of state  
7 at the most recent election for secretary of state shall be  
8 placed in the first left column or top row of all ballots.

9 (2) The major political party whose candidate received the  
10 second greatest number of votes in the county for secretary of  
11 state at the most recent election for secretary of state shall be  
12 placed in the second column or row.

13 (3) Any other political party shall be placed in the same order.

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

26 (c) Subject to subsection (e), a column or row for write-in voting  
27 shall be placed to the right of, or below, all party and independent  
28 columns or rows on the ballot.

29 (d) This subsection applies to a county having a population of  
30 more than four hundred thousand (400,000) but less than seven  
31 hundred thousand (700,000). If there is insufficient room on a row  
32 to list each candidate of a political party, a second or subsequent  
33 row may be utilized. However, a second or subsequent row may not  
34 be utilized unless the first row, and all preceding rows, have been  
35 filled.

36 (e) A column or row for write-in voting for an office is not  
37 required if there are no declared write-in candidates for that office.  
38 However, procedures must be implemented to permit write-in  
39 voting for candidates for federal offices.

40 Sec. 5. The following statement shall be printed in underlined  
41 print at the extreme top of a ballot: "It is a crime to falsify this  
42 ballot or to violate Indiana election laws.".



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

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

11           **(c) This subsection applies only to voting that occurs at the**  
 12 **office of the circuit court clerk, a satellite office, or a vote center.**  
 13 **At the discretion of the county election board, general instructions**  
 14 **to the voters required by this title to be placed at the front of the**  
 15 **ballot may be posted in writing in each voting booth instead of**  
 16 **printing the instructions on the ballot.**

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

19           **(1) enclosed in a circle not less than three-fourths (3/4) of an**  
 20 **inch in diameter; and**

21           **(2) placed under the name of the party, independent**  
 22 **candidate, or ticket, as required by section 4 of this chapter.**

23           **Sec. 8. (a) Public questions shall be placed on the ballot in the**  
 24 **following order after the statement described in section 5 of this**  
 25 **chapter, and the instructions described in subsections (d) and (e)**  
 26 **and section 6 of this chapter, if instructions are printed on the**  
 27 **ballot:**

28           **(1) Ratification of a state constitutional amendment.**

29           **(2) Local public questions.**

30           **Subject to section 20 of this chapter, each public question shall be**  
 31 **placed in a separate column or row on the ballot.**

32           **(b) The name or title of the political party, independent**  
 33 **candidate, or ticket described in section 4 of this chapter shall be**  
 34 **placed on the ballot after the public questions described in**  
 35 **subsection (a). The device of the political party, independent**  
 36 **candidate, or ticket shall be placed immediately under the name of**  
 37 **the political party, independent candidate, or ticket. The**  
 38 **instructions for voting a straight party ticket shall be placed to the**  
 39 **right of the device, if instructions are printed on the ballot.**

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

42           **"(1) To vote a straight (insert political party name) ticket for**



- 1           all (insert political party name) candidates on this ballot,  
2           except for candidates described in (2) below, make a voting  
3           mark on or in this circle and do not make any other marks on  
4           this ballot.
- 5           (2) To vote for any candidate for an at-large office for (insert  
6           county council, city common council, town council, or  
7           township board if those offices appear on this ballot), you  
8           must make another voting mark for each candidate you wish  
9           to vote for. Your straight party vote will not count as a vote  
10          for any candidate for that office.
- 11          (3) If you wish to vote for a candidate seeking a nonpartisan  
12          office or on a public question, you must make another voting  
13          mark on the appropriate place on this ballot."
- 14          (d) Except as permitted under section 6(c) of this chapter, if the  
15          ballot contains an independent ticket described in section 4 of this  
16          chapter and at least one (1) other independent candidate, the ballot  
17          must also contain a statement that reads substantially as follows:  
18          "A vote cast for an independent ticket will be counted only for the  
19          candidates for President and Vice President or governor and  
20          lieutenant governor comprising that independent ticket. This vote  
21          will NOT be counted for any OTHER independent candidate  
22          appearing on the ballot."
- 23          (e) Except as permitted under section 6(c) of this chapter, the  
24          ballot must also contain a statement that reads substantially as  
25          follows: "A write-in vote will NOT be counted unless the vote is for  
26          a DECLARED write-in candidate. To vote for a write-in candidate,  
27          you must make a voting mark on or in the square to the left of the  
28          name you have written in or your vote will not be counted."
- 29          (f) Subject to section 18 of this chapter, the list of candidates of  
30          the political party shall be placed immediately under the  
31          instructions for voting a straight party ticket. The names of the  
32          candidates shall be placed three-fourths (3/4) of an inch apart from  
33          center to center of the name. The name of each candidate must  
34          have, immediately on its left, a square three-eighths (3/8) of an inch  
35          on each side.
- 36          (g) The circuit court clerk may authorize the printing of ballots  
37          containing a ballot variation code to ensure that the proper version  
38          of a ballot is used within a precinct.
- 39          Sec. 9. The name of a write-in candidate may not be printed on  
40          any ballot.
- 41          Sec. 10. The following offices shall be placed on the ballot in the  
42          following order after the public questions described in section 8(a)



- 1 of this chapter:
- 2 (1) Federal and state offices:
- 3 (A) President and Vice President of the United States.
- 4 (B) United States Senator.
- 5 (C) Governor and lieutenant governor.
- 6 (D) Secretary of state.
- 7 (E) Auditor of state.
- 8 (F) Treasurer of state.
- 9 (G) Attorney general.
- 10 (H) United States Representative.
- 11 (2) Legislative offices:
- 12 (A) State senator.
- 13 (B) State representative.
- 14 (3) Circuit offices and county judicial offices:
- 15 (A) Judge of the circuit court, and unless otherwise
- 16 specified under IC 33, with each division separate if there
- 17 is more than one (1) judge of the circuit court.
- 18 (B) Judge of the superior court, and unless otherwise
- 19 specified under IC 33, with each division separate if there
- 20 is more than one (1) judge of the superior court.
- 21 (C) Judge of the probate court.
- 22 (D) Prosecuting attorney.
- 23 (E) Circuit court clerk.
- 24 (4) County offices:
- 25 (A) County auditor.
- 26 (B) County recorder.
- 27 (C) County treasurer.
- 28 (D) County sheriff.
- 29 (E) County coroner.
- 30 (F) County surveyor.
- 31 (G) County assessor.
- 32 (H) County commissioner. This clause applies only to a
- 33 county that is not subject to IC 36-2-2.5.
- 34 (I) Single county executive. This clause applies only to a
- 35 county that is subject to IC 36-2-2.5.
- 36 (J) County council member, except as provided in section
- 37 12 of this chapter.
- 38 (5) Township offices:
- 39 (A) Township assessor (only in a township referred to in
- 40 IC 36-6-5-1(d)).
- 41 (B) Township trustee.
- 42 (C) Township board member, except as provided in section



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





1 (c) Whenever more than one (1) judge of the court of appeals is  
 2 subject to retention, the name of each judge must appear on the  
 3 ballot in alphabetical order. However, if the judge serving as chief  
 4 judge is subject to retention, the chief judge's name must appear  
 5 first.

6 (d) These offices shall be placed in a separate column or row on  
 7 the ballot.

8 Sec. 14. (a) The following offices shall be placed on the ballot in  
 9 the following order after the offices described in section 13 of this  
 10 chapter:

11 (1) Retention of a local judge.

12 (2) Local nonpartisan judicial offices.

13 (b) These offices shall be placed in a separate column or row on  
 14 the ballot.

15 (c) If the ballot contains a candidate for a local nonpartisan  
 16 judicial office, the ballot must also contain a statement that reads  
 17 substantially as follows: "To vote for a candidate for this office,  
 18 make a voting mark on or in the square to the left of the  
 19 candidate's name."

20 (d) If more than one (1) question concerning the retention of a  
 21 local judge is to be placed on a ballot, the questions shall be placed  
 22 on the ballot:

23 (1) in alphabetical order according to the surname of the local  
 24 judge; and

25 (2) identifying the court (including division or room) in which  
 26 the judge serves.

27 Sec. 15. (a) This section applies only to a public question  
 28 concerning the retention in office of a judge of the Marion superior  
 29 court under IC 33-33-49.

30 (b) The question of the retention of the judge shall be placed on  
 31 the ballot at the same column or row level of the ballot at which the  
 32 question of other judges is placed on the ballot but in a column or  
 33 row in which independent candidates are placed on the ballot.

34 (c) If the question of the retention of more than one (1) judge is  
 35 placed on a ballot, the judges shall be placed on the ballot in  
 36 alphabetical order according to surname.

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

41 (b) Whenever candidates are to be elected to a school board  
 42 office that includes both an at-large member and a member



1 representing a district, the candidates seeking election as a member  
 2 representing a district shall be placed on the ballot before  
 3 candidates seeking election as an at-large member.

4 **Sec. 17. Notwithstanding section 10 of this chapter, the county**  
 5 **election board may alter the prescribed ballot order to place the**  
 6 **names of the candidates for the following offices before the names**  
 7 **of the candidates for county judicial offices:**

8 (1) Prosecuting attorney.

9 (2) Circuit court clerk.

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

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

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

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

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

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

28 (b) Candidates shall be listed in alphabetical order according to  
 29 surname.

30 (c) The ballot shall contain a statement reading substantially as  
 31 follows above the name of the first candidate: "Vote for not more  
 32 than (insert number of candidates to be elected) candidates for this  
 33 office."

34 **Sec. 20. (a) A public question shall be placed on the ballot in the**  
 35 **following form:**

36 (The explanatory text for the public question,  
 37 if required by law)

38 "Shall (insert public question)?"

39  YES

40  NO.

41 (b) In addition to any other explanatory text required by law,  
 42 the ballot must also contain a statement that reads substantially as



1 follows: "To vote on this public question, make a voting mark on  
2 or in the square to the left of the word "YES" or "NO".".

3 (c) Except as expressly authorized or required by statute, the  
4 commission, the election division, or a county election board may  
5 not authorize the printing or use of ballots that contain language  
6 concerning the public question other than the language authorized  
7 by a statute.

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

13 (1) reprint or correct the ballot; or

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

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

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

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

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

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

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

29 (d) If:

30 (1) a voter does not file a written objection to the use of the  
31 ballots with the board before the board concludes the hearing;  
32 and

33 (2) the board determines that the use of the ballots would not  
34 be likely to cause confusion or mistakes by voters;

35 the board shall authorize the use of the defective ballots,  
36 notwithstanding the error or omission.

37 (e) If:

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

40 (2) the board determines that the use of the ballots would be  
41 likely to cause confusion or mistakes by voters;

42 the board shall order the ballots to be reprinted or altered to



1 conform with the requirements of this title.

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

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

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

14 **Sec. 2.** Subject to IC 3-5-4-9, a ballot that is mailed under this  
15 chapter must bear the circuit court clerk's official seal and  
16 signature or facsimile signature on the back of the ballot. Before  
17 the ballot is mailed, the two (2) appointed members of the county  
18 election board or their designated representatives shall place their  
19 initials in ink on the back of the ballot. A member's initials must be  
20 in the individual's ordinary handwriting or printing and without  
21 a distinguishing mark of any kind. No other initialing of the ballot  
22 is necessary.

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

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

28 (c) The county election board must furnish the preaddressed,  
29 stamped envelope described in this section.

