

HOUSE BILL No. 1373

DIGEST OF INTRODUCED BILL

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

Synopsis: Election matters. Provides that the polls close at 8 p.m. (Under current law, the polls must close at 6 p.m.) Permits a voter to register at the polls by completing a voter registration form and an affirmation that the person has not voted elsewhere in the election and by providing proof of residence. Requires that all elections be conducted primarily 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; January 1, 2019.

Pelath

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. 1373

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

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

- 1 SECTION 1. IC 3-5-2-1.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 1.8. "Address confidentiality program participant"**
4 **refers to a program participant (as defined in IC 5-26.5-1-6).**
- 5 SECTION 2. IC 3-5-2-4.7 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2018]: **Sec. 4.7. "Ballot dropbox" refers to a box made of durable**
8 **metal that has the capacity to hold at least five hundred (500)**
9 **ballot return envelopes as provided in IC 3-11.1-8.**
- 10 SECTION 3. IC 3-5-2-11.3 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
12 JANUARY 1, 2019]: **Sec. 11.3. "Close of the polls" refers to the**
13 **time that the polls are required to close under IC 3-11-8-8.**
- 14 SECTION 4. IC 3-5-2-48.3 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2018]: **Sec. 48.3. "SVRS" refers to the statewide voter**
17 **registration list established under IC 3-7-26.3.**



1 SECTION 5. IC 3-5-2-49.1 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 49.1. "Travel box" refers to a container with a lid
4 that can be securely fastened so the contents of the container will
5 not fall out if the container is turned over.**

6 SECTION 6. IC 3-5-4-12 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2018]: **Sec. 12. (a) As used in this section, "committee" refers to
9 the interim study committee on elections established by
10 IC 2-5-1.3-4(6).**

11 **(b) The committee shall do the following:**

12 **(1) Study all issues relating to the transition to conducting all
13 elections as provided in IC 3-11.1.**

14 **(2) Make recommendations for legislation to amend the
15 Indiana Code so that all elections after December 31, 2021,
16 are conducted as provided in IC 3-11.1.**

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

18 SECTION 7. IC 3-5-4.5-1, AS ADDED BY P.L.164-2006,
19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2018]: **Sec. 1. (a) This chapter applies to a challenge to a
21 voter made by a precinct election officer, a watcher, a challenger, or a
22 pollbook holder under this title.**

23 **(b) After December 31, 2021, this chapter applies only to a
24 challenge to a voter voting under IC 3-11.1.**

25 SECTION 8. IC 3-5-8-2.5, AS AMENDED BY P.L.169-2015,
26 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2018]: **Sec. 2.5. (a) The election division shall prescribe a
28 statement known as the "Absentee Voter's Bill of Rights".**

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

31 **(1) A statement summarizing the rights and responsibilities of the
32 voter when casting and returning the absentee ballot.**

33 **(2) A summary of Indiana and federal laws concerning providing
34 assistance to the voter, completion of the ballot in secret,
35 intimidation of voters, and the return of the absentee ballot to the
36 county election board.**

37 **(3) Information concerning how to report violations of the
38 absentee ballot and election laws.**

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

40 SECTION 9. IC 3-6-6-5.5, AS ADDED BY P.L.258-2013,
41 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2018]: **Sec. 5.5. (a) This section applies in a county using vote**



1 centers under IC 3-11-18.1.

2 (b) The county vote center plan:

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

4 (2) must specify which precinct election officer is to perform a
5 duty required under this title to be performed by a precinct
6 election officer.

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

9 **(d) After December 31, 2021, this chapter applies only to**
10 **precinct election officers at a vote center to the extent that this**
11 **chapter is consistent with a county's vote center plan.**

12 SECTION 10. IC 3-6-6-6 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) Each inspector, judge, poll
14 clerk, assistant poll clerk, and election sheriff who is:

15 (1) a voter of the county; and

16 (2) not a resident of the precinct;

17 is entitled to vote by absentee ballot.

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

19 SECTION 11. IC 3-6-6-7 IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) An otherwise qualified person
21 is eligible to **individual may not** serve as a precinct election officer
22 unless any **if either** of the following **apply: applies:**

23 (1) The person is unable to read, write, and speak the English
24 language.

25 (2) The person has any property bet or wagered on the result of
26 the election.

27 (3) The person is a candidate to be voted for at the election in the
28 precinct, except as an unopposed candidate for a precinct
29 committeeman or state convention delegate.

30 (4) The person is the spouse, parent, father-in-law, mother-in-law,
31 child, son-in-law, daughter-in-law, grandparent, grandchild,
32 brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew,
33 or niece of a candidate or declared write-in candidate to be voted
34 for at the election in that precinct. This subdivision disqualifies a
35 person whose relationship to the candidate is the result of birth,
36 marriage, or adoption. This subdivision does not disqualify a
37 person from serving as a precinct election officer if the candidate
38 to whom the person is related is an unopposed candidate. For
39 purposes of this subdivision, an "unopposed candidate" includes
40 an individual whose nomination to an office at a primary election
41 is unopposed by any other candidate within the same political
42 party: **individual may not serve as an election officer under**



IC 3-6-6.3.

~~(5)~~ **(2)** The **person individual** did not attend training required by section 40 of this chapter.

(b) In addition to the requirements of subsection (a), a person is not eligible to serve as an inspector if the person is the chairman or treasurer of the committee of a candidate whose name appears on the ballot.

SECTION 12. IC 3-6-6-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 36. (a) As used in this section, "law enforcement officer" means a:

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

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

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

SECTION 13. IC 3-6-6.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 6.3. Restrictions on Individuals to be Appointed as Certain Election Officers

Sec. 1. This chapter applies to the following:

- (1) A precinct election officer under IC 3-6-6.**
- (2) A member of a voter board under IC 3-11-10-36, before January 1, 2023.**
- (3) A member of a voter board under IC 3-11.1-10.**
- (4) A ballot counter under IC 3-11.5.**
- (5) A provisional ballot counter under IC 3-11.7.**

Sec. 2. As used in this chapter, "election officer" refers only to the election officers described in section 1 of this chapter.

Sec. 3. Except as provided in section 4 of this chapter, an otherwise qualified individual may not serve as an election officer if any of the following apply to the individual:



- 1 (1) The individual is unable to read, write, and speak the
2 English language.
3 (2) The individual has any property bet or wagered on the
4 result of the election.
5 (3) The individual is a candidate to be voted for at the election
6 in any part of the county, except as an unopposed candidate
7 for precinct committeeman or state convention delegate.
8 (4) The individual is the spouse, parent, father-in-law,
9 mother-in-law, child, son-in-law, daughter-in-law,
10 grandparent, grandchild, brother, sister, brother-in-law,
11 sister-in-law, uncle, aunt, nephew, or niece of a candidate or
12 declared write-in candidate to be voted for at the election in
13 any part of the county, except as an unopposed candidate.
14 This subdivision disqualifies an individual whose relationship
15 to the candidate is the result of birth, marriage, or adoption.

16 **Sec. 4. An individual who is a candidate to be voted for at the**
17 **election or who is related to a candidate in a manner that would**
18 **result in disqualification under section 3 of this chapter may,**
19 **notwithstanding section 3 of this chapter, serve as an election**
20 **officer if both of the following apply:**

- 21 (1) The candidate is seeking nomination or election to an
22 office in an election district that does not consist of the entire
23 county.
24 (2) The county election board restricts the duties of the
25 individual as an election officer to performing functions that
26 could have no influence on the casting or counting of ballots
27 within the election district.

28 SECTION 14. IC 3-6-7-3 IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2018]: Sec. 3. **(a)** A challenger or pollbook
30 holder who is not a resident of the precinct is entitled to vote by
31 absentee ballot.

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

33 SECTION 15. IC 3-6-8-7, AS ADDED BY P.L.169-2015,
34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2018]: Sec. 7. **(a)** A political party may appoint up to two (2)
36 watchers under this chapter for each satellite office established under
37 IC 3-11-10-26.3. A watcher appointed under this section is entitled to:

- 38 (1) enter, leave, and reenter the satellite office at any time the
39 office is open;
40 (2) inspect the voting systems before absentee ballots are received
41 at the satellite office each day;
42 (3) inspect the work being done by any elected official, absentee



1 board member, or county employee at the satellite office (except
 2 when an individual enters a confidential login or password to
 3 obtain access to an electronic poll book or the statewide voter
 4 registration system or to operate a voting system used for absentee
 5 voting); and

6 (4) witness any proceeding of the county election board or an
 7 absentee voting board at the satellite office.

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

9 SECTION 16. IC 3-7-13-10.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JANUARY 1, 2019]: **Sec. 10.5. Notwithstanding**
 12 **section 10 of this chapter, an individual may register or transfer**
 13 **registration on the day of a primary, general, municipal, school**
 14 **district, or special election as provided in IC 3-7-49.**

15 SECTION 17. IC 3-7-13-11 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2019]: Sec. 11. A person
 17 desiring to register or transfer a registration may do so:

18 (1) at the office of the circuit court clerk or board of registration
 19 through the close of business on the twenty-ninth day before the
 20 election is scheduled to occur; **or**

21 (2) **on the day of a primary, general, municipal, school**
 22 **district, or special election as provided in IC 3-7-49 or**
 23 **IC 3-10-11.**

24 SECTION 18. IC 3-7-29-1, AS AMENDED BY P.L.169-2015,
 25 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2018]: Sec. 1. (a) Except as provided in subsection (f), this
 27 section does not apply to a county that:

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

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

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

34 (c) The lists must contain the following information concerning
 35 each registered voter:

36 (1) The full name of the voter.

37 (2) The address of the voter.

38 (3) The assigned voter identification number.

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

41 (5) The date of birth of the voter, including an indication whether
 42 the voter is less than eighteen (18) years of age for a poll list used



- 1 in a primary election.
- 2 (6) The scanned signature of the voter.
- 3 (7) Whether the voter is required to provide an affirmation of the
- 4 voter's residence.
- 5 (8) A bar code that allows the county voter registration office to
- 6 efficiently record whether the voter has signed the poll list.
- 7 (9) For a poll list used in a primary election, a letter abbreviation
- 8 of the name of the major political party whose ballot the voter has
- 9 requested.
- 10 (10) A space for a poll clerk to indicate when a voter has cast an
- 11 absentee ballot.
- 12 (11) A space for a poll clerk to indicate when a voter has cast a
- 13 provisional ballot.
- 14 (12) For a voter required to submit additional documentation
- 15 required under IC 3-7-33-4.5, a space for a poll clerk to insert
- 16 letters serving as an abbreviation for the type of documentation
- 17 provided by the voter.
- 18 (d) The names shall be arranged in the same order as they are in the
- 19 registration record of the precinct.
- 20 (e) The poll list must also contain a statement at the top of each
- 21 page indicating that an individual who knowingly makes a false
- 22 statement:
- 23 (1) by signing a poll list; or
- 24 (2) on a poll list concerning the individual's name, voter
- 25 identification number, or residence address;
- 26 commits a Level 6 felony as provided by IC 3-14-2-11.
- 27 (f) This subsection applies to a county that has adopted an order
- 28 under section 6(a)(1) of this chapter or is a vote center county under
- 29 IC 3-11-18.1. The precinct election board shall post in a location within
- 30 the precinct or vote center a notice that:
- 31 (1) is clearly visible to an individual (or to an individual providing
- 32 assistance under IC 3-11-9) who is providing information to a
- 33 precinct election officer using an electronic poll book; and
- 34 (2) indicates that an individual commits a Level 6 felony under
- 35 IC 3-14-2-11, if the individual knowingly makes a false statement
- 36 to a precinct election officer concerning:
- 37 (A) the individual's name;
- 38 (B) the individual's voter identification number; or
- 39 (C) the individual's residence address.
- 40 **(g) This section expires January 1, 2022.**
- 41 SECTION 19. IC 3-7-29-1.1 IS ADDED TO THE INDIANA CODE
- 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2018]: **Sec. 1.1. (a) This section applies only after December 31, 2021.**

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

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

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

(A) the individual's name;

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

(C) the individual's residence address.