30 **Sec. 4. (a)** An affidavit conforming with 52 U.S.C. 20302(b) shall  
31 be printed on the other side of the envelope required by section 3  
32 of this chapter. The envelope must include the name of the precinct  
33 completed by the county election board. The affidavit must provide  
34 that the voter affirms under penalty of perjury that the following  
35 information is true:

36 (1) That the voter is:

37 (A) a resident of; or

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

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

42 (3) That the voter is entitled to vote in the precinct, the type



1 of election to be held, and the date of the election.

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

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

6 (B) The voter personally marked the enclosed ballot,  
7 enclosed it in the envelope, and sealed it with the assistance  
8 of an individual:

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

10 (ii) who affirms under penalty of perjury that the voter  
11 was not coerced or improperly influenced by the  
12 individual assisting the voter or any other person, in a  
13 manner prohibited by Indiana or federal law, to cast the  
14 ballot for or against any candidate, political party, or  
15 public question.

16 (C) As the properly authorized attorney in fact for the  
17 voter under IC 30-5-5-14, the attorney in fact affirms the  
18 voter personally marked the enclosed ballot in secret and  
19 enclosed it in the envelope and sealed it without exhibiting  
20 it to the attorney in fact or to any other individual.

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

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

24 (c) A guardian or conservator of an individual may not sign an  
25 affidavit for the voter under this section unless the guardian or  
26 conservator also holds a power of attorney authorizing the  
27 guardian or conservator to sign the affidavit.

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

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

33 (1) The name of the voter.

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

35 (3) The address to which the ballot is sent.

36 (4) The date the ballot is received from the voter.

37 (5) Any other information the county election board considers  
38 necessary or useful.

39 (b) The circuit court clerk shall keep the following information  
40 regarding absent uniformed services voters and overseas voters:

41 (1) The combined total number of ballots sent by the county  
42 to absent uniformed services voters and overseas voters.



1           **(2) The total number of ballots returned by voters described**  
 2           **in subdivision (1) in time to be counted.**

3           **(3) The total number of ballots described in subdivision (1)**  
 4           **that were counted in whole or in part.**

5           **(4) Any other information the county election board considers**  
 6           **necessary or useful.**

7           **Sec. 6. (a) This section applies when a voter:**

8               **(1) has been mailed a ballot under this article; and**

9               **(2) notifies the county election board that the ballot has been**  
 10              **destroyed, spoiled, lost, or not received by the voter after a**  
 11              **reasonable time has elapsed for delivery of the ballot by mail.**

12           **(b) As required under 52 U.S.C. 21081, the voter may obtain a**  
 13           **replacement ballot under the procedures set forth in this chapter**  
 14           **after the voter files a statement with the county election board. The**  
 15           **statement must affirm, under penalties for perjury, that either of**  
 16           **the following applies:**

17               **(1) The voter did not receive the ballot.**

18               **(2) The voter received the ballot, but it was destroyed, spoiled,**  
 19               **or lost. In this case, the statement must also set forth any facts**  
 20               **known by the voter concerning the destruction, spoiling, or**  
 21               **loss of the ballot.**

22           **(c) After a voter files the statement required under subsection**  
 23           **(b), the county election board may issue a replacement ballot to the**  
 24           **voter in accordance with this chapter and shall include information**  
 25           **regarding the replacement ballot in the county election board's**  
 26           **records.**

27           **(d) The county election board shall enclose the replacement**  
 28           **ballot in an envelope that complies with section 3 of this chapter.**  
 29           **The envelope must contain a notation that the envelope contains a**  
 30           **replacement ballot.**

31           **(e) After receiving the replacement ballot, the voter shall**  
 32           **destroy any spoiled ballot in the voter's possession or any lost or**  
 33           **delayed ballot that comes into the possession of the voter.**

34           **(f) If the county election board receives both an original ballot**  
 35           **and a replacement ballot issued under this section from the same**  
 36           **voter, the board shall reject the original ballot and consider only**  
 37           **the replacement ballot.**

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

39               **(1) votes a mail ballot that includes a candidate for election to**  
 40               **an office who:**

41                   **(A) ceases to be a candidate; and**

42                   **(B) is succeeded by a candidate selected under IC 3-13-1 or**



- 1                   **IC 3-13-2; or**  
 2                   **(2) casts a replacement ballot under section 6 of this chapter.**  
 3                   **(b) The voter may recast the voter's ballot under this section. To**  
 4 **obtain another ballot the voter must present a written request for**  
 5 **another ballot from the circuit court clerk under section 6 of this**  
 6 **chapter.**  
 7                   **(c) Upon receiving a written request under subsection (b), the**  
 8 **circuit court clerk shall do the following:**  
 9                   **(1) Place the written request with the voter's original ballot.**  
 10                   **(2) Mark "canceled" on the original ballot.**  
 11                   **(3) Preserve the original ballot with the other defective**  
 12 **ballots.**  
 13                   **(4) Deliver a new ballot to the voter.**  
 14                   **Chapter 5. Casting Mail Ballots by Voters**  
 15                   **Sec. 1. A voter is not required to provide proof of identification**  
 16 **when mailing, delivering, or transmitting a ballot under this**  
 17 **chapter.**  
 18                   **Sec. 2. A voter shall, except as provided in section 3 of this**  
 19 **chapter, do the following:**  
 20                   **(1) Mark the ballot in the presence of no other individual.**  
 21                   **(2) Fold each ballot separately.**  
 22                   **(3) Fold each ballot so as to conceal the marking.**  
 23                   **(4) Enclose each ballot, with the seal and signature of the**  
 24 **circuit court clerk on the outside, together with any unused**  
 25 **ballot, in the envelope provided.**  
 26                   **(5) Securely seal the envelope.**  
 27                   **(6) Make and subscribe to the affidavit prescribed by**  
 28 **IC 3-11.1-4-4.**  
 29                   **(7) Do one (1) of the following:**  
 30                   **(A) Mail the envelope to the county election board, with**  
 31 **not more than one (1) ballot per envelope.**  
 32                   **(B) Deliver the envelope to the county election board in**  
 33 **person.**  
 34                   **(C) Deliver the envelope to a secure lockbox located in the**  
 35 **county established by the county election board under**  
 36 **IC 3-11.1-7-10.**  
 37                   **(D) Give the envelope to a member of the voter's household**  
 38 **or an individual designated as the attorney in fact for the**  
 39 **voter under IC 30-5. The individual to whom the voter**  
 40 **gives the envelope shall then do one (1) of the following:**  
 41                   **(i) Deliver the envelope personally to the county election**  
 42 **board.**



1 (ii) Deliver the envelope to the United States Postal  
2 Service for delivery to the county election board.

3 (iii) Deliver the envelope to a bonded courier company  
4 for delivery to the county election board.

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

8 Sec. 3. (a) A voter permitted to transmit the voter's ballots by  
9 fax or electronic mail under IC 3-11.1-6 is not required to comply  
10 with section 1 of this chapter.

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

14 (1) Note the receipt of the ballot in the circuit court clerk's  
15 records as other ballots received by the circuit court clerk are  
16 noted.

17 (2) Fold the ballot received from the voter separately so as to  
18 conceal the marking.

19 (3) Enclose the ballot in a blank ballot envelope.

20 (4) Securely seal the envelope.

21 (5) Mark on the envelope: "Ballot Received by Fax or  
22 Electronic Mail".

23 (6) Securely attach to the envelope the faxed affidavit received  
24 with the voter's ballot.

25 (c) Except as otherwise provided in this title, ballots received by  
26 fax or electronic mail shall be handled and processed as other  
27 ballots received by the circuit court clerk are handled and  
28 processed.

29 Sec. 4. (a) If a member of the voter's household or the voter's  
30 attorney in fact delivers the sealed envelope containing a voter's  
31 ballot as provided in section 2(7)(D) of this chapter, the individual  
32 delivering the ballot shall complete an affidavit in a form  
33 prescribed by the election division. The affidavit must contain the  
34 following information:

35 (1) The name and residence address of the voter whose ballot  
36 is being delivered.

37 (2) A statement of the full name, residence and mailing  
38 address, and daytime and evening telephone numbers (if any)  
39 of the individual delivering the ballot.

40 (3) A statement indicating whether the individual delivering  
41 the ballot is a member of the voter's household or is the  
42 attorney in fact for the voter. If the individual is the attorney





1 in fact for the voter, the individual must attach a copy of the  
 2 power of attorney for the voter, unless a copy of this  
 3 document has already been filed with the county election  
 4 board.

5 (4) The date and location at which the ballot was delivered by  
 6 the voter to the individual delivering the ballot under section  
 7 2(7)(D) of this chapter.

8 (5) A statement that the individual delivering the ballot has  
 9 complied with Indiana laws governing ballots.

10 (6) A statement that the individual delivering the ballot is  
 11 executing the affidavit under the penalties of perjury.

12 (7) A statement setting forth the penalties for perjury.

13 (b) The county election board shall record the date and time  
 14 that the affidavit under subsection (a) was filed with the board.

15 Sec. 5. After a voter has mailed or delivered a ballot to the office  
 16 of the circuit court clerk, the voter may not recast a ballot, except  
 17 as provided in IC 3-11.1-4-7.

18 Chapter 6. Absent Uniformed Services Voters, Overseas Voters,  
 19 and Address Confidentiality Program Participant Voters

20 Sec. 1. This chapter applies, notwithstanding any other  
 21 provision of this title, to requests for ballots for the following:

22 (1) An absent uniformed services voter.

23 (2) An overseas voter.

24 (3) An address confidentiality program participant.

25 Sec. 2. (a) An individual described in section 1 of this chapter  
 26 may apply for ballots for the next scheduled primary, general,  
 27 special, or municipal election by filing either of the following:

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

30 (2) A form prescribed under IC 3-5-4-8 that identifies the  
 31 applicant as an absent uniformed services voter, an overseas  
 32 voter, or an address confidentiality program participant. A  
 33 form prescribed under this subdivision must permit the  
 34 applicant to designate whether the applicant wishes to receive  
 35 ballots by electronic mail, fax, or United States mail.

36 (b) A county election board shall make blank applications  
 37 available for individuals described by section 1 of this chapter.  
 38 Except as provided in subsection (c), an individual may apply for  
 39 ballots at any time after the registration period resumes under  
 40 IC 3-7-13-10.

41 (c) This subsection applies to every primary election. An  
 42 application for a ballot for the primary election may not be



1 received by the circuit court clerk (or, in a county subject to  
2 IC 3-6-5.2, the director of the board of elections and registration)  
3 earlier than December 1 of the year before the primary election.

4 **Sec. 3.** If the county election board receives a ballot application  
5 from an individual under section 2 of this chapter, the circuit court  
6 clerk shall mail to the individual, free of postage as provided by 39  
7 U.S.C. 3406, a ballot for the election immediately upon receipt of  
8 the ballots under IC 3-11.1-2-3, unless the individual has indicated  
9 under section 2 of this chapter that the individual wants to receive  
10 the ballot by electronic mail or fax.

11 **Sec. 4. (a)** Whenever an individual files an application for  
12 ballots and indicates on the application that the individual is an  
13 absent uniformed services voter or an overseas voter, the  
14 application is an adequate application for a ballot for an election  
15 conducted during the period that ends on December 31 following  
16 the date the application is filed, unless a ballot mailed to the  
17 individual at the address set forth in the application is returned to  
18 the county election board during that period as undeliverable.

19 **(b)** The circuit court clerk and county election board shall  
20 process the application and send a ballot to the individual in the  
21 same manner as other ballots are processed and sent under this  
22 article.

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

31 **(d)** If an individual entitled to receive a ballot under this section  
32 subsequently files a voter registration application for an address  
33 that is not located in the same county, the individual must file a  
34 new application under this chapter with the appropriate county  
35 election board.

36 **Sec. 5. (a)** Whenever an individual voter described in section  
37 1(3) of this chapter files an application for a primary election ballot  
38 and indicates on the application that the voter is an address  
39 confidentiality program participant, the application is an adequate  
40 application for a ballot under this chapter for an election  
41 conducted during the period that ends on December 31 following  
42 the date the application is filed. The circuit court clerk and county



1 election board shall process this application and send ballots to the  
 2 individual in the same manner as other ballots are processed and  
 3 sent under this article.

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

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

13 (2) As directed by a court order.

14 Sec. 6. The county election board shall transmit a ballot to and  
 15 receive a ballot from an absent uniformed services voter or an  
 16 overseas voter by electronic mail or fax at the request of the voter  
 17 indicated in the application filed under this chapter. If the voter  
 18 wants to submit ballots by fax or electronic mail, the voter must  
 19 separately sign and date a statement submitted with the electronic  
 20 mail or the fax transmission that states substantively the following:  
 21 "I understand that by faxing or e-mailing my voted ballot I am  
 22 voluntarily waiving my right to a secret ballot."

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

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

30 (2) If the voter provides an electronic mail address to which  
 31 a confirmation may be sent, the county election board shall  
 32 send the confirmation to the voter at the electronic mail  
 33 address provided by the voter.

34 (3) If:

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

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

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



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

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

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

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

23           (b) An application under this chapter from an:

24           (1) absent uniformed services voter; or

25           (2) address confidentiality program participant;

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

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

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

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

37           (c) A voter described in subsection (a) is considered to be a voter  
38 of the Indiana precinct where the voter registration office of the  
39 county where the person was domiciled before leaving the United  
40 States is located.

41           Sec. 11. (a) This section applies to an absent uniformed services  
42 voter or overseas voter.



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

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

9           **(2) Any candidate, political party, or public question on a**  
 10 **general election, municipal election, or special election ballot.**

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

13           **(d) When a county election board receives a federal write-in**  
 14 **absentee ballot, the board shall process the ballot as prescribed by**  
 15 **IC 3-11.1-5-3.**

16           **Chapter 7. Receipt of Ballots**

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

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

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

25           **(b) This subsection does not apply to a ballot cast by a voter**  
 26 **permitted to transmit the voter's ballot by fax or electronic mail**  
 27 **under IC 3-11.1-6. The board shall compare the signature as it**  
 28 **appears upon the envelope containing the ballot with the signature**  
 29 **of the voter as it appears in the voter's voter registration record.**  
 30 **The board may also compare the signature on the ballot envelope**  
 31 **with any other admittedly genuine signature of the voter.**

32           **(c) This subsection applies to a ballot cast by a voter permitted**  
 33 **to transmit the voter's ballots by fax or electronic mail under**  
 34 **IC 3-11.1-6. The board shall compare the signature as it appears**  
 35 **on the affidavit transmitted with the voter's ballot to the voter's**  
 36 **signature as it appears in the voter's voter registration record. The**  
 37 **board may also compare the signature on the affidavit with any**  
 38 **other admittedly genuine signature of the voter.**

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



1           **Sec. 3. (a)** Upon receipt of a ballot from a voter required to  
 2 provide additional information to the county voter registration  
 3 office under IC 3-7-33-4.5, the county election board shall contact  
 4 the county voter registration office to determine if the voter has  
 5 filed the additional information with the office.

6           **(b)** If the voter has filed the information with the county voter  
 7 registration office, the county election board shall add a notation  
 8 to the ballot indicating that the required information has been filed  
 9 and that the ballot may be counted if the ballot otherwise is entitled  
 10 to be counted under this title.

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

14           **"BALLOT COUNTER: AS OF (insert date the ballot is**  
 15 **received) THIS VOTER WAS REQUIRED TO FILE**  
 16 **ADDITIONAL DOCUMENTATION WITH THE COUNTY**  
 17 **VOTER REGISTRATION OFFICE BEFORE THIS**  
 18 **BALLOT MAY BE COUNTED. CHECK WITH THE**  
 19 **COUNTY ELECTION BOARD TO SEE IF THE VOTER**  
 20 **HAS FILED THIS INFORMATION. IF NOT, PROCESS AS**  
 21 **A PROVISIONAL BALLOT IF THIS BALLOT**  
 22 **OTHERWISE COMPLIES WITH INDIANA LAW."**

23           **(d)** Not later than noon on election day, the county voter  
 24 registration office shall visit the appropriate post office to accept  
 25 delivery of mail containing documentation submitted by a voter to  
 26 comply with IC 3-7-33-4.5. The office shall immediately notify the  
 27 county election board regarding the filing of this documentation to  
 28 permit the board to provide certification of this filing to the ballot  
 29 counters.

30           **Sec. 4.** If a county election board unanimously finds that the  
 31 signature on a ballot envelope or transmitted affidavit is not  
 32 genuine, the board shall write upon the ballot envelope or  
 33 transmitted affidavit the following:

34           **"The county election board has rejected this ballot because**  
 35 **the signature of this voter is not genuine."**

36           **Sec. 5.** If a county election board is unable to unanimously  
 37 determine whether the signature on a ballot envelope is genuine,  
 38 the board shall write upon the ballot envelope or transmitted  
 39 affidavit the words "Signature Disputed".

40           **Sec. 6.** If the voter board (or the county election board  
 41 unanimously) finds that the signature on a ballot envelope or  
 42 transmitted affidavit is genuine, the board shall immediately



1 enclose the accepted and unopened ballot envelope in a large or  
 2 carrier envelope. The envelope shall be securely sealed and  
 3 endorsed with the name and official title of the circuit court clerk  
 4 and the following words:

5 "This envelope contains a ballot and must be opened only on  
 6 election day under IC 3-11.1."

7 Sec. 7. Each circuit court clerk shall keep all accepted ballot  
 8 envelopes securely in the clerk's office until the ballot envelopes are  
 9 opened by ballot counters in accordance with IC 3-11.5.

10 Sec. 8. (a) During the period that ballots are being received,  
 11 each county election board shall keep the ballots in cabinets, boxes,  
 12 or a room upon which there are two (2) locks, one (1) for each of  
 13 the appointed members of the board.

14 (b) Each day the ballots shall be placed in the cabinets, boxes, or  
 15 room under the direction of the appointed members of the board.  
 16 If an appointed member cannot be present each day, then that  
 17 member shall designate someone from the member's political party  
 18 to be present with the key to the lock at the time the ballots are  
 19 secured.

20 Sec. 9. Each circuit court clerk or the clerk's agent shall visit the  
 21 appropriate post office to accept delivery of ballot envelopes at the  
 22 latest possible time that will permit acceptance of ballots before 6  
 23 p.m. on election day.

24 Sec. 10. (a) As used in this section, "election period" refers to  
 25 the period of time:

- 26 (1) beginning on the day ballots are first mailed to voters; and
- 27 (2) ending at 6 p.m. on election day.

28 (b) Each county election board shall acquire and place secure,  
 29 locked boxes at public locations throughout the county in which  
 30 voters may deposit their sealed ballots during the election period.

31 (c) Each county election board shall appoint teams of ballot  
 32 couriers consisting of two (2) voters of the county, one (1) from  
 33 each of the two (2) political parties that have appointed members  
 34 on the county election board.

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

- 37 (1) collect ballots deposited in each of the boxes placed under
- 38 subsection (b); and
- 39 (2) return the ballots to the circuit court clerk's office.

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

42 (f) Upon delivery of ballots by the ballot couriers, the ballots



1 shall be processed as ballots received from the United States Postal  
2 Service.

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

5 **Sec. 1. (a) Even though a voter receives a ballot in the mail, if**  
6 **the voter has not returned the ballot, the voter may vote as**  
7 **provided in this chapter under the conditions prescribed by this**  
8 **section.**

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

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

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

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

20 **(1) In a county to which IC 3-6-5.2 and IC 3-6-5.4 does not**  
21 **apply, one (1) location of the office of the circuit court clerk**  
22 **designated by the circuit court clerk.**

23 **(2) In a county in which IC 3-6-5.2 or IC 3-6-5.4 applies, the**  
24 **office of the board of elections and registration.**

25 **(3) A satellite office established under section 12 of this**  
26 **chapter.**

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

30 **Sec. 3. A voter must do the following before being permitted to**  
31 **vote under this chapter:**

32 **(1) This subdivision does not apply to a county that uses**  
33 **electronic poll books for voting under this section. The voter**  
34 **must sign an application on the form prescribed by the**  
35 **election division.**

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

40 **(A) Sign the electronic poll book.**

41 **(B) Provide proof of identification.**

42 **(C) If the county election board has prescribed an affidavit**





- 1           under section 4 of this chapter that includes a unique  
2           identifier to comply with section 11(b) of this chapter, sign  
3           the affidavit.
- 4           (3) This subdivision applies only to a county that uses  
5           electronic poll books for voting under this section and in  
6           which the ballot is cast on an optical scan voting system. The  
7           voter must do the following:
- 8                 (A) Sign the electronic poll book.  
9                 (B) Provide proof of identification.  
10                (C) Sign the affidavit prescribed by section 14 of this  
11                chapter.
- 12           Sec. 4. (a) To comply with section 11(b) of this chapter, the  
13           county election board may do either of the following:
- 14                 (1) Prescribe an affidavit that includes a unique identifier.  
15                 (2) Establish a procedure to produce a document, label, or  
16                 electronic record that is associated with each voter and  
17                 includes a unique identifier.
- 18           (b) After the county election board approves an affidavit or  
19           procedure described in subsection (a) and before the affidavit or  
20           procedure is used in an election, the county election board shall file  
21           a copy of the affidavit or a brief description of the procedure with  
22           the election division to assist the state recount commission in  
23           conducting proceedings under IC 3-12-11.
- 24           Sec. 5. A voter may vote before a voter board not:
- 25                 (1) more than twenty-eight (28) days; and  
26                 (2) later than noon on the day;
- 27           before election day. If the close of a voter registration period is  
28           transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a  
29           later date due to the Columbus Day holiday, the voter may vote  
30           before the board on the first day following the day on which the  
31           voter registration period closes.
- 32           Sec. 6. (a) An absent uniformed services voter who is eligible to  
33           vote in the circuit court clerk's office under IC 3-7-36-14 may vote  
34           before a voter board not:
- 35                 (1) more than twenty-eight (28) days before the election; and  
36                 (2) later than noon on election day.
- 37           If the close of a voter registration period is transferred under  
38           IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the  
39           Columbus Day holiday, the voter may vote before the voter board  
40           on the first day following the day on which the voter registration  
41           period closes.
- 42           (b) If a voter described by this section wishes to cast a ballot



1 during the period beginning at noon on the day before election day  
 2 and ending at noon on election day, the voter board may receive  
 3 and process the ballot at a location designated by resolution of the  
 4 county election board.

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

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

15 **Sec. 8.** As provided by 52 U.S.C. 21081, when a ballot is sent  
 16 under this chapter, the voter board shall also comply with  
 17 IC 3-11.1-1-4.