SECTION 20. IC 3-7-29-2, AS AMENDED BY P.L.169-2015, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) This section does not apply to a county that:

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

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

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

(c) This section expires January 1, 2022.

SECTION 21. IC 3-7-29-3, AS AMENDED BY P.L.169-2015, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) This section does not apply to a county that:

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

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

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

(c) This section expires January 1, 2022.

SECTION 22. IC 3-7-29-4, AS AMENDED BY P.L.169-2015, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) This section does not apply to a county that:

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

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



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

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

8 SECTION 23. IC 3-7-36-14, AS AMENDED BY P.L.76-2014,
 9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2019]: Sec. 14. (a) This section applies to a person
 11 described in subsection (b) who applies to register to vote during the
 12 period:

- 13 (1) beginning on the seventh day before election day; and
 14 (2) ending at noon election day.

15 (b) An absent uniformed services voter who is absent from Indiana
 16 during the registration period applicable to the voter under this chapter
 17 and who otherwise would be entitled to register to vote under Indiana
 18 law may, upon returning to Indiana during the period described in
 19 subsection (a) following discharge from service or reassignment,
 20 register to vote by doing the following:

- 21 (1) Showing either of the following to the county voter
 22 registration office:

23 (A) A discharge from service, dated not earlier than the
 24 beginning of the registration period that ended on the eighth
 25 day before election day, of:

- 26 (i) the voter;
 27 (ii) the voter's spouse; or
 28 (iii) the individual of whom the voter is a dependent.

29 (B) A copy of the government movement orders, with a
 30 reporting date not earlier than the beginning of the registration
 31 period that ended on the eighth day before election day, of:

- 32 (i) the voter;
 33 (ii) the voter's spouse; or
 34 (iii) the individual of whom the voter is a dependent.

- 35 (2) Completing a registration affidavit.

36 (c) **Except as provided in subsection (g)**, a voter who registers
 37 under this section may vote at the upcoming election only by absentee
 38 ballot at the office of the circuit court clerk at the time the voter
 39 registers under this section or at any time after the voter registers under
 40 this section and before noon on election day. A voter who wants to vote
 41 under this subsection must do both of the following:

- 42 (1) Complete an application for an absentee ballot.



1 (2) Sign an affidavit that the voter has not voted at any other
2 precinct in the election.

3 The voter may vote at subsequent elections as otherwise provided in
4 this title.

5 (d) If the voter votes by absentee ballot under this section, the
6 circuit court clerk shall do the following:

7 (1) Certify in writing that the voter registered under this section.

8 (2) Attach the certification to the voter's absentee ballot envelope.

9 (e) If the county has a board of registration, the board of registration
10 shall promptly deliver the voter's registration affidavit to the circuit
11 court clerk to permit the voter to vote under subsection (c).

12 (f) If the voter chooses not to vote under subsection (c), the county
13 voter registration office shall register the voter on the first day of the
14 next registration period.

15 **(g) A person described in subsection (c) may register and vote**
16 **on the day of a primary, general, municipal, school district, or**
17 **special election as provided in IC 3-7-49.**

18 SECTION 24. IC 3-7-48-1, AS AMENDED BY P.L.271-2013,
19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JANUARY 1, 2019]: Sec. 1. (a) Except as otherwise provided by
21 NVRA or in this chapter, a person whose name does not appear on the
22 registration record may not vote, unless:

23 (1) the county voter registration office issues a signed certificate
24 of error immediately available for inspection in the county voter
25 registration office showing that the voter is legally registered in
26 the precinct where the voter resides; **or**

27 **(2) the voter has registered as provided in IC 3-7-49.**

28 (b) A person:

29 (1) whose name does not appear on the registration record; **and**

30 **(2) who does not register as provided in IC 3-7-49;**

31 may cast a provisional ballot as provided in IC 3-11.7.

32 SECTION 25. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS
33 A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE
34 JANUARY 1, 2019]:

35 **Chapter 49. Election Day Registration**

36 **Sec. 1. (a) A person who is not registered to vote but is otherwise**
37 **qualified to vote shall be allowed to vote at the polls in a primary,**
38 **general, municipal, school district, or special election if the person**
39 **registers at the polls under this chapter.**

40 **(b) In order to register to vote at a precinct under this chapter,**
41 **a person:**

42 **(1) must be a resident of the precinct;**



- 1 (2) must be otherwise legally qualified to vote under
- 2 IC 3-7-13-1;
- 3 (3) may not be registered to vote under IC 3-7-14 through
- 4 IC 3-7-22;
- 5 (4) may not be qualified to vote under IC 3-7-39-7,
- 6 IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12;
- 7 and
- 8 (5) may not have already voted in the election.

9 (c) Before allowing a person to vote under this chapter, the poll
 10 clerk or other precinct election officer shall require the person to
 11 do the following:

12 (1) Complete a voter registration form prescribed by
 13 IC 3-7-18, along with the affirmation described in section 3 of
 14 this chapter, and sign the form in the presence of two (2)
 15 precinct election officers who must be from different political
 16 parties. If the county election board has not appointed
 17 precinct election officers from more than one (1) political
 18 party to the precinct election board, the inspector for the
 19 precinct shall sign the form as the second precinct election
 20 officer.

21 (2) Provide acceptable proof of residence.

22 Sec. 2. (a) For purposes of this chapter, one (1) of the following
 23 forms of identification is acceptable as proof of residence:

- 24 (1) A current and valid photo identification.
- 25 (2) A current utility bill, bank statement, government check,
- 26 paycheck, or government document that shows the name and
- 27 address of the person registering to vote.
- 28 (3) A statement signed by any other voter in the precinct that
- 29 corroborates the information on the voter's registration form
- 30 concerning the residency of the person registering to vote. The
- 31 corroborator must provide the identification listed in
- 32 subdivision (1) or (2) as proof of the corroborator's residence
- 33 and must sign the statement in the presence of two (2)
- 34 precinct election officers who must be from different political
- 35 parties. If the county election board has not appointed
- 36 precinct election officers from more than one (1) political
- 37 party to the precinct election board, the inspector for the
- 38 precinct shall sign the form as the second precinct election
- 39 officer. The commission shall prescribe the form of the
- 40 statement.

41 (b) If a person presents a document under subsection (a), the
 42 poll clerk shall add a notation to the poll list indicating the type of



1 document presented by the person. The election division shall
 2 prescribe a standardized coding system to classify documents
 3 presented under subsection (a) for entry into the county voter
 4 registration system.

5 (c) If a person is unable to present the documentation required
 6 under subsection (a) to the poll clerk while present at the polls, the
 7 poll clerk shall notify the precinct election board. The board shall
 8 provide a provisional ballot to the person under IC 3-11.7-2.

9 (d) The precinct election board shall advise the person that the
 10 person must file a copy of the documentation required under
 11 subsection (a) with:

12 (1) the county voter registration office; or

13 (2) the precinct election board in the voter's precinct;

14 to permit the provisional ballot to be counted under IC 3-11.7.

15 Sec. 3. The commission shall prescribe the affirmation required
 16 under section 1(c)(1) of this chapter. The affirmation must include
 17 a statement that the person has not already voted at the election for
 18 which the person is registering to vote.

19 Sec. 4. A person who registers to vote under this chapter:

20 (1) may not be challenged on the grounds that the person's
 21 registration does not appear in the precinct registration book
 22 or poll list; and

23 (2) is not required to obtain a certificate of error under
 24 IC 3-7-48 to vote.

25 Sec. 5. Before each primary, general, municipal, school district,
 26 or special election, the county election board shall provide each
 27 precinct election board with a sufficient number of registration
 28 forms, affirmations, and statements to meet the reasonable need
 29 for the forms, affirmations, and statements under this chapter.

30 Sec. 6. The precinct election board shall attach the completed
 31 registration forms, affirmations, and statements to the poll list for
 32 processing by the county voter registration office under
 33 IC 3-10-1-31.1.

34 Sec. 7. (a) The precinct election board shall add to the poll list
 35 of the precinct the name and address of a person who registers to
 36 vote under this chapter.

37 (b) The county voter registration office shall add to the
 38 registration record of the county the name of a person who
 39 registers to vote under this chapter.

40 Sec. 8. The county voter registration office shall process under
 41 IC 3-7-33-5 the voter registration forms completed under section
 42 1 of this chapter.



1 **Sec. 9. If a notice mailed under IC 3-7-33-5 to a person who**
 2 **registered under this chapter is returned as undeliverable, the**
 3 **county voter registration office shall initiate steps under**
 4 **IC 3-7-33-6 to remove the person from the registration rolls.**

5 **Sec. 10. A registration completed under this chapter for which**
 6 **the notice mailed under IC 3-7-33-5 is not returned is effective to**
 7 **the same extent as if the registration had been completed under**
 8 **IC 3-7-14 through IC 3-7-22.**

9 SECTION 26. IC 3-10-7-36 IS ADDED TO THE INDIANA CODE
 10 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 11 **1, 2018]: Sec. 36. This chapter expires January 1, 2022.**

12 SECTION 27. IC 3-10-8-7.5, AS ADDED BY P.L.219-2013,
 13 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2018]: Sec. 7.5. (a) This section applies to a special election
 15 to fill one (1) or more vacancies in the office of United States
 16 Representative under 2 U.S.C. 8(b).

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

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

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

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

26 (2) file a declaration of intent to be a write-in candidate under
 27 IC 3-8-2-4(b).

28 (e) A certificate of candidate selection under IC 3-13-2-8, a petition
 29 of nomination, or a declaration of intent to be a write-in candidate must
 30 be filed with the election division not later than noon thirty-five (35)
 31 days before the special election is to be conducted.

32 (f) A candidate shall file a notice of withdrawal with the election
 33 division not later than noon thirty-three (33) days before the special
 34 election is to be conducted.

35 (g) As required under 2 U.S.C. 8(b)(5)(B), and notwithstanding
 36 IC 3-11-10-14, a county election board shall accept ~~an absentee~~ a ballot
 37 cast by an absent uniformed services voter or an overseas voter for up
 38 to forty-five (45) days after the ~~absentee~~ ballot is transmitted to the
 39 voter.

40 (h) Notwithstanding IC 3-12-5-8(a), if a ballot accepted under
 41 subsection (g) is determined by the county election board to be
 42 otherwise valid, the circuit court clerk shall file an amendment to the



1 certified statement previously filed under IC 3-12-5-6 with the election
 2 division not later than noon seven (7) days following the determination
 3 of the validity of the ballot. Notwithstanding IC 3-12-5-9, the election
 4 division, the secretary of state, and the governor shall prepare, execute,
 5 and transmit a replacement certificate of election if the amendment
 6 filed under this subsection results in a different candidate receiving the
 7 highest number of votes for the office.

8 SECTION 28. IC 3-10-8-9, AS AMENDED BY P.L.10-2010,
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2019]: Sec. 9. (a) If the special election occurs during
 11 the period when registration is open under IC 3-7-13, the registration
 12 period continues through the twenty-ninth day before the special
 13 election occurs and resumes on the date specified by IC 3-7-13-10(d),
 14 **except that a person may register or transfer registration on the**
 15 **day of a special election as provided in IC 3-7-49.**

16 (b) The election board conducting the special election shall provide
 17 poll lists for use at the precincts that include the names of voters in the
 18 precinct who:

- 19 (1) have registered through the twenty-ninth day before the
 20 special election is to be conducted; or
- 21 (2) are absent uniformed services voters or overseas voters
 22 registered under IC 3-7-36.

23 (c) This subsection applies when a special election is ordered by a
 24 court under IC 3-12-8-17 or the state recount commission under
 25 IC 3-12-11-18. A candidate may not be placed on the special election
 26 ballot unless the candidate was on the ballot or was a declared write-in
 27 candidate for the office at the general election preceding the special
 28 election.