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

20 **Sec. 10. If:**

21 (1) a voter is unable or declines to present proof of  
 22 identification; or

23 (2) a member of the voter board determines that the proof of  
 24 identification provided by the voter does not qualify as proof  
 25 of identification under IC 3-5-2-40.5;

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

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

31 (1) in the office of the circuit court clerk or the board of  
 32 elections and registration; or

33 (2) at a satellite office established under section 12 of this  
 34 chapter;

35 by a voter with disabilities or any other qualified voter who wishes  
 36 to cast a ballot on the electronic voting system.

37 (b) The county election board or board of elections and  
 38 registration may adopt a resolution under this section to authorize  
 39 the circuit court clerk to use an electronic voting system for voting  
 40 by voters eligible to cast a ballot before a voter board under section  
 41 15 of this chapter. A resolution adopted under this section must be  
 42 adopted by the unanimous vote of the board's entire membership.



1 (c) A county providing voting under this section must adopt  
2 procedures to do the following:

3 (1) Secure votes cast on an electronic voting system that  
4 provides protection comparable to the protection provided to  
5 votes cast by paper ballot.

6 (2) Compare the signature on a ballot application with the  
7 applicant's signature on the applicant's voter registration  
8 record.

9 (3) Ensure that an invalid ballot is not counted.

10 (4) Specify how a spoiled ballot is to be canceled in the  
11 electronic voting system if a voter casts and returns a  
12 replacement ballot.

13 (d) A resolution adopted under this section may contain other  
14 provisions to implement this section that the board considers useful  
15 and that are not contrary to Indiana or federal law.

16 (e) If a resolution is adopted under this section, the circuit court  
17 clerk may use as many electronic voting machines for recording  
18 votes as the clerk considers necessary, subject to the resolution  
19 adopted by the board.

20 (f) Notwithstanding any other law, a ballot voted on an  
21 electronic voting system under this section is not required to bear  
22 the seal, signature, and initials prescribed by section 16 of this  
23 chapter.

24 (g) If a resolution is adopted under this section, the procedure  
25 for casting a ballot on an electronic voting system must, except as  
26 provided in this section, be substantially the same as the procedure  
27 for casting a ballot in the office of the circuit court clerk under this  
28 chapter by paper ballot or ballot card.

29 Sec. 12. (a) A county election board may adopt a resolution to  
30 authorize the circuit court clerk to establish satellite offices in the  
31 county where voters may cast ballots before a voter board.

32 (b) A resolution adopted under this section must do the  
33 following:

34 (1) State the locations of the satellite offices.

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

37 (c) The resolution may contain other provisions the board  
38 considers useful.

39 (d) If a resolution is adopted under this section for a primary  
40 election, the locations of the satellite offices and the hours at which  
41 voting may occur at the satellite offices established for the primary  
42 election must be used for the subsequent general or municipal



1 election.

2 (e) If a resolution is adopted under this section, the procedure  
3 for casting a ballot at a satellite office must, except as provided in  
4 this section, be substantially the same as the procedure for casting  
5 a ballot in the office of the circuit court clerk under this chapter.

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

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

12 **Sec. 13. (a)** A voter voting before a voter board shall mark the  
13 voter's ballot in the presence of the board, but not in such a  
14 manner that either of the board members can see for whom the  
15 voter voted, unless the voter requests the help of the board in  
16 marking a ballot under IC 3-11-9.

17 (b) The voter shall then, in the presence of the board, place the  
18 ballot in an envelope furnished by the county election board.

19 (c) The circuit court clerk shall provide, to the extent  
20 practicable, the same degree of privacy to voters voting under this  
21 chapter as provided to voters at a vote center on election day.

22 (d) This subsection applies to a voter required to present  
23 additional information under IC 3-7-33-4.5. If the voter does not  
24 present the required additional information before receiving the  
25 ballot, the ballot shall be processed in accordance with  
26 IC 3-11.1-7-3.

27 (e) Upon accepting the completed ballot from the voter, the  
28 board shall provide the voter with a notice:

- 29 (1) listing the documentation the voter may submit to the  
30 county voter registration office to comply with IC 3-7-33-4.5;  
31 and  
32 (2) stating the address and hours of the county voter  
33 registration office.

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

- 36 (1) The voter's precinct and township (or ward and city or  
37 town).  
38 (2) Whether the voter is entitled to vote as a resident of the  
39 precinct or is entitled to vote under IC 3-10-11 or IC 3-10-12.  
40 (3) A printed affidavit containing the voter's affirmation  
41 under penalties of perjury that the information described in  
42 subdivisions (1) and (2) is true.



1           (b) The voter must sign and date the affidavit, and the voter  
2 board members each must sign the affidavit and print the  
3 member's name.

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

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

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

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

12               (1) illness or injury; or

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

14          (b) A voter with disabilities who:

15               (1) is unable to make a voting mark on the ballot or sign the  
16 ballot secrecy envelope; and

17               (2) requests that the ballot be delivered to an address within  
18 Indiana;

19 must vote before a voter board under this section.

20          (c) If requested by a voter described in subsection (a) or by a  
21 voter with disabilities, a voter board shall visit the voter's place of  
22 confinement, the residence of the voter with disabilities, or the  
23 private residence:

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

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

26               (3) on any of the nineteen (19) days immediately before  
27 election day; and

28               (4) only once before an election, unless:

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

31                   (B) the board, in its discretion, decides to make an  
32 additional visit.

33          (d) This subsection applies to a voter confined due to illness or  
34 injury. A voter board may not be denied access to the voter's place  
35 of confinement if the board is present at the place of confinement  
36 at a time:

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

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

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

42          (e) The county election board, by unanimous vote of the board's



1 entire membership, may authorize a voter board to visit a voter  
 2 who is confined due to illness or injury and will be outside the  
 3 county on election day in accordance with the procedures set forth  
 4 in subsection (c).

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

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

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

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

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

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

21 (c) A county election board may adopt a resolution providing  
 22 that the ballots to be voted before a voter board visiting the voter  
 23 under section 15(b) of this chapter must be initialed by the county  
 24 election board or the board's representatives under IC 3-11.1-4-2  
 25 and not by the voter board visiting the voter. A resolution adopted  
 26 under this subsection remains in effect until rescinded by the  
 27 county election board. The election board may not rescind the  
 28 resolution during the final sixty (60) days before an election.

29 (d) The initials must be:

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

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

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

37 (B) the initials of the county election board or the board's  
 38 representatives captured through the electronic signature  
 39 pad or tablet at the time the county election board or the  
 40 board's representatives log into the electronic poll book  
 41 system.

42 (e) A resolution adopted under subsection (c) may also provide



1 that a precinct designation is not required to be preprinted on  
 2 ballots printed immediately before the ballot is delivered to a voter,  
 3 but may be added in the same manner as the initials of the county  
 4 election board or the board's representatives under IC 3-11.1-4-2  
 5 are added under subsection (d).

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

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

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

13 **Chapter 9. Voter Boards**

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

15 Sec. 2. (a) Each voter board must consist of two (2) voters of the  
 16 county, one (1) from each of the two (2) political parties that have  
 17 appointed members on the county election board. If a special  
 18 election is held for a local public question, the county election  
 19 board may, by unanimous vote of the entire membership of the  
 20 board, adopt a resolution to provide that the party membership  
 21 requirement does not apply to voter boards appointed to conduct  
 22 the special election. A resolution adopted under this subsection  
 23 may not be repealed and expires the day after the special election.

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

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

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

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

33 (4) The individual is the spouse, parent, father-in-law,  
 34 mother-in-law, child, son-in-law, daughter-in-law,  
 35 grandparent, grandchild, brother, sister, brother-in-law,  
 36 sister-in-law, uncle, aunt, nephew, or niece of a candidate or  
 37 declared write-in candidate to be voted for at the election,  
 38 except as an unopposed candidate. This subdivision  
 39 disqualifies an individual whose relationship to the candidate  
 40 is the result of birth, marriage, or adoption.

41 (c) An individual who is a candidate to be voted for at the  
 42 election or who is related to a candidate in a manner that would



1 result in disqualification under subsection (b) may,  
 2 notwithstanding subsection (b), serve as a member of a voter board  
 3 if:

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

7 (2) the county election board restricts the duties of the  
 8 individual as a voter board member to performing functions  
 9 that could have no influence on the casting or counting of  
 10 ballots within the election district.

11 **Sec. 3. (a)** Not later than noon fifty (50) days before election day,  
 12 each county election board shall notify the county chairmen of the  
 13 two (2) political parties that have appointed members on the  
 14 county election board of the number of voter boards to be  
 15 appointed under section 2 of this chapter.

16 (b) The county chairmen shall make written recommendations  
 17 for the appointments to the county election board not later than  
 18 noon forty-six (46) days before election day. The county election  
 19 board shall make the appointments as recommended. If a county  
 20 chairman fails to make any recommendations, then the county  
 21 election board may appoint any voters of the county who comply  
 22 with section 2 of this chapter.

23 **Sec. 4.** The individuals appointed to the voter boards under  
 24 section 2 of this chapter shall be compensated in the following  
 25 manner:

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

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

34 **Sec. 5.** Each county election board shall conduct a training  
 35 session for the members of the voter boards. A member of a voter  
 36 board must receive the training before the member begins  
 37 performing the member's duties. At the training session the duties  
 38 of the voter boards and the election laws and penalties pertaining  
 39 to their duties shall be explained in detail. The members of voter  
 40 boards are entitled to a per diem set by the county executive for  
 41 attending the training session.

42 SECTION 41. IC 3-11.5-1-1.1, AS AMENDED BY P.L.266-2013,





1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2018]: Sec. 1.1. This article applies **as follows:**

3 **(1) Before January 1, 2022, to:**

4 ~~(A)~~ (A) a county subject to IC 3-11.5-4-0.5; or

5 ~~(B)~~ (B) a county whose county election board, by unanimous  
6 vote of the board's entire membership, has adopted a  
7 resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1.

8 **(2) After December 31, 2021, to all counties.**

9 SECTION 42. IC 3-11.5-1-4, AS AMENDED BY P.L.219-2013,  
10 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2018]: Sec. 4. (a) To the extent that they are in conflict with  
12 this article, the following statutes do not apply to a county that has  
13 adopted a resolution described by section 1 of this chapter (before its  
14 repeal) or section 1.1 of this chapter:

15 (1) IC 3-11-4-22.

16 (2) IC 3-11-10-1.5.

17 (3) IC 3-11-10-3.

18 (4) IC 3-11-10-5.

19 (5) IC 3-11-10-6.

20 (6) IC 3-11-10-7.

21 (7) IC 3-11-10-8.

22 (8) IC 3-11-10-9.

23 (9) IC 3-11-10-11.

24 (10) IC 3-11-10-12.

25 (11) IC 3-11-10-12.5.

26 (12) IC 3-11-10-13.

27 (13) IC 3-11-10-14.

28 (14) IC 3-11-10-15.

29 (15) IC 3-11-10-16.

30 (16) IC 3-11-10-17.

31 (17) IC 3-11-10-18.

32 (18) IC 3-11-10-20.

33 (19) IC 3-11-10-21.

34 (20) IC 3-11-10-22.

35 (21) IC 3-11-10-23.

36 (22) IC 3-11-10-31.

37 (23) IC 3-11-10-32.

38 (24) IC 3-11-10-34.

39 (25) IC 3-11-10-35.

40 (26) IC 3-11-10-36.

41 (27) IC 3-11-10-37.

42 (28) IC 3-12-2.



1 (29) IC 3-12-3-12.

2 **(b) This section expires January 1, 2022.**

3 SECTION 43. IC 3-11.5-2-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. As used in this  
5 article, "~~absentee~~ "ballot counter" refers to a person designated under  
6 IC 3-11.5-4-22.

7 SECTION 44. IC 3-11.5-2-2 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. As used in this  
9 article, "central location for counting ~~absentee~~ ballots" refers to **the**  
10 **following:**

11 **(1) Before January 1, 2022,** a location for counting absentee  
12 ballots that a county election board must establish under this  
13 article.

14 **(2) After December 31, 2021, a location for counting all ballots**  
15 **that a county election board is required to establish under this**  
16 **article.**

17 SECTION 45. IC 3-11.5-2-5 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. **(a)** An absentee  
19 ballot application or an absentee ballot is considered "sent" to a voter  
20 if the application or ballot is:

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

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

23 (3) personally given to the voter.

24 **(b) This section expires January 1, 2022.**

25 SECTION 46. IC 3-11.5-2-6 IS ADDED TO THE INDIANA CODE  
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
27 1, 2018]: **Sec. 6. (a) Before January 1, 2022, the following apply:**

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

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

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

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

36 **(b) This section expires January 1, 2022.**

37 SECTION 47. IC 3-11.5-3-1, AS AMENDED BY P.L.169-2015,  
38 SECTION 135, IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2018]: Sec. 1. The following apply for the  
40 purposes of IC 3-6-8, IC 3-6-9, and IC 3-6-10:

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



- 1           (2) ~~An absentee~~ A ballot counter shall be treated the same as a  
 2 precinct election official.
- 3           (3) A major political party of a county is entitled to appoint the  
 4 number of watchers equal to the number of teams of ~~absentee~~  
 5 ballot counters.
- 6           SECTION 48. IC 3-11.5-3-2 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) Political parties  
 8 or independent candidates described in IC 3-6-8-1 may appoint  
 9 watchers at a central location for counting ~~absentee~~ ballots.
- 10          (b) A watcher appointed under this section:  
 11           (1) has the rights; and  
 12           (2) must follow the requirements;  
 13 set forth in IC 3-6-8.
- 14          SECTION 49. IC 3-11.5-3-3 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A candidate  
 16 entitled to appoint a watcher under IC 3-6-9 may appoint a watcher at  
 17 a central location for counting ~~absentee~~ ballots.
- 18          (b) A watcher appointed under this section:  
 19           (1) has the rights; and  
 20           (2) must follow the requirements;  
 21 set forth in IC 3-6-9.
- 22          SECTION 50. IC 3-11.5-3-4 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) Media entitled to  
 24 appoint a watcher under IC 3-6-10 may appoint a watcher at a central  
 25 location for counting ~~absentee~~ ballots.
- 26          (b) A watcher appointed under this section:  
 27           (1) has the rights; and  
 28           (2) must follow the requirements;  
 29 set forth in IC 3-6-10.
- 30          SECTION 51. IC 3-11.5-4-0.5, AS ADDED BY P.L.266-2013,  
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2018]: Sec. 0.5. (a) This section applies only to a county  
 33 having a consolidated city.
- 34          (b) Except as provided in subsection (c), a county shall count  
 35 absentee ballots at a central location. Notwithstanding IC 3-11.5-6-1(a),  
 36 the provisions of IC 3-11.5-6 apply in the county unless the county  
 37 election board adopts a resolution under IC 3-11.5-5-1 making  
 38 IC 3-11.5-5 applicable in the county.
- 39          (c) If the county election board adopts a resolution, by the  
 40 unanimous vote of the entire membership of the board, that:  
 41           (1) requires absentee ballots to be counted at individual precincts  
 42           instead of at a central location; and



1 (2) states the board's basis for adopting the requirement described  
 2 in subdivision (1);  
 3 all absentee ballots shall be counted at individual precincts instead of  
 4 at a central location.

5 (d) A copy of the resolution adopted under subsection (c) shall be  
 6 filed with the election division.

7 **(e) This section expires January 1, 2022.**

8 SECTION 52. IC 3-11.5-4-1, AS AMENDED BY P.L.76-2014,  
 9 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2018]: Sec. 1. (a) Each circuit court clerk shall do the  
 11 following:

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

14 (2) This subdivision applies to a county in which the county voter  
 15 registration office prepares a certified list of all voters registered  
 16 to vote in each precinct in the county under IC 3-7-29-1. Certify  
 17 to each inspector or the inspector's representative, at the time that  
 18 the ballots and supplies are delivered under IC 3-11-3, the names  
 19 of the voters:

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

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

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

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

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

33 **(b) This section expires January 1, 2022.**

34 SECTION 53. IC 3-11.5-4-2 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) This section  
 36 applies to a voter voting by an absentee ballot that is defective and  
 37 ordered corrected under IC 3-11-2-16 or includes a candidate for  
 38 election to office who:

39 (1) ceases to be a candidate; and

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

42 (b) Through the last day before the election day, an absentee voter



1 may recast the ballot during the period specified by IC 3-11-10-26. To  
 2 obtain another set of ballots, the absentee voter must present a written  
 3 request for another set of ballots from the circuit court clerk.

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

6 (1) Place the written request with the absentee voter's original  
 7 ballots.

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

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

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

11 **(d) This section expires January 1, 2022.**

12 SECTION 54. IC 3-11.5-4-3 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A county election  
 14 board must receive an absentee ballot before noon on election day.

15 **(b) This section expires January 1, 2022.**

16 SECTION 55. IC 3-11.5-4-5, AS AMENDED BY P.L.64-2014,  
 17 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2018]: Sec. 5. (a) If a county election board unanimously finds  
 19 that the signature on a ballot envelope or transmitted affidavit is  
 20 genuine, the board shall enclose immediately the accepted and  
 21 unopened ballot envelope, together with the voter's application for the  
 22 absentee ballot, in a large or carrier envelope. The board may enclose  
 23 in the same carrier envelope all ~~absentee~~ ballot envelopes and  
 24 applications.

25 (b) The envelope shall be securely sealed and endorsed with the  
 26 name and official title of the circuit court clerk and the following  
 27 words:

28 "This envelope contains an absentee ballot and must be opened  
 29 only on election day under IC 3-11.5."

30 **(c) This section expires January 1, 2022.**

31 SECTION 56. IC 3-11.5-4-6 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. Each circuit court  
 33 clerk shall keep all accepted ballot envelopes securely in the clerk's  
 34 office until the ballot envelopes are opened by ~~absentee~~ ballot counters  
 35 in accordance with this chapter.

36 SECTION 57. IC 3-11.5-4-7 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) Not later than  
 38 noon on election day each circuit court clerk, or an agent of the clerk,  
 39 shall visit the appropriate post office to accept delivery of absentee  
 40 envelopes.

41 **(b) This section expires January 1, 2022.**

42 SECTION 58. IC 3-11.5-4-8, AS AMENDED BY P.L.169-2015,



1 SECTION 136, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) This section does not apply  
 3 to a county that:

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

6 (2) is a vote center county under IC 3-11-18.1;  
 7 if the electronic poll book used at a polling place or vote center is  
 8 immediately updated to indicate the county received, not later than  
 9 noon on election day, an absentee ballot from a voter.

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

11 (1) to whom absentee ballots were sent or who marked ballots in  
 12 person; and

13 (2) whose ballots have been received by the board under this  
 14 chapter;

15 after the certification under section 1 of this chapter and not later than  
 16 noon on election day.

17 (c) The county election board shall have:

18 (1) the certificates described in subsection (b); and

19 (2) the circuit court clerk's certificates for voters who have  
 20 registered and voted under IC 3-7-36-14;

21 delivered to the precinct election boards at their respective polls on  
 22 election day by couriers appointed under section 22 of this chapter.

23 (d) The certificates shall be delivered not later than 3 p.m. on  
 24 election day.

25 **(e) This section expires January 1, 2022.**

26 SECTION 59. IC 3-11.5-4-9, AS AMENDED BY P.L.169-2015,  
 27 SECTION 137, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) This section does not apply  
 29 to a county that:

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

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

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

36 (b) Upon delivery of the certificates under section 8 of this chapter  
 37 to a precinct election board, the inspector shall do the following in the  
 38 presence of the poll clerks:

39 (1) Mark the poll list.

40 (2) Attach the certificates of voters who have registered and voted  
 41 under IC 3-7-36-14 to the poll list.

42 The poll clerks shall sign the statement printed on the certificate



1 indicating that the inspector marked the poll list and attached the  
 2 certificates under this section in the presence of both poll clerks to  
 3 indicate that the absentee ballot of the voter has been received by the  
 4 county election board.

5 (c) The inspector shall then deposit:

- 6 (1) the certificate prepared under section 1 of this chapter;
- 7 (2) the certificate prepared under section 8 of this chapter; and
- 8 (3) any challenge affidavit executed by a qualified person under  
 9 section 15 of this chapter;

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

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

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

21 **(f) This section expires January 1, 2022.**

22 SECTION 60. IC 3-11.5-4-10, AS AMENDED BY P.L.64-2014,  
 23 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2018]: Sec. 10. (a) Subject to IC 3-10-8-7.5, IC 3-12-1-17,  
 25 and section 7 of this chapter, absentee ballots received by mail (or by  
 26 fax or electronic mail under IC 3-11-4-6) after noon on election day are  
 27 considered as arriving too late and may not be counted.

28 **(b) This section expires January 1, 2022.**

29 SECTION 61. IC 3-11.5-4-11, AS AMENDED BY P.L.169-2015,  
 30 SECTION 138, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) Except as provided in  
 32 subsection (b), at any time after the couriers return the certificate under  
 33 section 9 of this chapter, absentee ballot counters appointed under  
 34 section 22 of this chapter, in the presence of the county election board,  
 35 shall, except for a ballot rejected under section 13 of this chapter:

- 36 (1) open the outer or carrier envelope containing an absentee  
 37 ballot envelope and application;
- 38 (2) announce the absentee voter's name; and
- 39 (3) compare the signature upon the application with the signature  
 40 upon the affidavit on the ballot envelope or transmitted affidavit.

41 (b) This subsection applies to a county that:

- 42 (1) has adopted an order to use an electronic poll book under



1 IC 3-7-29-6(a)(1); or

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

3 Immediately after the electronic poll books used at each polling place  
4 or vote center have been updated to indicate that the county received,  
5 not later than noon on election day, an absentee ballot from a voter, the  
6 absentee ballot counters shall, in a central counting location designated  
7 by the county election board, count the absentee ballot votes cast for  
8 each candidate for each office and on each public question in the  
9 precinct.

10 **(c) This section expires January 1, 2022.**

11 SECTION 62. IC 3-11.5-4-12, AS AMENDED BY P.L.225-2011,  
12 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2018]: Sec. 12. (a) If the ~~absentee~~ ballot counters find under  
14 section 11 of this chapter that:

15 (1) the affidavit is properly executed;

16 (2) the signatures correspond;

17 (3) the ~~absentee~~ voter is a qualified voter of the precinct;

18 (4) the ~~absentee~~ voter is registered and is not required to file  
19 additional information with the county voter registration office  
20 under IC 3-7-33-4.5; and

21 (5) in case of a primary election, if the ~~absentee~~ voter has not  
22 previously voted, the ~~absentee~~ voter has executed the proper  
23 declaration relative to age and qualifications and the political  
24 party with which the ~~absentee~~ voter intends to affiliate;

25 the ~~absentee~~ ballot counters shall open the envelope containing the  
26 ~~absentee~~ ballots so as not to deface or destroy the affidavit and take out  
27 each ballot enclosed without unfolding or permitting a ballot to be  
28 unfolded or examined.