29 SECTION 29. IC 3-11-2-17 IS ADDED TO THE INDIANA CODE
 30 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 31 **1, 2018]: Sec. 17. This chapter expires January 1, 2022.**

32 SECTION 30. IC 3-11-3-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter
 34 applies to each precinct.

35 (b) **After December 31, 2021, this chapter applies only to vote**
 36 **centers.**

37 SECTION 31. IC 3-11-3-3, AS AMENDED BY P.L.221-2005,
 38 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2018]: Sec. 3. (a) If, in the judgment of a county election
 40 board, the number of voters in a precinct of the county where a voting
 41 system is used for voting is so large that the voting system in use will
 42 not be sufficient to register the vote of all the voters in the precinct, the



1 board may use paper ballots in addition to the voting system. The
 2 voting by paper ballot is subject to all the restrictions prescribed by this
 3 article.

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

5 SECTION 32. IC 3-11-3-16, AS AMENDED BY P.L.169-2015,
 6 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2018]: Sec. 16. (a) Except as provided in subsection (b), each
 8 county election board shall prepare and have delivered to the inspectors
 9 of the precincts, at the time they receive the ballots for their precincts,
 10 a suitable number of voter registration lists certified under IC 3-7-29
 11 and any other forms, papers, certificates, and oaths that are required to
 12 be furnished to precinct election boards. The forms and papers must be
 13 prepared in compliance with IC 3-5-4-8.

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

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

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

21 SECTION 33. IC 3-11-3-16.1 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2018]: **Sec. 16.1. (a) This section applies only**
 24 **after December 31, 2021.**

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

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

30 SECTION 34. IC 3-11-3-20 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. **(a)** On the front
 32 cover of the bound looseleaf poll list sheets or the book form poll lists
 33 the following should be printed:

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

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

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



- 1 (A) That the signatures shown in the list is the record of the
 2 voters' poll list.
 3 (B) The type of election.
 4 (C) The date of the election.
 5 **(b) This section expires January 1, 2022.**
 6 SECTION 35. IC 3-11-4-18, AS AMENDED BY THE
 7 TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL
 8 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2019]: Sec. 18. (a) If a voter satisfies any of the
 10 qualifications described in IC 3-11-10-24 that entitle a voter to cast an
 11 absentee ballot by mail, the county election board shall, at the request
 12 of the voter, mail the official ballot, postage fully prepaid, to the voter
 13 at the address stated in the application.
 14 (b) If the county election board mails an absentee ballot to a voter
 15 required to file additional documentation with the county voter
 16 registration office before voting by absentee ballot under this chapter,
 17 the board shall include a notice to the voter in the envelope mailed to
 18 the voter under section 20 of this chapter. The notice must inform the
 19 voter that the voter must file the additional documentation required
 20 under IC 3-7-33-4.5 with the county voter registration office not later
 21 than noon on election day for the absentee ballot to be counted as an
 22 absentee ballot, and that, if the documentation required under
 23 IC 3-7-33-4.5 is filed after noon and before ~~6 p.m.~~ **the close of the**
 24 **polls** on election day, the ballot will be processed as a provisional
 25 ballot. The election division shall prescribe the form of this notice
 26 under IC 3-5-4-8.
 27 (c) Except as provided in this subsection, section 18.5 of this
 28 chapter, or IC 3-11-10-26.5, the ballot shall be transmitted:
 29 (1) on the day of the receipt of the voter's application; or
 30 (2) not more than five (5) days after the date of delivery of the
 31 ballots under section 15 of this chapter;
 32 whichever is later. If the election board determines that the county
 33 voter registration office has received an application from the applicant
 34 for registration at an address within the precinct indicated on the
 35 application, and the election board determines that this application is
 36 pending under IC 3-7-33, the ballot shall be mailed on the date the
 37 county voter registration office indicates under ~~IC 3-7-33-5(f)~~
 38 **IC 3-7-33-5(g)** that the applicant is a registered voter.
 39 (d) As required by 52 U.S.C. 21081, an election board shall
 40 establish a voter education program (specific to a paper ballot or
 41 optical scan ballot card provided as an absentee ballot under this
 42 chapter) to notify a voter of the effect of casting multiple votes for a



- 1 single office.
- 2 (e) As provided by 52 U.S.C. 21081, when an absentee ballot is
3 transmitted under this section, the mailing must include:
- 4 (1) information concerning the effect of casting multiple votes for
5 an office; and
- 6 (2) instructions on how to correct the ballot before the ballot is
7 cast and counted, including the issuance of replacement ballots.
- 8 SECTION 36. IC 3-11-4-23 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2018]: **Sec. 23. This chapter expires January 1, 2022.**
- 11 SECTION 37. IC 3-11-8-0.1 IS REPEALED [EFFECTIVE JULY
12 1, 2018]. ~~Sec. 0.1. The amendments made to sections 2 and 6 of this
13 chapter by P.L.4-1991 apply to elections held after December 31, 1991.~~
- 14 SECTION 38. IC 3-11-8-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter
16 applies to each precinct.
- 17 **(b) After December 31, 2021, this chapter applies to each vote
18 center.**
- 19 SECTION 39. IC 3-11-8-2, AS AMENDED BY P.L.225-2011,
20 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2018]: Sec. 2. (a) A voter shall vote at the polls for the
22 precinct where the voter resides except when authorized to vote in
23 another precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.
- 24 **(b) This section expires January 1, 2022.**
- 25 SECTION 40. IC 3-11-8-3, AS AMENDED BY P.L.169-2015,
26 SECTION 108, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) This section does not apply
28 to a county using vote centers under IC 3-11-18.1.
- 29 (b) Before each election each county executive shall secure for each
30 precinct of the county an accessible facility in which to hold the
31 election.
- 32 (c) Unless the county election board adopts an order under
33 IC 3-11-8-4.3, if an accessible facility is not available within the
34 precinct, then the polls may be located in another precinct in the county
35 if the polls are:
- 36 (1) either:
- 37 (A) not more than five (5) miles from the closest boundary of
38 the precinct for which it is the polls; or
- 39 (B) located in the same township as the precinct that does not
40 have an accessible facility available; and
- 41 (2) located in an accessible facility.
- 42 (d) If the county election board, by a unanimous vote of its entire



1 membership, determines that an accessible facility is not available
 2 under subsection (c), the board may locate the polls in the most
 3 convenient available accessible facility in the county.

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

6 (1) an accessible facility is not available under subsection (c) or
 7 (d); and

8 (2) the most convenient accessible facility is located in an
 9 adjoining county;

10 the board may locate the polls in the facility described in subdivision
 11 (2) with the unanimous consent of the entire membership of the county
 12 election board of the county in which the facility is located.

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

14 SECTION 41. IC 3-11-8-3.1, AS AMENDED BY P.L.225-2011,
 15 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 3.1. (a) A county executive shall designate the
 17 polls for each precinct not less than twenty-nine (29) days before
 18 election day.

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

21 (1) the location of the polling place is altered by an order of the
 22 county executive or county election board under this chapter; or

23 (2) a precinct establishment order issued under IC 3-11-1.5:

24 (A) designates a new polling place location; or

25 (B) combines the existing precinct with another precinct
 26 established by the order.

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

28 SECTION 42. IC 3-11-8-3.2, AS AMENDED BY P.L.225-2011,
 29 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2018]: Sec. 3.2. (a) A county executive shall give ten (10)
 31 days notice of the place of voting in each precinct by publication in the
 32 manner prescribed by IC 5-3-1-4. The notice must state whether the
 33 polls are located in an accessible facility.

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

38 (c) If the county election board determines by a unanimous vote of
 39 the board's entire membership that the use of a polling place at an
 40 election would be dangerous or impossible, the county election board
 41 may order the relocation of the polling place during the final two (2)
 42 days before an election. The county election board shall give the best



1 possible notice of this change to news media and the voters of the
 2 precinct. If an order is adopted under this subsection, the order expires
 3 after the election.

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

5 SECTION 43. IC 3-11-8-4.3, AS AMENDED BY P.L.230-2005,
 6 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2018]: Sec. 4.3. (a) If the county election board adopts an
 8 order by the unanimous vote of the entire membership of the board, the
 9 county executive may locate the polls for the precinct at the polls for
 10 an adjoining precinct, using the precinct election board of the adjoining
 11 precinct.

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

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

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

20 SECTION 44. IC 3-11-8-6, AS AMENDED BY P.L.225-2011,
 21 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2018]: Sec. 6. (a) The county executive shall locate the polls
 23 for each precinct in an accessible facility.

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

25 SECTION 45. IC 3-11-8-8 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2019]: Sec. 8. The polls in
 27 each precinct open at 6 a.m. and close at ~~6~~ 8 p.m. on election day.

28 SECTION 46. IC 3-11-8-15, AS AMENDED BY P.L.194-2013,
 29 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2019]: Sec. 15. (a) Only the following persons are
 31 permitted in the polls during an election:

- 32 (1) Members of a precinct election board.
- 33 (2) Poll clerks and assistant poll clerks.
- 34 (3) Election sheriffs.
- 35 (4) Deputy election commissioners.
- 36 (5) Pollbook holders and challengers.
- 37 (6) Watchers.
- 38 (7) Voters for the purposes of:
 - 39 (A) voting; or
 - 40 (B) for voters registering to vote on election day under
 - 41 IC 3-7-49, filing a copy of the documentation required by
 - 42 IC 3-7-49-2(a) with the precinct election board in the



- 1 **voter's precinct so that the voter's provisional ballot may**
 2 **be counted under IC 3-11.7.**
 3 (8) Minor children accompanying voters as provided under
 4 IC 3-11-11-8.
 5 (9) An assistant to a precinct election officer appointed under
 6 IC 3-6-6-39.
 7 (10) An individual authorized to assist a voter in accordance with
 8 IC 3-11-9.
 9 (11) A member of a county election board, acting on behalf of the
 10 board.
 11 (12) A mechanic authorized to act on behalf of a county election
 12 board to repair a voting system (if the mechanic bears credentials
 13 signed by each member of the board).
 14 (13) Either of the following who have been issued credentials
 15 signed by the members of the county election board:
 16 (A) The county chairman of a political party.
 17 (B) The county vice chairman of a political party.
 18 However, a county chairman or a county vice chairman who is a
 19 candidate for nomination or election to office at the election may
 20 not enter the polls under this subdivision.
 21 (14) The secretary of state, as chief election officer of the state,
 22 unless the individual serving as secretary of state is a candidate
 23 for nomination or election to an office at the election.
 24 (b) This subsection applies to a simulated election for minors
 25 conducted with the authorization of the county election board. An
 26 individual participating in the simulated election may be in the polls for
 27 the purpose of voting. A person supervising the simulated election may
 28 be in the polls to perform the supervision.
 29 (c) The inspector of a precinct has authority over all simulated
 30 election activities conducted under subsection (b) and shall ensure that
 31 the simulated election activities do not interfere with the election
 32 conducted in that polling place.
 33 SECTION 47. IC 3-11-8-16, AS AMENDED BY P.L.230-2005,
 34 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2019]: Sec. 16. A person may not remain within a
 36 distance equal to the length of the chute (as defined in IC 3-5-2-10) of
 37 the entrance to the polls except for the purpose of:
 38 (1) offering to vote; **or**
 39 (2) **for voters registering to vote on election day under**
 40 **IC 3-7-49, filing a copy of the documentation required by**
 41 **IC 3-7-49-2(a) with the precinct election board in the voter's**
 42 **precinct so that the voter's provisional ballot may be counted**



1 **under IC 3-11.7.**

2 SECTION 48. IC 3-11-8-17, AS AMENDED BY P.L.258-2013,
3 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 17. (a) This section does not apply to a county
5 using vote centers under IC 3-11-18.1.

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

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

10 SECTION 49. IC 3-11-8-25.1, AS AMENDED BY P.L.74-2017,
11 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JANUARY 1, 2019]: Sec. 25.1. (a) Except as provided in subsection
13 (e), a voter who desires to vote an official ballot at an election shall
14 provide proof of identification.

15 (b) Except as provided in subsection (e), before the voter proceeds
16 to vote in the election, a precinct election officer shall ask the voter to
17 provide proof of identification. One (1) of each of the precinct election
18 officers nominated by each county chairman of a major political party
19 of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter
20 to provide proof of identification. The voter shall produce the proof of
21 identification to each precinct officer requesting the proof of
22 identification before being permitted to sign the poll list.

23 (c) If:

24 (1) the voter is unable or declines to present the proof of
25 identification; or

26 (2) a member of the precinct election board determines that the
27 proof of identification provided by the voter does not qualify as
28 proof of identification under IC 3-5-2-40.5;

29 a member of the precinct election board shall challenge the voter as
30 prescribed by this chapter.

31 (d) If the voter executes a challenged voter's affidavit under section
32 22.1 of this chapter, the voter may:

33 (1) sign the poll list; and

34 (2) receive a provisional ballot.

35 (e) A voter who votes in person at a precinct polling place that is
36 located at a state licensed care facility where the voter resides is not
37 required to provide proof of identification before voting in an election.

38 (f) After a voter has passed the challengers or has been sworn in, the
39 voter shall be instructed by a member of the precinct election board to
40 proceed to the location where the poll clerks are stationed. In a vote
41 center county using an electronic poll list, two (2) election officers who
42 are not members of the same political party must be present when a



1 voter signs in on the electronic poll list. The voter shall announce ~~the~~
 2 ~~voter's name~~ to the poll clerks or assistant poll clerks **the voter's name**
 3 **and whether the voter wants to register to vote at the polls. If the**
 4 **voter wants to register and meets the conditions set forth in**
 5 **IC 3-7-49, the poll clerk or other precinct election officer shall**
 6 **register the voter in accordance with IC 3-7-49. If the voter is**
 7 **already registered,** a poll clerk, an assistant poll clerk, or a member
 8 of the precinct election board shall require the voter to write the
 9 following on the poll list or to provide the following information for
 10 entry into the electronic poll list:

11 (1) The voter's name.

12 (2) Except as provided in subsection (k), the voter's current
 13 residence address.

14 (g) The poll clerk, an assistant poll clerk, or a member of the
 15 precinct election board shall:

16 (1) ask the voter to provide or update the voter's voter
 17 identification number;

18 (2) tell the voter the number the voter may use as a voter
 19 identification number; and

20 (3) explain to the voter that the voter is not required to provide or
 21 update a voter identification number at the polls.

22 (h) The poll clerk, an assistant poll clerk, or a member of the
 23 precinct election board shall ask the voter to provide proof of
 24 identification.

25 (i) In case of doubt concerning a voter's identity, the precinct
 26 election board shall compare the voter's signature with the signature on
 27 the voter's registration record provided by the county voter registration
 28 office under IC 3-7-29. If the board determines that the voter's
 29 signature is authentic, the voter may then vote. If either poll clerk
 30 doubts the voter's identity following comparison of the signatures, the
 31 poll clerk shall challenge the voter in the manner prescribed by section
 32 21 of this chapter.

33 (j) If:

34 (1) the poll clerk does not execute a challenger's affidavit; or

35 (2) the voter executes a challenged voter's affidavit under section
 36 22.1 of this chapter or executed the affidavit before signing the
 37 poll list;

38 the voter may then vote.

39 (k) The electronic poll book (or each line on a poll list sheet
 40 provided to take a voter's current address) must include a box under the
 41 heading "Address Unchanged". A voter whose address is unchanged
 42 shall check the box instead of writing the voter's current address on the



1 poll list, or if an electronic poll book is used, the poll clerk shall check
 2 the box after stating to the voter the address shown on the electronic
 3 poll book and receiving an oral affirmation from the voter that the
 4 voter's residence address shown on the poll list is the voter's current
 5 residence address instead of writing the voter's current residence
 6 address on the poll list or reentering the address in the electronic poll
 7 book.

8 (l) If the voter indicates that the voter's current residence is located
 9 within another county in Indiana, the voter is considered to have
 10 directed the county voter registration office of the county where the
 11 precinct is located to cancel the voter registration record within the
 12 county. The precinct election board shall provide the voter with a voter
 13 registration application for the voter to complete and file with the
 14 county voter registration office of the county where the voter's current
 15 residence address is located.

16 (m) If the voter indicates that the voter's current residence is located
 17 outside Indiana, the voter is considered to have directed the county
 18 voter registration office of the county where the precinct is located to
 19 cancel the voter registration record within the county.

20 SECTION 50. IC 3-11-8-25.5, AS AMENDED BY P.L.271-2013,
 21 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2019]: Sec. 25.5. (a) If an individual signs the
 23 individual's name and either:

- 24 (1) signs the individual's address; or
 25 (2) checks the "Address Unchanged" box;

26 on the poll list or provides the information for entry by the poll clerk
 27 into the electronic poll list under section 25.1 of this chapter and then
 28 leaves the polls without casting a ballot or after casting a provisional
 29 ballot, the voter may not be permitted to reenter the polls, ~~to cast a~~
 30 ~~ballot at the election: except as provided by subsection (b).~~

31 **(b) An individual who:**

- 32 **(1) registers to vote on election day under IC 3-7-49; and**
 33 **(2) casts a provisional ballot under IC 3-11.7 because the**
 34 **individual is unable to present the documentation required**
 35 **under IC 3-7-49-2(a);**

36 **is entitled to reenter the polls solely to file a copy of the**
 37 **documentation required under IC 3-7-49-2(a) with the precinct**
 38 **election board in the individual's precinct so that the individual's**
 39 **provisional ballot may be counted under IC 3-11.7.**

40 SECTION 51. IC 3-11-9-1, AS AMENDED BY P.L.66-2010,
 41 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2018]: Sec. 1. (a) This chapter applies to:



- 1 (1) each precinct; and
 2 (2) absentee voting, including the casting of an absentee ballot
 3 before an absentee voter board:
 4 (A) in the office of the:
 5 (i) circuit court clerk; or
 6 (ii) board of elections and registration in a county subject to
 7 IC 3-6-5.2 or IC 3-6-5.4; or
 8 (B) at a satellite office established under IC 3-11-10-26.3.

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

10 SECTION 52. IC 3-11-9-1.1 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2018]: **Sec. 1.1. (a) This section applies after December 31, 2021.**

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

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

- 16 **(A) The office of the circuit court clerk.**
 17 **(B) The office of the board of elections and registration in**
 18 **a county subject to IC 3-6-5.2 or IC 3-6-5.4.**
 19 **(C) A satellite office established under IC 3-11.1-9-12.**

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

21 SECTION 53. IC 3-11-10-11, AS AMENDED BY P.L.221-2005,
 22 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2019]: Sec. 11. (a) On election day each circuit court
 24 clerk (or an agent of the clerk) shall visit the appropriate post office to
 25 accept delivery of absentee envelopes at the latest possible time that
 26 will permit delivery of the ballots to the appropriate precinct election
 27 boards before ~~6 p.m.~~ **the close of the polls.**

28 (b) Not later than noon on election day, the county voter registration
 29 office shall visit the appropriate post office to accept delivery of mail
 30 containing documentation submitted by a voter to comply with
 31 IC 3-7-33-4.5. The office shall immediately notify the county election
 32 board regarding the filing of this documentation to permit the board to
 33 provide certification of this filing to the appropriate precinct election
 34 boards before ~~6 p.m.~~ **the close of the polls.**

35 SECTION 54. IC 3-11-10-36 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 36. (a) Each county
 37 election board shall appoint absentee voter boards.

38 (b) The absentee voter boards must consist of two (2) voters of the
 39 county, one (1) from each of the two (2) political parties that have
 40 appointed members on the county election board. If a special election
 41 is held for a local public question, the county election board may, by
 42 unanimous vote of the entire membership of the board, adopt a



1 resolution to provide that the party membership requirement does not
 2 apply to absentee voter boards appointed to conduct the special
 3 election. A resolution adopted under this subsection may not be
 4 repealed and expires the day after the special election.

5 (c) An otherwise qualified person is eligible to individual may not
 6 serve on an absentee voter board unless the person:

7 (1) is unable to read, write, and speak the English language;

8 (2) has any property bet or wagered on the result of the election;

9 (3) is a candidate to be voted for at the election, except as an
 10 unopposed candidate for precinct committeeman or state
 11 convention delegate; or

12 (4) is the spouse, parent, father-in-law, mother-in-law, child,
 13 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 14 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
 15 of a candidate or declared write-in candidate to be voted for at the
 16 election, except as an unopposed candidate. This subdivision
 17 disqualifies a person whose relationship to the candidate is the
 18 result of birth, marriage, or adoption. **if the individual may not
 19 serve as an election officer under IC 3-6-6.3.**

20 (d) A person who is a candidate to be voted for at the election or
 21 who is related to a candidate in a manner that would result in
 22 disqualification under subsection (c) may, notwithstanding subsection
 23 (c), serve as a member of an absentee voter board if:

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

26 (2) the county election board restricts the duties of the person as
 27 an absentee voter board member to performing functions that
 28 could have no influence on the casting or counting of absentee
 29 ballots within the election district.

30 SECTION 55. IC 3-11-10-40 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2018]: **Sec. 40. This chapter expires January
 33 1, 2022.**

34 SECTION 56. IC 3-11-11-20 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2018]: **Sec. 20. This chapter expires January
 37 1, 2022.**

38 SECTION 57. IC 3-11-14-19 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2019]: Sec. 19. Each county
 40 election board shall be at its office from 5 a.m. until ~~6 p.m.~~ **the close of
 41 the polls** on election day. Upon notice that an electronic voting system
 42 is out of order or fails to work, the board shall be ready between those



1 hours to deliver to any precinct in the county:

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

6 SECTION 58. IC 3-11-18.1-1, AS ADDED BY P.L.1-2011,
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2018]: Sec. 1. (a) This chapter applies to a county designated
9 as a vote center county under this chapter.

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

- 12 (1) IC 3-11-18 (before its expiration);
- 13 (2) P.L.164-2006, SECTION 148 (before its expiration); or
- 14 (3) P.L.108-2008, SECTION 4 (before its expiration);

15 is automatically redesignated as a vote center county under this
16 chapter.

17 **(c) After December 31, 2021, each county is a vote center**
18 **county.**

19 SECTION 59. IC 3-11-18.1-3, AS ADDED BY P.L.1-2011,
20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2018]: Sec. 3. (a) A county must comply with this section to
22 become a vote center county.

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

- 24 (1) The county election board.
- 25 (2) The board of elections and registration established under
- 26 IC 3-6-5.2 or IC 3-6-5.4.

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

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

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

- 33 (1) The draft plan.
- 34 (2) The written public comments.
- 35 (3) Any other public comment that the board may permit on the
- 36 draft plan.

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

- 39 (1) Adopt an order approving the draft plan.
- 40 (2) Amend the draft plan and adopt an order approving the
- 41 amended draft plan.