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

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

42 SECTION 63. IC 3-11.5-4-13, AS AMENDED BY P.L.194-2013,





1 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2018]: Sec. 13. (a) If the ~~absentee~~ ballot counters find under  
3 section 11 of this chapter that any of the following applies, the ballots  
4 shall be rejected:

5 (1) The affidavit is insufficient or that the ballot has not been  
6 endorsed with the initials of:

7 (A) the two (2) members of the ~~absentee~~ voter board in the  
8 office of the clerk of the circuit court under IC 3-11-4-19 or  
9 IC 3-11-10-27;

10 (B) the two (2) members of the ~~absentee~~ voter board visiting  
11 the voter under IC 3-11-10-25; or

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

14 (2) The signatures do not correspond or there is no signature.

15 (3) The ~~absentee~~ voter is not a qualified voter in the precinct.

16 (4) The ~~absentee~~ voter has voted in person at the election.

17 (5) The ~~absentee~~ voter has not registered.

18 (6) The ballot is open or has been opened and resealed. This  
19 subdivision does not permit ~~an absentee a~~ ballot transmitted by  
20 fax or electronic mail under IC 3-11-4-6 to be rejected because  
21 the ballot was sealed in the ~~absentee~~ ballot envelope by the  
22 individual designated by the circuit court to receive ~~absentee~~  
23 ballots transmitted by fax or electronic mail.

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

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

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

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

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

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

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

40 (B) on the ~~absentee~~ ballot application.

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



- 1 (1) The absentee voter board under section 22 of this chapter.  
 2 (2) A member of the voter's household.  
 3 (3) An individual serving as attorney in fact for the voter.  
 4 (d) An attestation under subsection (c) provides an adequate basis  
 5 for the absentee ballot counters to determine that a signature or mark  
 6 complies with subsection (a)(2).  
 7 (e) If the absentee ballot counters are unable to agree on a finding  
 8 described under this section or section 12 of this chapter, the county  
 9 election board shall make the finding.  
 10 (f) The absentee ballot counters or county election board shall issue  
 11 a certificate to a voter whose ballot has been rejected under this section  
 12 if the voter appears in person before the board not later than 5 p.m. on  
 13 election day. The certificate must state that the voter's absentee ballot  
 14 has been rejected and that the voter may vote in person under section  
 15 21 of this chapter if otherwise qualified to vote.
- 16 SECTION 64. IC 3-11.5-4-14 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) Each ballot  
 18 rejected for any of the reasons prescribed by section 13 of this chapter  
 19 shall, without being unfolded to disclose how the ballot is marked, be  
 20 endorsed with the words: "Rejected (giving the reason or reasons for  
 21 the rejection).".  
 22 (b) All rejected absentee ballots shall be enclosed and securely  
 23 sealed in an envelope on which the absentee ballot counters shall write  
 24 the words: "Rejected absentee ballots". The absentee ballot counters  
 25 shall also identify the precinct and the date of the election on the  
 26 envelope containing the rejected ballots.  
 27 (c) The rejected absentee ballots shall be returned to the same  
 28 officer and in the same manner as prescribed by this title for the return  
 29 and preservation of official ballots cast and uncast at the election.
- 30 SECTION 65. IC 3-11.5-4-15, AS AMENDED BY P.L.169-2015,  
 31 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2018]: Sec. 15. (a) Except as provided in  
 33 subsection (c), the vote of an absentee voter may be challenged at the  
 34 polls for the reason that the absentee voter is not a legal voter of the  
 35 precinct where the ballot is being cast.  
 36 (b) Before the inspector prepares to mark the poll list to indicate that  
 37 an absentee ballot cast by the voter has been received by the county  
 38 election board according to a certificate delivered to the polls under  
 39 section 1 or section 8 of this chapter, the inspector shall notify the  
 40 challengers and the pollbook holders that the inspector is about to mark  
 41 the poll list under this section. The inspector shall provide the  
 42 challengers and pollbook holders with the name and address of each



1 voter listed in the certificate so that the voter may be challenged under  
2 this article.

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

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

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

7 The vote of an absentee ballot may be challenged for the reason that the  
8 absentee voter is not a legal voter of the precinct for which the absentee  
9 ballot was issued. Before the absentee ballot counters process an  
10 absentee ballot, the absentee ballot counters shall notify the county  
11 election board. A county election board member, or a representative  
12 designated by a county election board member, may challenge the  
13 absentee ballot under section 16 of this chapter.

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

16 **(e) This section expires January 1, 2022.**

17 SECTION 66. IC 3-11.5-4-16, AS AMENDED BY P.L.76-2014,  
18 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2018]: Sec. 16. (a) If an absentee ballot is challenged under  
20 section 15 of this chapter, the absentee voter's application for an  
21 absentee ballot shall be considered as the affidavit required to be made  
22 by a voter when challenged at the polls while voting in person.

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

26 (c) An absentee voter is not required to provide proof of  
27 identification.

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

31 **(e) This section expires January 1, 2022.**

32 SECTION 67. IC 3-11.5-4-17 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) ~~If proof is given~~  
34 ~~to the absentee ballot counters that an absentee~~ **This section applies if**  
35 **a voter:**

36 **(1) marked and forwarded an absentee a ballot; and**

37 **(2) subsequently dies. but died before election day; the ballot of**  
38 **the deceased voter shall be rejected under section 13 of this**  
39 **chapter and retained with the other rejected ballots under section**  
40 **14 of this chapter.**

41 (b) ~~The casting of an absentee deceased voter's ballot by a~~  
42 ~~deceased voter does not invalidate an election: shall be counted if the~~



1 **ballot would otherwise be entitled to be counted if the voter had**  
 2 **not died.**

3 SECTION 68. IC 3-11.5-4-18, AS AMENDED BY P.L.169-2015,  
 4 SECTION 140, IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2018]: Sec. 18. (a) If a voter has not returned  
 6 an absentee ballot, the voter may vote in person.

7 (b) However, if the voter has received an absentee ballot, before the  
 8 voter may vote, the voter must return the ballot to the inspector. The  
 9 **absentee** ballot shall be marked "canceled" and preserved with the  
 10 rejected ballots.

11 (c) If the voter has requested but not received an absentee ballot, the  
 12 voter may vote if the voter executes an affidavit affirming that the voter  
 13 has not received an absentee ballot.

14 **(d) This section expires January 1, 2022.**

15 SECTION 69. IC 3-11.5-4-20 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. **(a)** If the inspector  
 17 has marked the poll list to indicate that the absentee ballot cast by the  
 18 voter has been received by the county election board, the voter may not  
 19 vote in person except as provided in section 21 of this chapter.

20 **(b) This section expires January 1, 2022.**

21 SECTION 70. IC 3-11.5-4-21, AS AMENDED BY P.L.1-2009,  
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2018]: Sec. 21. **(a)** If an envelope containing an absentee  
 24 ballot has been marked "Rejected" and the voter appears in person at  
 25 the precinct before the polls close, the voter may vote as any other  
 26 voter voting in person if the voter presents the precinct election board  
 27 with the certificate issued under section 13(f) of this chapter.

28 **(b) This section expires January 1, 2022.**

29 SECTION 71. IC 3-11.5-4-21.5, AS ADDED BY P.L.169-2015,  
 30 SECTION 141, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2018]: Sec. 21.5. Rejected **absentee** ballots may  
 32 not be opened, except on order of a court or the state recount  
 33 commission.

34 SECTION 72. IC 3-11.5-4-22, AS AMENDED BY P.L.169-2015,  
 35 SECTION 142, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2018]: Sec. 22. (a) Except as provided in  
 37 subsection (b), each county election board shall appoint **the following:**

38 (1) **absentee** Voter boards.

39 (2) Teams of **absentee** ballot counters. **and**

40 (3) **Before January 1, 2022**, teams of couriers.

41 **consisting** **The boards and teams must consist** of two (2) voters of the  
 42 county, one (1) from each of the two (2) political parties that have



1 appointed members on the county election board.

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

3 (1) may appoint, by a unanimous vote of the board's members,  
4 only one (1) **absentee** ballot courier if the person appointed is a  
5 voter of the county; and

6 (2) shall not appoint teams of couriers, if the county:

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

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

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

13 (1) **The individual** is unable to read, write, and speak the English  
14 language.

15 (2) **The individual** has any property bet or wagered on the result  
16 of the election.

17 (3) **The individual** is a candidate to be voted for at the election  
18 except as an unopposed candidate for precinct committeeman or  
19 state convention delegate. ~~or~~

20 (4) **The individual** is the spouse, parent, father-in-law,  
21 mother-in-law, child, son-in-law, daughter-in-law, grandparent,  
22 grandchild, brother, sister, brother-in-law, sister-in-law, uncle,  
23 aunt, nephew, or niece of a candidate or declared write-in  
24 candidate to be voted for at the election except as an unopposed  
25 candidate. This subdivision disqualifies **a person an individual**  
26 whose relationship to the candidate is the result of birth, marriage,  
27 or adoption.

28 (d) ~~A person~~ **An individual** who is a candidate to be voted for at the  
29 election or who is related to a candidate in a manner that would result  
30 in disqualification under subsection (c) may, notwithstanding  
31 subsection (c), serve as a member of **an absentee a** voter board if:

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

34 (2) the county election board restricts the duties of the **person**  
35 **individual** as **an absentee a** voter board member to performing  
36 functions that could have no influence on the casting or counting  
37 of **absentee** ballots within the election district.

38 SECTION 73. IC 3-11.5-4-23, AS AMENDED BY P.L.201-2017,  
39 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2018]: Sec. 23. (a) Not later than noon fifty (50) days before  
41 election day, each county election board shall notify the county  
42 chairmen of the two (2) political parties that have appointed members



1 on the county election board of the number of:

- 2 (1) ~~absentee~~ voter boards;  
 3 (2) teams of ~~absentee~~ ballot counters; and  
 4 (3) **before January 1, 2022**, teams of couriers;

5 to be appointed under section 22 of this chapter.

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

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

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

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

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

- 22 (1) is not required to obtain an employment certificate under  
 23 IC 20-33-3; and  
 24 (2) is not subject to the limitations on time and duration of  
 25 employment under IC 20-33-3.

26 SECTION 74. IC 3-11.5-4-24, AS AMENDED BY P.L.169-2015,  
 27 SECTION 143, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2018]: Sec. 24. (a) This section does not apply  
 29 to a county that:

- 30 (1) has adopted an order to use an electronic poll book under  
 31 IC 3-7-29-6(a)(1); or  
 32 (2) is a vote center county under IC 3-11-18.1.

33 (b) In addition to the preparations described in IC 3-11-11-2,  
 34 IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

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

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

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



1 (1) marked the poll list; and  
 2 (2) attached the certificates described in subsection (b)(2);  
 3 under this section in the presence of both poll clerks.

4 (d) The inspector shall retain custody of the certificate supplied  
 5 under section 1 of this chapter until the certificate is returned under  
 6 section 9 of this chapter.