42 The board may adopt the order to approve a plan only by unanimous



- 1 vote of the entire membership of the board.
- 2 (g) All members of the board must sign the order adopting the plan.
- 3 (h) The order and the adopted plan must be filed with the election
- 4 division and must include a copy of:
- 5 (1) a resolution adopted by the county executive; and
- 6 (2) a resolution adopted by the county fiscal body;
- 7 approving the designation of the county as a vote center county.
- 8 **(i) A county that is not a vote center county on July 1, 2018,**
- 9 **shall comply with this section before July 1, 2021.**
- 10 **(j) If a county does not adopt a vote center plan under**
- 11 **subsection (i) before July 1, 2021, the commission shall adopt a**
- 12 **plan for the county, taking into consideration the following:**
- 13 **(1) Any draft plans presented to the county election board.**
- 14 **(2) Written public comments presented to the county election**
- 15 **board.**
- 16 **(3) Written public comments presented to the commission.**
- 17 SECTION 60. IC 3-11-18.1-8, AS AMENDED BY P.L.258-2013,
- 18 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2018]: Sec. 8. (a) Except as provided in subsection (b), the
- 20 designation of a county as a vote center county takes effect
- 21 immediately upon the filing of the order with the election division,
- 22 unless otherwise specified by the county election board.
- 23 (b) An order filed with the election division during the final sixty
- 24 (60) days before an election becomes effective on the day following the
- 25 election.
- 26 (c) The designation of a county as a vote center county remains in
- 27 effect until the county election board, by unanimous vote of its entire
- 28 membership:
- 29 (1) rescinds the order designating the county as a vote center
- 30 county; and
- 31 (2) files a copy of the document rescinding the order with the
- 32 election division.
- 33 **A county may amend its vote center plan as provided in section 15**
- 34 **of this chapter, but a county may not rescind the order establishing**
- 35 **vote centers.**
- 36 SECTION 61. IC 3-11.1 IS ADDED TO THE INDIANA CODE AS
- 37 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 38 2018]:
- 39 **ARTICLE 11.1. CASTING AND COUNTING BALLOTS**
- 40 **Chapter 1. General Provisions**
- 41 **Sec. 1. This article applies only to elections held after December**
- 42 **31, 2021.**



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

- 3 (1) **By mail, as provided in this article.**
 4 (2) **As provided in IC 3-11.1-9-1.**
 5 (3) **On election day at a vote center established under**
 6 **IC 3-11-18.1.**

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

- 9 (1) **The ballot is sent by United States mail addressed to the**
 10 **voter.**
 11 (2) **The ballot is transmitted by fax to a fax number provided**
 12 **by the voter.**
 13 (3) **The ballot is sent by electronic mail to a voter as provided**
 14 **in this article.**
 15 (4) **The ballot is personally given to the voter by an individual**
 16 **authorized under this title to give the ballot to the voter.**

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

- 19 (1) **permitted to verify in a private and independent manner**
 20 **the votes selected by the voter before the ballot is cast and**
 21 **counted;**
 22 (2) **provided with the opportunity to change the voter's ballot**
 23 **or correct any error in a private and independent manner**
 24 **before the ballot is cast and counted, including the**
 25 **opportunity to receive a replacement ballot if the voter is**
 26 **otherwise unable to change or correct the ballot; and**
 27 (3) **notified before the ballot is cast regarding the effect of**
 28 **casting multiple votes for the office and provided an**
 29 **opportunity to correct the ballot before the ballot is cast and**
 30 **counted.**

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

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

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

39 **Sec. 6. A ballot is considered to be cast in the precinct in which**
 40 **the voter who cast the ballot resides for the purpose of the**
 41 **following statutes:**

- 42 (1) **IC 3-12-6.**



1 (2) IC 3-12-11.

2 (3) IC 3-12-12.

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

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

12 **(b) As used in this section, "voter" refers only to either of the**
 13 **following:**

14 (1) **An absent uniformed services voter.**

15 (2) **An overseas voter.**

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

20 **(d) To implement 52 U.S.C. 20302, electronic mail, fax, and web**
 21 **publication are designated as means of communication for a voter**
 22 **to request a voter registration application and a ballot application**
 23 **from the election division, a county election board, or a county**
 24 **voter registration office.**

25 **(e) An office described in subsection (d) that receives an**
 26 **electronic mail or fax from a voter shall provide a ballot**
 27 **application or a voter registration application by electronic mail or**
 28 **fax to the voter if:**

29 (1) **requested by the voter; and**

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

34 **If the electronic mail address or the fax number provided by the**
 35 **voter does not permit the office to send the voter an application not**
 36 **later than the end of the first business day after the office receives**
 37 **the communication, the office shall send the application to the**
 38 **voter by United States mail.**

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



1 application to a voter protect:

2 (1) the security and integrity of the application request
3 processes; and

4 (2) the privacy of the identity and other personal data of the
5 voter who requests or is sent an application under subsection
6 (e);

7 throughout the process of making the request or being sent the
8 application.

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

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

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

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

34 (c) An individual who assists another individual in completing
35 a document under this section shall state under the penalties for
36 perjury the following information on, or attached to, the
37 document:

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

41 (2) The date the assistance was provided.

42 (3) That the individual providing the assistance has complied



1 with any applicable Indiana law governing the document.

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

4 (A) is ineligible to vote or otherwise submit the document;
5 or

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

7 When providing assistance to another individual, the individual
8 providing assistance must, in the assisted individual's presence and
9 with the assisted individual's consent, provide the assistance.

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

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

15 Chapter 2. Preparation of Ballots

16 Sec. 1. Each circuit court clerk shall:

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

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

21 estimate the number of ballots that will be required in the county
22 for the election.

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

30 (b) Ballots prepared by the county election board under this
31 section must provide space for the voter to cast a write-in vote for:

32 (1) candidates for federal offices; and

33 (2) candidates for other offices for which there are declared
34 write-in candidates.

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

40 Sec. 4. Each package of ballots delivered to a circuit court clerk
41 shall be plainly marked, on an appropriate attached label, with the
42 words: "This package contains _____ (giving number of ballots)



1 ballots." The clerk shall securely keep all ballots in the clerk's
2 office and shall send them to voters as provided in this article.

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

4 (1) Keep a separate ballot record for each precinct in the
5 county.

6 (2) Keep a record of each ballot sent to each voter.

7 (3) Keep a record of the number of ballots voted under
8 IC 3-11.1-9.

9 (4) Keep a record of the names of the voters who voted under
10 IC 3-11.1-9.

11 **Chapter 3. General Election Ballot Form**

12 **Sec. 1. Each county election board shall have the:**

13 (1) names of all candidates for election to office or retention
14 in office; and

15 (2) state and local public questions;

16 in election districts wholly or partially within the county printed on
17 a ballot as provided in this chapter. The county may print all
18 offices on a single ballot under this section.

19 **Sec. 2. Each type of ballot must be:**

20 (1) of uniform size;

21 (2) of the same quality and color of paper; and

22 (3) sufficiently thick that the printing cannot be distinguished
23 from the back.

24 **Sec. 3. The nominees of a:**

25 (1) major political party;

26 (2) political party described by IC 3-8-4-10; or

27 (3) group of petitioners under IC 3-8-6 who are identified by
28 the petition as the nominees of a political party;

29 shall be listed on the ballots under the name of the party or
30 petitioners as designated by them in their certificate or petition. If
31 the same device is selected by two (2) parties, it shall be given to the
32 party that first filed the device under IC 3-8-7-11.

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

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

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



- 1 **(3) Any other political party shall be placed in the same order.**
2 **(b) If a political party did not have a candidate for secretary of**
3 **state at the most recent election for secretary of state, or if a**
4 **nominee is an independent candidate (or an independent ticket for**
5 **President and Vice President of the United States or for governor**
6 **and lieutenant governor), the party, independent candidate, or**
7 **ticket shall be placed on the ballot after the parties described in**
8 **subsection (a). If more than one (1) political party, independent**
9 **candidate, or ticket that has qualified to be on the ballot did not**
10 **have a candidate for secretary of state in the most recent election**
11 **for secretary of state, those parties, candidates, or tickets shall be**
12 **listed on the ballot in the order in which the party, candidate, or**
13 **ticket filed its petition of nomination under IC 3-8-6-12.**
14 **(c) Subject to subsection (e), a column or row for write-in voting**
15 **shall be placed to the right of, or below, all party and independent**
16 **columns or rows on the ballot.**
17 **(d) This subsection applies to a county having a population of**
18 **more than four hundred thousand (400,000) but less than seven**
19 **hundred thousand (700,000). If there is insufficient room on a row**
20 **to list each candidate of a political party, a second or subsequent**
21 **row may be utilized. However, a second or subsequent row may not**
22 **be utilized unless the first row, and all preceding rows, have been**
23 **filled.**
24 **(e) A column or row for write-in voting for a federal office is**
25 **required. A column or row for write-in voting for an office other**
26 **than a federal office is not required if there are no declared**
27 **write-in candidates for that office.**
28 **Sec. 5. The following statement shall be printed in underlined**
29 **print at the extreme top of a ballot: "It is a crime to falsify this**
30 **ballot or to violate Indiana election laws."**
31 **Sec. 6. (a) Except as provided in subsection (b), all instructions**
32 **must be printed at the top of the ballot immediately below the**
33 **statement required by section 5 of this chapter. No other**
34 **instructions or writing may appear at any other place on the ballot,**
35 **including the ballot for federal and state offices, except as specified**
36 **by this title.**
37 **(b) The instructions must be in English and any other language**
38 **that the board considers necessary. The language must be clear,**
39 **concise, and written so that a voter will not be confused about the**
40 **effect of the voter's voting mark and vote.**
41 **(c) This subsection applies only to voting that occurs at the**
42 **office of the circuit court clerk, a satellite office, or a vote center.**



1 At the discretion of the county election board, general instructions
 2 to the voters required by this title to be placed at the front of the
 3 ballot may be posted in writing in each voting booth instead of
 4 printing the instructions on the ballot.

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

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

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

11 Sec. 8. (a) Public questions shall be placed on the ballot in the
 12 following order after the statement described in section 5 of this
 13 chapter, and the instructions described in subsections (d) and (e)
 14 and section 6 of this chapter, if instructions are printed on the
 15 ballot:

16 (1) Ratification of a state constitutional amendment.

17 (2) Local public questions.

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

20 (b) The name or title of the political party, independent
 21 candidate, or ticket described in section 4 of this chapter shall be
 22 placed on the ballot after the public questions described in
 23 subsection (a). The device of the political party, independent
 24 candidate, or ticket shall be placed immediately under the name of
 25 the political party, independent candidate, or ticket. The
 26 instructions for voting a straight party ticket shall be placed to the
 27 right of the device, if instructions are printed on the ballot.

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

30 "(1) To vote a straight (insert political party name) ticket for
 31 all (insert political party name) candidates on this ballot,
 32 except for candidates described in (2) below, make a voting
 33 mark on or in this circle and do not make any other marks on
 34 this ballot.

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

41 (3) If you wish to vote for a candidate seeking a nonpartisan
 42 office or on a public question, you must make another voting



- 1 mark on the appropriate place on this ballot."
 2 (d) Except as permitted under section 6(c) of this chapter, if the
 3 ballot contains an independent ticket described in section 4 of this
 4 chapter and at least one (1) other independent candidate, the ballot
 5 must also contain a statement that reads substantially as follows:
 6 "A vote cast for an independent ticket will be counted only for the
 7 candidates for President and Vice President or governor and
 8 lieutenant governor comprising that independent ticket. This vote
 9 will NOT be counted for any OTHER independent candidate
 10 appearing on the ballot."
 11 (e) Except as permitted under section 6(c) of this chapter, the
 12 ballot must also contain a statement that reads substantially as
 13 follows: "A write-in vote will NOT be counted unless the vote is for
 14 a DECLARED write-in candidate. To vote for a write-in candidate,
 15 you must make a voting mark on or in the square to the left of the
 16 name you have written in or your vote will not be counted."
 17 (f) Subject to section 18 of this chapter, the list of candidates of
 18 the political party shall be placed immediately under the
 19 instructions for voting a straight party ticket. The names of the
 20 candidates shall be placed three-fourths (3/4) of an inch apart from
 21 center to center of the name. The name of each candidate must
 22 have, immediately on its left, a square three-eighths (3/8) of an inch
 23 on each side.
 24 (g) The circuit court clerk may authorize the printing of ballots
 25 containing a ballot variation code to ensure that the proper version
 26 of a ballot is used within a precinct.
 27 Sec. 9. The name of a write-in candidate may not be printed on
 28 any ballot.
 29 Sec. 10. The following offices shall be placed on the ballot in the
 30 following order after the public questions described in section 8(a)
 31 of this chapter:
 32 (1) Federal and state offices:
 33 (A) President and Vice President of the United States.
 34 (B) United States Senator.
 35 (C) Governor and lieutenant governor.
 36 (D) Secretary of state.
 37 (E) Auditor of state.
 38 (F) Treasurer of state.
 39 (G) Attorney general.
 40 (H) United States Representative.
 41 (2) Legislative offices:
 42 (A) State senator.



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



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



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

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

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

11 (1) in alphabetical order according to the surname of the local
12 judge; and

13 (2) identifying the court (including division or room) in which
14 the judge serves.

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

18 (b) The question of the retention of the judge shall be placed on
19 the ballot at the same column or row level of the ballot at which the
20 question of other judges is placed on the ballot but in a column or
21 row in which independent candidates are placed on the ballot.

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

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

29 (b) Whenever candidates are to be elected to a school board
30 office that includes both an at-large member and a member
31 representing a district, the candidates seeking election as a member
32 representing a district shall be placed on the ballot before
33 candidates seeking election as an at-large member.