7 **(e) This section expires January 1, 2022.**

8 SECTION 75. IC 3-11.5-4-28 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 28. (a) When all votes  
 10 have been counted, the precinct election board shall prepare a  
 11 certificate stating the number of votes that each candidate received for  
 12 each office and the number of votes cast on each public question. The  
 13 number of votes that each candidate and public question received shall  
 14 be written in words and numbers. The board shall also prepare a  
 15 memorandum of the total vote cast for each candidate and ensure that  
 16 each member of the board receives a copy of the memorandum.

17 **(b) This section expires January 1, 2022.**

18 SECTION 76. IC 3-11.5-5-1 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter  
 20 applies in a county only if the county election board adopts a resolution  
 21 making this chapter applicable in the county.

22 (b) A copy of a resolution adopted under this section shall be filed  
 23 with the election division.

24 (c) A county election board may not adopt a resolution under this  
 25 section less than:

26 (1) sixty (60) days before an election is to be conducted; or

27 (2) fourteen (14) days after an election has been conducted.

28 (d) A resolution adopted under this section takes effect immediately  
 29 and may only be rescinded by the unanimous vote of the entire  
 30 membership of the county election board.

31 **(e) This section expires January 1, 2022.**

32 SECTION 77. IC 3-11.5-5-2 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. This chapter applies  
 34 to the counting of ~~absentee ballots~~ **votes** cast on paper ballots.

35 SECTION 78. IC 3-11.5-5-3, AS AMENDED BY P.L.169-2015,  
 36 SECTION 144, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) Except as provided in  
 38 subsection (b), immediately after:

39 (1) the couriers have returned the certificate from a precinct under  
 40 IC 3-11.5-4-9; and

41 (2) the ~~absentee~~ ballot counters or the county election board have  
 42 made the findings required under IC 3-11-10 and IC 3-11.5-4 for



1 the ~~absentee~~ ballots cast by voters of the precinct and deposited  
 2 the accepted ~~absentee~~ ballots in the envelope required under  
 3 IC 3-11.5-4-12;

4 the ~~absentee~~ ballot counters shall, in a central counting location  
 5 designated by the county election board, count the ~~absentee~~ ballot votes  
 6 for each candidate for each office and on each public question in the  
 7 precinct.

8 (b) This section applies to a county that:

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

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

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

19 SECTION 79. IC 3-11.5-5-5 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. To minimize delay,  
 21 the ~~absentee~~ ballot counters shall continue the count without  
 22 interruption until all ~~absentee~~ ballots for the precinct are canvassed and  
 23 the certificates required by this chapter are prepared and delivered to  
 24 the person entitled to receive the certificates.

25 SECTION 80. IC 3-11.5-5-7 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. During the counting  
 27 of the votes, one (1) of the ~~absentee~~ ballot counters shall read the name  
 28 of the candidates voted for from the ballots. A:

29 (1) member of the county election board who is not a member of  
 30 the same political party as the ~~absentee~~ ballot counter; or

31 (2) representative designated by the member;

32 reading the names shall view the ballots as the names are read.

33 SECTION 81. IC 3-11.5-5-8 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. During the counting  
 35 of the votes:

36 (1) ~~an absentee a~~ ballot counter performing the counting;

37 (2) a member of the county election board; or

38 (3) a representative designated by the members;

39 may protest the counting of any ballot or any part of a ballot.

40 SECTION 82. IC 3-11.5-5-9 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. If a ballot or any part  
 42 of a ballot is protested, ~~an absentee a~~ ballot counter immediately shall





1 write on the back of the protested ballot the word "counted" or "not  
2 counted", as appropriate.

3 SECTION 83. IC 3-11.5-5-10 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. If the **absentee**  
5 ballot counters cannot agree whether to count a ballot following a  
6 protest under section 8 of this chapter, the question shall be referred to  
7 the county election board for a decision.

8 SECTION 84. IC 3-11.5-5-11 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. Following a  
10 decision by the **absentee** ballot counters or the county election board,  
11 the **absentee** ballot counters shall officially sign each protested ballot.

12 SECTION 85. IC 3-11.5-5-12 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. **An absentee A**  
14 ballot counter may not count **absentee** ballots for a precinct under this  
15 chapter while counting **absentee** ballots for any other precinct.

16 SECTION 86. IC 3-11.5-5-13 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) This section  
18 applies if at least two (2) sets of **absentee** ballot counters in a county  
19 are counting **absentee** ballots under this chapter.

20 (b) A set of **absentee** ballot counters may count **absentee** ballots  
21 from a precinct while another set of **absentee** ballot counters is  
22 counting **absentee** ballots from another precinct in the county if each  
23 set of counters counts the ballots in compliance with section 7 of this  
24 chapter.

25 SECTION 87. IC 3-11.5-5-14, AS AMENDED BY P.L.201-2017,  
26 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2018]: Sec. 14. (a) This section applies to the counting of  
28 federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

35 (1) certified a list of presidential electors and alternate  
36 presidential electors under IC 3-10-4-5; or

37 (2) included a list of presidential electors and alternate  
38 presidential electors on the declaration of intent to be a write-in  
39 candidate filed by a write-in candidate under IC 3-8-2-2.5;

40 the vote for President or Vice President is void. The remaining votes on  
41 the ballot may be counted.

42 (d) As required by 52 U.S.C. 20303(b), and except as provided in



1 this section, an ~~absentee~~ a ballot subject to this section shall be  
 2 submitted and processed in the same manner provided by this title for  
 3 a regular ~~absentee~~ ballot.

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

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

7 (1) the ballot was submitted:

8 (A) by an overseas voter who is not an absent uniformed  
 9 services voter; and

10 (B) from within the United States;

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

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

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

21 (g) If a federal write-in absentee ballot is received by the county  
 22 election board in an envelope that does not indicate that the envelope  
 23 contains the ballot, and the envelope is opened by the county election  
 24 board, the ~~absentee~~ ballot shall nevertheless be counted if otherwise  
 25 valid. The county election board shall:

26 (1) immediately seal the ~~absentee~~ ballot and the envelope in  
 27 which the ballot was received in a carrier envelope indicating that  
 28 a voted ~~absentee~~ ballot is enclosed; and

29 (2) document the date the ~~absentee~~ ballot was sealed within the  
 30 carrier envelope, attested to by the signature of each member of  
 31 the county election board.

32 SECTION 88. IC 3-11.5-5-15 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. When all the votes  
 34 have been counted, the ~~absentee~~ ballot counters shall prepare a  
 35 certificate stating the number of votes that each candidate received for  
 36 each office and the number of votes cast on each public question.

37 SECTION 89. IC 3-11.5-5-16 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. The number of  
 39 votes that each candidate and public question received shall be written  
 40 in words and numbers. The ~~absentee~~ ballot counters shall prepare a  
 41 memorandum of the total votes cast for each candidate and on each  
 42 public question and ensure that each member of the county election



1 board receives a copy of the memorandum.

2 SECTION 90. IC 3-11.5-5-17 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. The ~~absentee~~ ballot  
4 counters shall deliver the certificates prepared under section 15 of this  
5 chapter and the tally papers to the county election board immediately  
6 upon the tabulation of the vote in each precinct.

7 SECTION 91. IC 3-11.5-5-18 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. As soon as the  
9 ballots have been counted, the ~~absentee~~ ballot counters shall in the  
10 presence of the county election board do the following:

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

24 SECTION 92. IC 3-11.5-5-19 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. Upon delivery of  
26 the envelope or bag to the circuit court clerk, each ~~absentee~~ ballot  
27 counter shall take and subscribe an oath before the clerk stating that the  
28 counter:

- 29 (1) securely kept the ballots and papers in the envelope or bag;  
30 (2) did not permit any person to open the envelope or bag or to  
31 otherwise touch or tamper with the ballots; and  
32 (3) had no knowledge of any other person opening the envelope  
33 or bag.

34 SECTION 93. IC 3-11.5-5-27 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 27. Immediately upon  
36 completion of the vote count, the ~~absentee~~ ballot counters shall make  
37 and sign a certificate for the news media showing the total number of  
38 ~~absentee~~ ballot votes received by each candidate and on each public  
39 question in the precinct.

40 SECTION 94. IC 3-11.5-5-28 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 28. The ~~absentee~~ ballot  
42 counters shall deliver the certificate to the circuit court clerk as soon as



1 the certificate is completed. The circuit court clerk shall deliver the  
 2 certificate made for the news media to any person designated to receive  
 3 the certificate by the editors of the newspapers published in the county  
 4 or by the managers of the radio and television stations operating in the  
 5 county immediately upon the completion of the certificate, but not  
 6 before the closing of the polls.

7 SECTION 95. IC 3-11.5-5-29 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 29. (a) This section  
 9 applies to a person who observes or performs any of the following  
 10 under this chapter:

- 11 (1) The counting of ~~absentee~~ ballots.
- 12 (2) The proceedings of ~~absentee~~ ballot counters or the county  
 13 election board regarding a protested ballot.
- 14 (3) The preparation of a certificate by ~~absentee~~ ballot counters.
- 15 (4) The delivery of a certificate to the circuit court clerk or county  
 16 election board.

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

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

21 on ~~absentee~~ ballots counted under this chapter before the closing of the  
 22 polls.

23 SECTION 96. IC 3-11.5-6-1 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter  
 25 applies in a county only if the county election board adopts a resolution  
 26 making this chapter applicable in the county.

27 (b) A copy of a resolution adopted under this section shall be sent  
 28 to the election division.

29 (c) A county election board may not adopt a resolution under this  
 30 section less than:

- 31 (1) sixty (60) days before an election is to be conducted; or
- 32 (2) fourteen (14) days after an election has been conducted.

33 (d) A resolution adopted under this section takes effect immediately  
 34 and may only be rescinded by the unanimous vote of the entire  
 35 membership of the county election board.

36 **(e) This section expires January 1, 2022.**

37 SECTION 97. IC 3-11.5-6-2 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. This chapter applies  
 39 to the counting of ~~absentee~~ ballots cast on ballot cards.

40 SECTION 98. IC 3-11.5-6-3, AS AMENDED BY P.L.169-2015,  
 41 SECTION 145, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2018]: 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 has
- 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 with the assistance of any persons required for the operation
- 13 of the automatic tabulating machine.
- 14 (b) This subsection applies to a county that:
- 15 (1) has adopted an order to use an electronic poll book under
- 16 IC 3-7-29-6(a)(1); or
- 17 (2) is a vote center county under IC 3-11-18.1.
- 18 Immediately after the electronic poll books used at each polling place
- 19 or vote center have been updated to indicate that the county received,
- 20 not later than noon on election day, an ~~absentee~~ a ballot from a voter,
- 21 the ~~absentee~~ ballot counters shall, in a central counting location
- 22 designated by the county election board, count the ~~absentee~~ ballot votes
- 23 cast for each candidate for each office and on each public question in
- 24 the precinct.
- 25 SECTION 99. IC 3-11.5-6-4 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. To minimize delay,
- 27 the ~~absentee~~ ballot counters shall continue to count without
- 28 interruption until all ~~absentee~~ ballots for the precinct are canvassed and
- 29 the certificates required by this chapter are prepared and delivered to
- 30 the person entitled to receive the certificates.
- 31 SECTION 100. IC 3-11.5-6-5 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. The ~~absentee~~ ballot
- 33 counters shall determine if the ballot cards are properly grouped and
- 34 arranged so that all similar cards from a precinct are together before the
- 35 ballots are counted on an automatic tabulating machine.
- 36 SECTION 101. IC 3-11.5-6-6 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. During the tabulation
- 38 of votes at a central counting location, an ~~absentee~~ a ballot counter
- 39 performing the count, a member of the county election board, or a
- 40 representative designated by the member of the board may protest the
- 41 counting of a ballot or part of a ballot cast by a voter of a precinct.
- 42 SECTION 102. IC 3-11.5-6-7 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. If the ~~absentee~~ ballot  
 2 counters cannot agree whether to count a ballot following a protest  
 3 under section 6 of this chapter, the question shall be referred to the  
 4 county election board for a decision.