34 Sec. 17. Notwithstanding section 10 of this chapter, the county
35 election board may alter the prescribed ballot order to place the
36 names of the candidates for the following offices before the names
37 of the candidates for county judicial offices:

38 (1) Prosecuting attorney.

39 (2) Circuit court clerk.

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

41 Sec. 18. (a) This section applies to candidates for election to
42 at-large seats on the fiscal or legislative body of a political



- 1 subdivision.
- 2 (b) Candidates shall be listed in alphabetical order according to
- 3 surname within each column or row on the ballot.
- 4 (c) In each column or row on the ballot in which the names of
- 5 candidates appear, the ballot shall contain a statement reading
- 6 substantially as follows above the name of the first candidate:
- 7 "Vote for not more than (insert number of candidates to be
- 8 elected) candidates of ANY party for this office."
- 9 (d) If more than one (1) candidate for an at-large seat was
- 10 nominated by the same petition of nomination, these candidates
- 11 shall be listed in alphabetical order by surname within the same
- 12 column or row on the ballot, with the position of the column or row
- 13 being determined under section 4 of this chapter.
- 14 Sec. 19. (a) This section applies to candidates for election to
- 15 at-large seats on the governing body of a school corporation.
- 16 (b) Candidates shall be listed in alphabetical order according to
- 17 surname.
- 18 (c) The ballot shall contain a statement reading substantially as
- 19 follows above the name of the first candidate: "Vote for not more
- 20 than (insert number of candidates to be elected) candidates for this
- 21 office."
- 22 Sec. 20. (a) A public question shall be placed on the ballot in the
- 23 following form:
- 24 (The explanatory text for the public question,
- 25 if required by law)
- 26 "Shall (insert public question)?"
- 27 YES
- 28 NO.
- 29 (b) In addition to any other explanatory text required by law,
- 30 the ballot must also contain a statement that reads substantially as
- 31 follows: "To vote on this public question, make a voting mark on
- 32 or in the square to the left of the word "YES" or "NO"."
- 33 (c) Except as expressly authorized or required by statute, the
- 34 commission, the election division, or a county election board may
- 35 not authorize the printing or use of ballots that contain language
- 36 concerning the public question other than the language authorized
- 37 by a statute.
- 38 Sec. 21. (a) If an election board determines that a ballot printed
- 39 under the authority of the election board does not comply with a
- 40 requirement imposed by this title or contains any other error or
- 41 omission that might result in confusion or mistakes by voters, the
- 42 board shall:



- 1 (1) reprint or correct the ballot; or
 2 (2) conduct a public hearing concerning the defective ballots.
 3 (b) The board may conduct the hearing after informing each
 4 political party, ticket, or candidate that the board determines may
 5 have an interest in the matter.
 6 (c) At the hearing, the board shall hear any testimony offered by
 7 a person concerning the defective ballots and shall make findings
 8 of fact concerning the following:
 9 (1) The number of ballots, if any, containing the error or
 10 omission that have already been cast.
 11 (2) The cost of correcting the error through the use of
 12 reprinted ballots or any other suitable method.
 13 (3) Whether the error or omission would be likely to cause
 14 confusion or mistakes by voters.
 15 (4) Whether any voter objects to the use of the ballots,
 16 notwithstanding the error or omission.
 17 (d) If:
 18 (1) a voter does not file a written objection to the use of the
 19 ballots with the board before the board concludes the hearing;
 20 and
 21 (2) the board determines that the use of the ballots would not
 22 be likely to cause confusion or mistakes by voters;
 23 the board shall authorize the use of the defective ballots,
 24 notwithstanding the error or omission.
 25 (e) If:
 26 (1) a voter files a written objection to the use of the ballots
 27 with the board before the board concludes the hearing; or
 28 (2) the board determines that the use of the ballots would be
 29 likely to cause confusion or mistakes by voters;
 30 the board shall order the ballots to be reprinted or altered to
 31 conform with the requirements of this title.
 32 (f) If the board acts under subsection (a) or (e), a voter who has
 33 already voted a defective ballot is entitled to recast the voter's
 34 ballot in accordance with IC 3-11.1-9 or IC 3-11.5-4-2.
 35 Notwithstanding the issuance of an order under subsection (e), a
 36 defective ballot shall be counted if the intent of the voter can be
 37 determined and the ballot would otherwise be counted under
 38 IC 3-12-1.
 39 **Chapter 4. Sending Ballots to Voters**
 40 **Sec. 1. Subject to IC 3-5-4-9, a ballot that is mailed under this**
 41 **chapter must bear the circuit court clerk's official seal and**
 42 **signature or facsimile signature on the back of the ballot. Before**



1 the ballot is mailed, the two (2) appointed members of the county
 2 election board or their designated representatives shall place their
 3 initials in ink on the back of the ballot. A member's initials must be
 4 in the individual's ordinary handwriting or printing and without
 5 a distinguishing mark of any kind. No other initialing of the ballot
 6 is necessary.

7 **Sec. 2. (a)** A ballot mailed under this chapter shall be enclosed
 8 in an envelope, unsealed and stamped for return to the county
 9 election board by at least first class mail.

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

12 **(c)** The county election board shall furnish the preaddressed,
 13 stamped envelope described in this section.

14 **Sec. 3. (a)** An affidavit conforming with 52 U.S.C. 20302(b) shall
 15 be printed on the other side of the envelope required by section 2
 16 of this chapter. The envelope must include the name of the precinct
 17 completed by the county election board. The affidavit must provide
 18 that the voter affirms under penalty of perjury that the following
 19 information is true:

20 **(1)** That the voter is:

21 **(A)** a resident of; or

22 **(B)** entitled under IC 3-10-11 or IC 3-10-12 to vote in;
 23 the precinct.

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

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

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

29 **(A)** Personally marked the enclosed ballot in secret,
 30 enclosed it in the envelope, and sealed it without exhibiting
 31 it to any other individual.

32 **(B)** Personally marked the enclosed ballot, enclosed it in
 33 the envelope, and sealed it with the assistance of an
 34 individual:

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

36 **(ii)** who affirms under penalty of perjury that the voter
 37 was not coerced or improperly influenced by the
 38 individual assisting the voter or any other person, in a
 39 manner prohibited by Indiana or federal law, to cast the
 40 ballot for or against any candidate, political party, or
 41 public question.

42 **(C)** As the properly authorized attorney in fact for the



1 voter under IC 30-5-5-14, the attorney in fact affirms the
 2 voter personally marked the enclosed ballot in secret and
 3 enclosed it in the envelope and sealed it without exhibiting
 4 it to the attorney in fact or to any other individual.

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

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

8 (c) A guardian or conservator of an individual may not sign an
 9 affidavit for the voter under this section unless the guardian or
 10 conservator also holds a power of attorney authorizing the
 11 guardian or conservator to sign the affidavit.

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

14 Sec. 4. (a) The circuit court clerk shall keep the following
 15 information in a record in the clerk's office for each ballot mailed
 16 under this chapter:

17 (1) The name of the voter.

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

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

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

21 (5) Any other information the county election board considers
 22 necessary or useful.

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

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

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

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

31 (4) Any other information the county election board considers
 32 necessary or useful.

33 Sec. 5. (a) Before a ballot is sent to a voter, the county election
 34 board shall determine if:

35 (1) the voter was required to file any additional
 36 documentation under IC 3-7-33-4.5; and

37 (2) the voter has filed this documentation according to the
 38 records of the county voter registration office.

39 (b) If the voter has not filed the required documentation, the
 40 county election board shall add a notation in the SVRS indicating
 41 that the voter will be required to provide additional documentation
 42 to the county voter registration office under IC 3-7-33-4.5 before



- 1 the ballot may be counted.
- 2 **Sec. 6. (a) This section applies only to a primary election.**
- 3 **(b) Not later than seventy-four (74) days before a primary**
- 4 **election, the circuit court clerk shall mail to each registered voter**
- 5 **who resides in an election district where the primary election will**
- 6 **be conducted, an affidavit of affiliation.**
- 7 **(c) To be eligible to participate in the election a voter must file**
- 8 **an affidavit of affiliation.**
- 9 **(d) The election division shall prescribe the form for the**
- 10 **affidavit of affiliation.**
- 11 **(e) The form prescribed under subsection (d) must contain the**
- 12 **following information:**
- 13 **(1) The voter's last, first, and middle name, in that order.**
- 14 **(2) The voter's date of birth.**
- 15 **(3) The voter's current residence address.**
- 16 **(4) The voter's statement that the voter affiliates with one (1)**
- 17 **of the major political parties in Indiana and requests that the**
- 18 **circuit court clerk send to the voter the major political party**
- 19 **ballot of the political party with which the voter has affiliated.**
- 20 **(f) The voter must sign the form.**
- 21 **(g) If a public question is on the ballot at a primary election, and**
- 22 **a voter does not file an affidavit of affiliation, the voter may vote**
- 23 **a ballot containing only the public question.**
- 24 **Sec. 7. (a) The county election board shall, not later than seven**
- 25 **(7) days after the delivery of ballots under IC 3-11.1-2-3, shall mail**
- 26 **the ballot, postage fully prepaid, to each active voter at the address**
- 27 **stated in the voter's voter registration record as follows:**
- 28 **(1) If the election is a special election or a general election, the**
- 29 **county election board shall mail the ballot to each active voter**
- 30 **eligible to participate in the election at the mailing address**
- 31 **provided in the SVRS.**
- 32 **(2) If the election is a primary election and the voter has filed**
- 33 **an affidavit of affiliation with the county election board under**
- 34 **section 6 of this chapter, the county election board shall mail**
- 35 **a ballot to the voter at the voter's mailing address provided in**
- 36 **the SVRS.**
- 37 **(3) If the election is a primary election and the voter has not**
- 38 **filed an affidavit of affiliation with the county election board,**
- 39 **the county election board shall mail a notice to the voter**
- 40 **stating the following:**
- 41 **(A) How the voter can obtain a copy of the affidavit of**
- 42 **affiliation.**



- 1 **(B) That if the county election board receives the voter's**
 2 **affidavit not later than eight (8) days before the election,**
 3 **the county election board will mail a ballot to the voter.**
 4 **(C) That if the county election board does not receive the**
 5 **voter's affidavit as provided in clause (B), the voter may**
 6 **vote at an accessible voting site after executing the**
 7 **affidavit.**
 8 **The county election board may include other information in**
 9 **the notice the county election board considers useful for the**
 10 **voter to know to enable the voter to vote in the election.**
 11 **(b) If the county election board mails a ballot to a voter required**
 12 **to file additional documentation with the county voter registration**
 13 **office, the board shall include a notice to the voter in the envelope**
 14 **mailed to the voter under of this chapter. The notice must state the**
 15 **following:**
 16 **(1) That the voter must file the additional documentation**
 17 **required under IC 3-7-33-4.5 with the county voter**
 18 **registration office not later than noon on election day for the**
 19 **ballot to be counted under IC 3-11.5.**
 20 **(2) That, if the documentation required under IC 3-7-33-4.5**
 21 **is filed after noon and before the close of the polls on election**
 22 **day, the ballot will be processed as a provisional ballot.**
 23 **The election division shall prescribe the form of this notice under**
 24 **IC 3-5-4-8.**
 25 **(c) If the county election board determines that the county voter**
 26 **registration office has received an application from an applicant**
 27 **for registration at an address within the precinct indicated on the**
 28 **application, and the election board determines that this application**
 29 **is pending under IC 3-7-33, the ballot shall be mailed on the date**
 30 **the county voter registration office indicates under IC 3-7-33-5 that**
 31 **the applicant is a registered voter.**
 32 **Sec. 8. (a) This section applies only to a voter with disabilities.**
 33 **(b) A voter must submit a request for assistance from a voter**
 34 **board not later than nineteen (19) days before the election.**
 35 **(c) If a voter submits a request under subsection (b), a voter**
 36 **board shall visit the voter's place of residence:**
 37 **(1) during the circuit court clerk's regular office hours;**
 38 **(2) at a time agreed to by the voter board and the voter;**
 39 **(3) on any of the eighteen (18) days immediately before**
 40 **election day; and**
 41 **(4) only once before an election.**
 42 **(d) A voter board may provide assistance to a voter under**



- 1 **IC 3-11-9-2.**
2 **Sec. 9. (a) A request submitted by a voter under section 8 of this**
3 **chapter must be made on a form prescribed by the election**
4 **division.**
5 **(b) The form must contain the following information:**
6 **(1) The voter's last, first, and middle name, in that order.**
7 **(2) The voter's date of birth.**
8 **(3) The voter's current residence address.**
9 **(4) A space for the voter's voter identification number or last**
10 **four (4) digits of the voter's Social Security number.**
11 **(5) The voter's statement that the voter requests:**
12 **(A) that a voter board visit the voter's residence and**
13 **deliver a ballot to the voter; and**
14 **(B) that the voter wishes to complete the ballot with the**
15 **assistance of the voter board.**
16 **(c) The voter must sign the form.**
17 **(d) Not later than seventy-four (74) days before the election, the**
18 **circuit court clerk shall mail the form prescribed under this section**
19 **to each voter who submitted a form for assistance under this**
20 **section during the last general election with instructions to the**
21 **voter on how to complete and submit the form to the circuit court**
22 **clerk.**
23 **Sec. 10. (a) This section applies to a voter who will be absent**
24 **from the voter's mailing address as shown in the SVRS.**
25 **(b) A voter may temporarily change the voter's mailing address**
26 **for the purpose of receiving a ballot under this article.**
27 **(c) A voter must file with the circuit court clerk a request to**
28 **temporarily change the voter's mailing address to receive a ballot**
29 **from the county election board not later than twenty-five (25) days**
30 **before the election.**
31 **Sec. 11. (a) A request by a voter under section 10 of this chapter**
32 **must be made on a form prescribed by the election division.**
33 **(b) The form must contain the following information:**
34 **(1) The voter's last, first, and middle name, in that order.**
35 **(2) The voter's date of birth.**
36 **(3) The voter's current residence address.**
37 **(4) The voter's current mailing address, including the street**
38 **address, apartment number or other designation, or the name**
39 **and room number of the hotel or lodging house.**
40 **(5) The voter's temporary mailing address, including the**
41 **street address, apartment number or other designation, or the**
42 **name and room number of the hotel or lodging house.**



1 **(6) The voter's:**

- 2 **(A) statement that the voter will not be present or be able**
 3 **to access the voter's current mailing address during the**
 4 **period that ballots will be sent under this chapter; and**
 5 **(B) request that a ballot be mailed to the temporary**
 6 **mailing address.**

7 **(c) The voter must sign the form.**

8 **Chapter 5. Completion of Mail Ballots by Voters**

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

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

- 14 **(1) Mark the ballot in the presence of no other individual.**
 15 **(2) Fold the ballot, so as to conceal the marking.**
 16 **(3) Enclose the ballot, with the seal and signature of the**
 17 **circuit court clerk on the outside, in the envelope provided.**
 18 **(4) Securely seal the envelope.**
 19 **(5) Make and subscribe to the affidavit prescribed by**
 20 **IC 3-11.1-4-3.**

21 **(6) Do one (1) of the following:**

- 22 **(A) Mail the envelope to the county election board.**
 23 **(B) Deliver the envelope to the county election board in**
 24 **person.**
 25 **(C) Deliver the envelope to a ballot dropbox located in the**
 26 **county established by the county election board under**
 27 **IC 3-11.1-8.**
 28 **(D) Give the envelope to a member of the voter's household**
 29 **or an individual designated as the attorney in fact for the**
 30 **voter under IC 30-5. The individual to whom the voter**
 31 **gives the envelope shall then do one (1) of the following:**
 32 **(i) Deliver the envelope personally to the county election**
 33 **board.**
 34 **(ii) Deliver the envelope to the United States Postal**
 35 **Service for delivery to the county election board.**
 36 **(iii) Deliver the envelope to a bonded courier company**
 37 **for delivery to the county election board.**
 38 **(iv) Deliver the envelope to a ballot dropbox located in**
 39 **the county established by the county election board**
 40 **under IC 3-11.1-8.**

41 **Sec. 3. (a) A voter permitted to transmit the voter's ballots by**
 42 **fax or electronic mail under IC 3-11.1-6 is not required to comply**



1 with section 2 of this chapter.

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

6 (1) Note the receipt of the ballot in the circuit court clerk's
7 records as other ballots received by the circuit court clerk are
8 noted.

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

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

12 (4) Securely seal the envelope.

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

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

17 (c) Except as otherwise provided in this title, ballots received by
18 fax or electronic mail shall be handled and processed as other
19 ballots received by the circuit court clerk are handled and
20 processed.

21 Sec. 4. (a) If a member of the voter's household or the voter's
22 attorney in fact delivers the sealed envelope containing a voter's
23 ballot as provided in section 2(6)(D) of this chapter, the individual
24 delivering the ballot shall complete an affidavit in a form
25 prescribed by the election division. The affidavit must contain the
26 following information:

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

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

32 (3) A statement indicating whether the individual delivering
33 the ballot is a member of the voter's household or is the
34 attorney in fact for the voter. If the individual is the attorney
35 in fact for the voter, the individual must attach a copy of the
36 power of attorney for the voter, unless a copy of this
37 document has already been filed with the county election
38 board.

39 (4) The date and location at which the ballot was delivered by
40 the voter to the individual delivering the ballot under section
41 2(6)(D) of this chapter.

42 (5) A statement that the individual delivering the ballot has



1 **complied with Indiana laws governing ballots.**

2 **(6) A statement that the individual delivering the ballot is**
 3 **executing the affidavit under the penalties of perjury.**

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

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

7 **Sec. 5. After a voter has mailed or delivered a ballot to the office**
 8 **of the circuit court clerk, the voter may not recast a ballot, except**
 9 **as provided in IC 3-11.1-9.**

10 **Chapter 6. Absent Uniformed Services Voters, Overseas Voters,**
 11 **and Address Confidentiality Program Participant Voters**

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

14 **(1) An absent uniformed services voter.**

15 **(2) An overseas voter.**

16 **(3) An address confidentiality program participant.**

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

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

22 **(2) A form prescribed under IC 3-5-4-8 that identifies the**
 23 **applicant as an absent uniformed services voter, an overseas**
 24 **voter, or an address confidentiality program participant. A**
 25 **form prescribed must permit the applicant to designate**
 26 **whether the applicant wishes to receive ballots by electronic**
 27 **mail, fax, or United States mail.**

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

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

38 **Sec. 3. If the county election board receives a ballot application**
 39 **from an individual under section 2 of this chapter, the circuit court**
 40 **clerk shall mail to the individual, free of postage as provided by 39**
 41 **U.S.C. 3406, a ballot for the election immediately upon receipt of**
 42 **the ballots under IC 3-11.1-2-3, unless the individual has indicated**



1 under section 2 of this chapter that the individual wants to receive
2 the ballot by electronic mail or fax.

3 Sec. 4. (a) Whenever an individual files an application for
4 ballots and indicates on the application that the individual is an
5 absent uniformed services voter or an overseas voter, the
6 application is an adequate application for a ballot for an election
7 conducted during the period that ends on December 31 following
8 the date the application is filed, unless a ballot mailed to the
9 individual at the address set forth in the application is returned to
10 the county election board during that period as undeliverable.

11 (b) The circuit court clerk and county election board shall
12 process the application and send a ballot to the individual in the
13 same manner as other ballots are processed and sent under this
14 article.

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

23 (d) If an individual entitled to receive a ballot under this section
24 subsequently files a voter registration application for an address
25 that is not located in the same county, the individual must file a
26 new application under this chapter with the appropriate county
27 election board.

28 Sec. 5. (a) Whenever an individual voter described in section
29 1(3) of this chapter files an application for a primary election ballot
30 and indicates on the application that the voter is an address
31 confidentiality program participant, the application is an adequate
32 application for a ballot under this chapter for an election
33 conducted during the period that ends on December 31 following
34 the date the application is filed. The circuit court clerk and county
35 election board shall process this application and send ballots to the
36 individual in the same manner as other ballots are processed and
37 sent under this article.

38 (b) The name, address, telephone number, and any other
39 identifying information relating to an address confidentiality
40 program participant, as contained in a voter registration record,
41 is declared confidential for purposes of IC 5-14-3-4(a)(1). The
42 county voter registration office may not disclose for public



1 inspection or copying a name, an address, a telephone number, or
 2 any other information described in this subsection, as contained in
 3 a voter registration record, except as follows:

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

5 (2) As directed by a court order.

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

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

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

22 (2) If the voter provides an electronic mail address to which
 23 a confirmation may be sent, the county election board shall
 24 send the confirmation to the voter at the electronic mail
 25 address provided by the voter.

26 (3) If:

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

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

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

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

38 **Sec. 8. (a)** Upon approval of an individual's application, a
 39 county election board shall transmit ballots to an absent uniformed
 40 services voter or an overseas voter by electronic mail under a
 41 program authorized and administered by the Federal Voting
 42 Assistance Program of the United States Department of Defense or



1 directly to the individual at the individual's electronic mail
2 address, if requested to do so by the individual.

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

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

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

16 (1) absent uniformed services voter; or

17 (2) address confidentiality program participant;

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

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

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

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

29 (c) A voter described in subsection (a) is considered to be a voter
30 of the Indiana precinct where the voter registration office of the
31 county where the person was domiciled before leaving the United
32 States is located.

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

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

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



- 1 (2) Any candidate, political party, or public question on a
2 general election, municipal election, or special election ballot.
- 3 (c) The voluntary waiver of confidentiality under section 6 of
4 this chapter is not required for a federal write-in absentee ballot.
- 5 (d) When a county election board receives a federal write-in
6 absentee ballot, the board shall process the ballot as prescribed by
7 IC 3-11.1-5-3.
- 8 **Chapter 7. Receipt of Ballots**
- 9 **Sec. 1. (a)** A county election board must receive a mail ballot not
10 later than the close of the polls on election day.
- 11 (b) A mail ballot received by the county election board after the
12 time stated in subsection (a) is considered as arriving too late and
13 may not be opened except as required by a court order.
- 14 **Sec. 2. (a)** Upon receipt of a mail ballot, the voter board in the
15 office of the circuit court clerk shall immediately examine the
16 signature of the voter to determine its genuineness.
- 17 (b) This subsection does not apply to a ballot cast by a voter
18 permitted to transmit the voter's ballot by fax or electronic mail
19 under IC 3-11.1-6. The board shall compare the signature as it
20 appears upon the envelope containing the ballot with the signature
21 of the voter as it appears in the voter's voter registration record.
22 The board may also compare the signature on the ballot envelope
23 with any other admittedly genuine signature of the voter.
- 24 (c) This subsection applies to a ballot cast by a voter permitted
25 to transmit the voter's ballots by fax or electronic mail under
26 IC 3-11.1-6. The board shall compare the signature as it appears
27 on the affidavit transmitted with the voter's ballot to the voter's
28 signature as it appears in the voter's voter registration record. The
29 board may also compare the signature on the affidavit with any
30 other admittedly genuine signature of the voter.
- 31 (d) If a member of the board questions whether a signature on
32 a ballot envelope or transmitted affidavit is genuine, the matter
33 shall be referred to the county election board for consideration
34 under section 4 of this chapter.
- 35 **Sec. 3. (a)** Upon receipt of a ballot from a voter required to
36 provide additional information to the county voter registration
37 office under IC 3-7-33-4.5, the county election board shall contact
38 the county voter registration office to determine if the voter has
39 filed the additional information with the office.
- 40 (b) If the voter has filed the information with the county voter
41 registration office, the county election board shall add a notation
42 to the ballot indicating that the required information has been filed



1 and that the ballot may be counted if the ballot otherwise is entitled
2 to be counted under this title.