5 SECTION 103. IC 3-11.5-6-8 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. Following a decision  
 7 by the ~~absentee~~ ballot counters or the county election board:

8 (1) the ~~absentee~~ ballot counters immediately shall write on the  
 9 back of the protested ballot card the word "counted" or "not  
 10 counted", as appropriate; and

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

13 SECTION 104. IC 3-11.5-6-9 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. If ~~an absentee a~~  
 15 ballot is damaged or defective so that the ballot cannot properly be  
 16 counted by an automatic tabulating machine, a remake team composed  
 17 of one (1) person from each of the major political parties of the county  
 18 shall have the card prepared for processing so as to record accurately  
 19 the intent of the voter insofar as the intent can be ascertained.

20 SECTION 105. IC 3-11.5-6-14, AS AMENDED BY P.L.85-2017,  
 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2018]: Sec. 14. If a test of automatic tabulating machines  
 23 required by IC 3-11-13-22 is not conducted for a particular office or  
 24 public question, the ~~absentee ballot~~ votes for that office shall be  
 25 counted manually.

26 SECTION 106. IC 3-11.5-6-15 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. If for any reason the  
 28 county election board determines that it is impracticable to count all or  
 29 some of the ~~absentee~~ ballots under this chapter with an automatic  
 30 tabulating machine, the board may direct that the ballot cards be  
 31 counted manually.

32 SECTION 107. IC 3-11.5-6-17, AS AMENDED BY P.L.128-2015,  
 33 SECTION 200, IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2018]: Sec. 17. IC 3-11.5-5-14 applies to the  
 35 counting of write-in ~~absentee~~ ballots for a federal office cast on a ballot  
 36 card received under 52 U.S.C. 20301.

37 SECTION 108. IC 3-11.5-6-18 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. 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 109. IC 3-11.5-6-19 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. The number of  
 2 votes that each candidate and each public question received shall be  
 3 written in words and numbers. The ~~absentee~~ ballot counters shall  
 4 prepare a memorandum of the total votes cast for each candidate and  
 5 on each public question and ensure that each member of the county  
 6 election board receives a copy of the memorandum.

7 SECTION 110. IC 3-11.5-6-20 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. The ~~absentee~~ ballot  
 9 counters shall deliver the certificates prepared under section 18 of this  
 10 chapter and the return printed by the automatic tabulating machine to  
 11 the county election board immediately upon the tabulation of the vote  
 12 in each precinct.

13 SECTION 111. IC 3-11.5-6-21 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 21. As soon as the  
 15 ballots have been counted, the ~~absentee~~ ballot counters shall in the  
 16 presence of the county election board do the following:

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

30 SECTION 112. IC 3-11.5-6-22 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. Upon delivery of  
 32 the envelope or bag to the circuit court clerk, each ~~absentee~~ ballot  
 33 counter shall take and subscribe an oath before the clerk stating that the  
 34 counter:

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

40 SECTION 113. IC 3-11.5-6-30 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 30. Immediately upon  
 42 completion of the vote count, the ~~absentee~~ ballot counters shall make



1 and sign a certificate for the news media showing the total number of  
 2 ~~absentee ballot~~ votes received by each candidate and on each public  
 3 question in the precinct.

4 SECTION 114. IC 3-11.5-6-31 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 31. The ~~absentee~~ ballot  
 6 counters shall deliver the certificate to the circuit court clerk as soon as  
 7 the certificate is completed. The circuit court clerk shall deliver the  
 8 certificate made for the news media to any person designated to receive  
 9 the certificate by the editors of the newspapers published in the county  
 10 or by the managers of the radio and television stations operating in the  
 11 county immediately upon the completion of the certificate, but not  
 12 before the closing of the polls.

13 SECTION 115. IC 3-11.5-6-32 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 32. (a) This section  
 15 applies to a person who observes or performs any of the following  
 16 under this chapter:

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

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

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

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

29 SECTION 116. IC 3-11.5-7-1, AS AMENDED BY P.L.64-2014,  
 30 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2018]: Sec. 1. (a) ~~Absentee~~ Ballot counters shall conduct the  
 32 activities conducted by precinct election officials in submitting returns  
 33 to the county election board under IC 3-12-4.

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

36 SECTION 117. IC 3-11.5-7-2 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. The voters appointed  
 38 as couriers or ~~absentee~~ ballot counters under this article shall be  
 39 compensated in the following manner:

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





1 a sum for mileage established by the county fiscal body.

2 (2) The ~~absentee~~ ballot counters who are assigned to perform  
3 duties regarding ~~absentee~~ ballots on election day are entitled to a  
4 per diem established by the county executive.

5 SECTION 118. IC 3-11.5-7-3 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. ~~An absentee~~ A ballot  
7 is considered to be cast in the precinct in which the voter who cast the  
8 ballot resides for the purpose of the following chapters:

9 (1) IC 3-12-6.

10 (2) IC 3-12-11.

11 (3) IC 3-12-12.

12 SECTION 119. IC 3-11.7-1-2 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) Except as  
14 provided in subsection (b), a provisional ballot must have the same  
15 form as an absentee ballot for:

16 (1) the election for which the ballot is cast; and

17 (2) the precinct in which the ballot is cast.

18 (b) A provisional ballot must indicate that the ballot is a provisional  
19 ballot and not an absentee ballot.

20 **(c) This section expires January 1, 2022.**

21 SECTION 120. IC 3-11.7-1-2.1 IS ADDED TO THE INDIANA  
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2018]: **Sec. 2.1. (a) This section applies after**  
24 **December 31, 2021.**

25 **(b) Except as provided in subsection (c), a provisional ballot**  
26 **must have the same form as a mail ballot for:**

27 **(1) the election for which the ballot is cast; and**

28 **(2) the precinct in which the ballot is cast.**

29 **(c) A provisional ballot must indicate that the ballot is a**  
30 **provisional ballot and not a regular ballot.**

31 SECTION 121. IC 3-11.7-3-6 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. An individual  
33 serving as an ~~absentee~~ a ballot counter under IC 3-11.5-4-12 may also  
34 serve as a provisional ballot counter under this chapter.

35 SECTION 122. 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, 2018]: 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, 2022.**

5 SECTION 123. IC 3-12-2-1, AS AMENDED BY P.L.128-2015,  
6 SECTION 208, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2018]: 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) Notwithstanding subsection (b), the precinct election board may  
17 count absentee ballots before the polls have closed. If the precinct  
18 election board counts absentee ballots under this subsection, a member  
19 of the precinct election board may not, before the polls have closed,  
20 provide any person other than a member of the precinct election board  
21 with information concerning the number of votes:

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

23 (2) cast to approve or reject a public question;  
24 on absentee ballots counted under this subsection.

25 (d) If a precinct election board administers more than one (1)  
26 precinct, the board shall keep the ballots cast in each precinct separate  
27 from ballots cast in any other precinct, so that the votes cast for each  
28 candidate and on each public question in each of the precincts  
29 administered by the board may be determined.

30 **(e) This section expires January 1, 2022.**

31 SECTION 124. IC 3-12-3-5, AS AMENDED BY P.L.194-2013,  
32 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2018]: Sec. 5. (a) If a ballot card is damaged or defective so  
34 that it cannot properly be counted by the automatic tabulating  
35 machines, then a remake team composed of one (1) person from each  
36 of the major political parties of the county shall have the card prepared  
37 for processing so as to record accurately the intention of the voter  
38 insofar as it can be ascertained.

39 (b) If the ballot card voting system is designed to allow the counting  
40 and tabulation of votes by the precinct election board, the members of  
41 the remake team must be members of the precinct election board in  
42 which the ballot was cast. If a county provides for the counting and



1 tabulation of ballot card voting systems in a central location, the  
 2 members of the remake team shall be appointed by the county election  
 3 board.

4 (c) If necessary, a true, duplicate copy shall be made of the damaged  
 5 ballot card in the presence of witnesses and substituted for the damaged  
 6 card. Similarly, a duplicate ballot card shall be made of a defective  
 7 card, not including the uncounted votes.

8 (d) This subsection applies to an absent uniformed services voter or  
 9 overseas voter permitted to transmit ~~an absentee~~ a ballot by fax or  
 10 electronic mail under IC 3-11-4-6. To facilitate the transmittal and  
 11 return of the voter's ~~absentee~~ ballot by fax or electronic mail, the county  
 12 election board may provide the voter with a paper ballot rather than a  
 13 ballot card. The paper ballot must conform with the requirements for  
 14 paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns  
 15 the ballot by fax or electronic mail, a remake team appointed by the  
 16 county election board under this section shall prepare a ballot card for  
 17 processing that accurately records the intention of the voter as  
 18 indicated on the paper ballot. The ballot card created under this  
 19 subsection must be marked and counted as a duplicate ballot under  
 20 sections 6 through 7 of this chapter.

21 (e) If an automatic tabulating machine fails during the counting and  
 22 tabulation of votes following the close of the polls, the county election  
 23 board shall immediately arrange for the repair and proper functioning  
 24 of the system. The county election board may, by unanimous vote of its  
 25 entire membership, authorize the counting and tabulation of votes for  
 26 this election on an automatic tabulating machine approved for use in  
 27 Indiana by the commission:

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

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

31 SECTION 125. IC 3-12-3-12 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) Votes by  
 33 absentee voters may be cast on paper ballots or ballot cards, or both  
 34 methods may be used. The ballots may be counted by an automatic  
 35 tabulating machine or by special canvassing boards appointed by and  
 36 under the direction of the county election board. A true copy of each  
 37 paper absentee ballot may be made on a ballot card, which, after being  
 38 verified in the presence of witnesses, shall be counted in the same  
 39 manner as other ballot cards.

40 (b) **This section expires January 1, 2022.**

41 SECTION 126. IC 3-12-3-14 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) The precinct



- 1 election board may count absentee ballots before the polls have closed.  
 2 (b) If the precinct election board counts absentee ballots under this  
 3 section, a member of the precinct election board may not, before the  
 4 polls have closed, provide any person other than a member of the  
 5 precinct election board with information concerning the number of  
 6 votes:  
 7 (1) a candidate received for an office; or  
 8 (2) cast to approve or reject a public question;  
 9 on absentee ballots counted under this section.  
 10 **(c) This section expires January 1, 2022.**  
 11 SECTION 127. IC 3-12-3.5-7 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) The precinct  
 13 election board may count absentee ballots before the polls have closed.  
 14 (b) If the precinct election board counts absentee ballots under this  
 15 section, a member of the precinct election board may not, before the  
 16 polls have closed, provide any person other than a member of the  
 17 precinct election board with information concerning the number of  
 18 votes:  
 19 (1) a candidate received for an office; or  
 20 (2) cast to approve or reject a public question;  
 21 on absentee ballots counted under this section.  
 22 **(c) This section expires January 1, 2022.**