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

6 "BALLOT COUNTER: AS OF (insert date the ballot is
7 received) THIS VOTER WAS REQUIRED TO FILE
8 ADDITIONAL DOCUMENTATION WITH THE COUNTY
9 VOTER REGISTRATION OFFICE BEFORE THIS
10 BALLOT MAY BE COUNTED. CHECK WITH THE
11 COUNTY ELECTION BOARD TO SEE IF THE VOTER
12 HAS FILED THIS INFORMATION. IF NOT, PROCESS AS
13 A PROVISIONAL BALLOT IF THIS BALLOT
14 OTHERWISE COMPLIES WITH INDIANA LAW."

15 (d) Not later than noon on election day, the county voter
16 registration office shall visit the appropriate post office to accept
17 delivery of mail containing documentation submitted by a voter to
18 comply with IC 3-7-33-4.5. The office shall immediately notify the
19 county election board regarding the filing of this documentation to
20 permit the board to provide certification of this filing to the ballot
21 counters.

22 Sec. 4. If a county election board unanimously finds that the
23 signature on a ballot envelope or transmitted affidavit is not
24 genuine, the board shall write upon the ballot envelope or
25 transmitted affidavit the following:

26 "The county election board has rejected this ballot because
27 the signature of this voter is not genuine."

28 Sec. 5. If a county election board is unable to unanimously
29 determine whether the signature on a ballot envelope is genuine,
30 the board shall write upon the ballot envelope or transmitted
31 affidavit the words "Signature Disputed".

32 Sec. 6. If the voter board (or the county election board
33 unanimously) finds that the signature on a ballot envelope or
34 transmitted affidavit is genuine, the board shall immediately
35 enclose the accepted and unopened ballot envelope in a large or
36 carrier envelope. The envelope shall be securely sealed and
37 endorsed with the name and official title of the circuit court clerk
38 and the following words:

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

41 Sec. 7. Each circuit court clerk shall keep all accepted ballot
42 envelopes securely in the clerk's office until the ballot envelopes are



1 opened by ballot counters in accordance with IC 3-11.5.

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

6 **(b)** Each day the ballots shall be placed in the cabinets, boxes, or
7 room under the direction of the appointed members of the board.
8 If an appointed member cannot be present each day, then that
9 member shall designate someone from the member's political party
10 to be present with the key to the lock at the time the ballots are
11 secured.

12 **Sec. 9.** Each circuit court clerk or the clerk's agent shall visit the
13 appropriate post office to accept delivery of ballot envelopes at the
14 latest possible time that will permit acceptance of ballots before the
15 close of the polls on election day.

16 **Chapter 8. Ballot Dropboxes**

17 **Sec. 1.** As used in this chapter, "election period" refers to the
18 period of time:

- 19 (1) beginning on the day ballots are first mailed to voters; and
20 (2) ending at the close of the polls on election day.

21 **Sec. 2.** Each county election board shall acquire and place
22 secure ballot dropboxes at public locations throughout the county
23 in which voters may deposit their sealed ballots during the election
24 period.

25 **Sec. 3. (a)** Not later than the first day of the election period, the
26 county election board shall make arrangements to place ballot
27 drop boxes in various locations in the municipalities of the county
28 where the election will be held.

29 **(b)** The county election board shall provide at least one (1)
30 ballot dropbox for each two thousand five hundred (2,500)
31 registered voters who reside in an election district where an
32 election is conducted.

33 **Sec. 4.** Each ballot dropbox provided under section 2 of this
34 chapter must satisfy the following:

- 35 (1) The box must be made of durable metal.
36 (2) The box must be constructed to prevent fraud, including
37 a place where a seal can be placed across the opening from
38 which the ballot envelopes are removed.
39 (3) The box must have the capacity to hold at least five
40 hundred (500) ballot return envelopes.
41 (4) The box must have an opening in the lid sufficient only for
42 a single ballot return envelope.



- 1 **(5) The box must have at least two (2) locks of different kinds**
 2 **and combinations, so that one (1) key will not unlock the**
 3 **other.**
- 4 **Sec. 5. A voter may return a completed ballot sealed in a ballot**
 5 **envelope to the county election board by depositing the ballot**
 6 **envelope in a ballot dropbox.**
- 7 **Sec. 6. (a) The county election board shall assign as many voter**
 8 **boards as necessary to collect all ballot return envelopes deposited**
 9 **in a ballot dropbox each day.**
- 10 **(b) Beginning at the beginning of the election period, the county**
 11 **election board shall make arrangements for a voter board to open**
 12 **each ballot dropbox between the following hours:**
- 13 **(1) On each day before election day, 6 p.m. and 7:30 p.m.**
 14 **(2) On election day, not later than the close of the polls.**
- 15 **(c) The circuit court clerk shall keep the keys and seals for each**
 16 **ballot dropbox.**
- 17 **(d) A voter board shall arrive at the circuit court clerk's office**
 18 **not later than 5 p.m. before visiting a ballot dropbox.**
- 19 **(e) The circuit court clerk shall give to members of the voter**
 20 **board:**
- 21 **(1) A new seal to replace the seal that will be broken when the**
 22 **voter board opens the ballot dropbox.**
- 23 **(2) One (1) of the keys necessary to open the ballot dropbox to**
 24 **one (1) of the members of the voter board.**
- 25 **(3) One (1) of the keys necessary to open the ballot dropbox to**
 26 **the other member of the voter board.**
- 27 **(4) A log for the voter board to note all of the following:**
- 28 **(A) The date and time the voter board arrived at the ballot**
 29 **dropbox.**
- 30 **(B) The date and time the voter board broke the seal and**
 31 **opened the ballot dropbox.**
- 32 **(C) The number on the seal that was broken.**
- 33 **(D) A place to mark "yes" or "no" to the statement, "was**
 34 **the seal on the ballot dropbox broken before the ballot**
 35 **dropbox was unlocked?"**
- 36 **(E) The time the ballot drop box was locked by the voter**
 37 **board.**
- 38 **(F) The number of the seal applied to the ballot dropbox**
 39 **after it is locked.**
- 40 **(G) A place for each member of the voter board to sign the**
 41 **log.**
- 42 **(5) A travel box.**



1 (f) After receiving the items from the circuit court clerk under
 2 subsection (e), the voter board shall visit the ballot dropbox
 3 assigned to the voter board by the circuit court clerk.

4 (g) After unlocking the ballot dropbox, the voter board shall
 5 transfer all ballot return envelopes in the ballot dropbox to a travel
 6 box.

7 (h) The voter board shall close the lid of the ballot dropbox, lock
 8 the ballot dropbox, and apply a new seal to a ballot dropbox.

9 (i) Immediately after the requirements in subsection (h) are
 10 completed, the voter board shall return the travel box to the circuit
 11 court clerk.

12 Sec. 7. (a) This section applies when a voter board finds and
 13 reports on the log provided under section 6(e)(4) of this chapter
 14 that a seal to the ballot dropbox was broken before the ballot
 15 dropbox was unlocked.

16 (b) Once the ballots have been delivered to the circuit court
 17 clerk, the county election board shall meet and conduct an
 18 investigation into the broken seal.

19 (c) If the county election board finds, by unanimous vote of the
 20 entire membership of the board, that the broken seal was caused
 21 by tampering, the ballots contained in the ballot dropbox shall be
 22 rejected.

23 (d) The following notation shall be made on each ballot return
 24 envelope in the ballot dropbox:

25 "The county election board has rejected this ballot because
 26 the ballot was retrieved from a ballot dropbox that was
 27 tampered with."

28 (e) The circuit court clerk shall seal the ballot envelopes rejected
 29 under subsection (d) with any other ballots rejected under this title.

30 Sec. 8. (a) Not later than three (3) days after the election, the
 31 circuit court clerk shall have each ballot dropbox collected and
 32 returned to the clerk's office.

33 (b) Not later than five (5) days after the election, the circuit
 34 court clerk (or the clerk's designee) shall unlock the ballot
 35 dropbox.

36 (c) If a ballot return envelope is found in the ballot dropbox
 37 when opened under subsection (b), the envelope shall be delivered
 38 to the county election board.

39 (d) The county election board shall do the following:

40 (1) Reject the ballot.

41 (2) Have the following statement printed on the ballot return
 42 envelope:



- 1 **"The county election board has rejected this ballot because it**
 2 **was found in a ballot dropbox after retrieval of the ballot**
 3 **dropboxes.".**
- 4 **(e) The circuit court clerk shall seal the ballot envelopes rejected**
 5 **under subsection (d) with any other ballots rejected under this title.**
- 6 **Chapter 9. Voting at Circuit Court Clerk's Office, at Satellite**
 7 **Offices, before a Traveling Voter Board, and at Vote Centers**
- 8 **Sec. 1. (a) As an alternative to voting by mail, a voter is entitled**
 9 **to cast a ballot before a voter board at any of the following:**
- 10 **(1) In a county to which IC 3-6-5.2 does not apply, one (1)**
 11 **location of the office of the circuit court clerk designated by**
 12 **the circuit court clerk.**
- 13 **(2) In a county in which IC 3-6-5.2 applies, the office of the**
 14 **board of elections and registration.**
- 15 **(3) A satellite office established under section 12 of this**
 16 **chapter.**
- 17 **(b) Except for a location designated under subsection (a)(1),**
 18 **each location of the office of the circuit court clerk must be**
 19 **established as a satellite office under section 12 of this chapter.**
- 20 **Sec. 2. A voter who was sent a mail ballot may vote under this**
 21 **chapter if either of the following applies:**
- 22 **(1) If the voter has not returned the ballot the voter received**
 23 **in the mail, the voter may vote as provided in this chapter**
 24 **after the voter returns the voter's mailed ballot to the voter**
 25 **board. The voter's mail ballot shall be marked "canceled"**
 26 **and preserved with other defective ballots.**
- 27 **(2) If a voter has marked and returned a ballot, and the**
 28 **envelope containing the voter's ballot has been marked**
 29 **"Rejected as defective", the voter may appear in person**
 30 **before the closing of the polls on election day, and the voter**
 31 **may vote as any other voter voting under this chapter.**
- 32 **Sec. 3. A voter must do the following before being permitted to**
 33 **vote under this chapter:**
- 34 **(1) This subdivision does not apply to a county that uses**
 35 **electronic poll books for voting under this section. The voter**
 36 **must sign an application on the form prescribed by the**
 37 **election division.**
- 38 **(2) This subdivision applies only to a county that uses**
 39 **electronic poll books for voting under this chapter and in**
 40 **which the ballot is cast on an electronic voting system. The**
 41 **voter must do the following:**
- 42 **(A) Sign the electronic poll book.**



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



1 period closes.

2 (b) If a voter described by this section wishes to cast a ballot
3 during the period beginning at noon on the day before election day
4 and ending at noon on election day, the voter board may receive
5 and process the ballot at a location designated by resolution of the
6 county election board.

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

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

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

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

22 Sec. 10. If:

23 (1) a voter is unable or declines to present proof of
24 identification; or

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

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

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

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

35 (2) at a satellite office established under section 12 of this
36 chapter;

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

39 (b) The county election board or board of elections and
40 registration may adopt a resolution under this section to authorize
41 the circuit court clerk to use an electronic voting system for voting
42 by voters eligible to cast a ballot before a voter board under section



1 15 of this chapter. A resolution adopted under this section must be
 2 adopted by the unanimous vote of the board's entire membership.

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

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

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

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

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

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

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

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

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

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

34 (b) A resolution adopted under this section must do the
 35 following:

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

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

39 (c) The resolution may contain other provisions the board
 40 considers useful.

41 (d) If a resolution is adopted under this section for a primary
 42 election, the locations of the satellite offices and the hours at which



1 voting may occur at the satellite offices established for the primary
 2 election must be used for the subsequent general or municipal
 3 election.

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

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

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

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

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

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

24 (d) This subsection applies to a voter required to present
 25 additional information under IC 3-7-33-4.5. If the voter does not
 26 present the required additional information before receiving the
 27 ballot, the ballot shall be processed in accordance with
 28 IC 3-11.1-7-3. Upon accepting the completed ballot from the voter,
 29 the board shall provide the voter with a notice:

30 (1) listing the documentation the voter may submit to the
 31 county voter registration office to comply with IC 3-7-33-4.5;
 32 and

33 (2) stating the address and hours of the county voter
 34 registration office.

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

37 (1) The voter's precinct and township (or ward and city or
 38 town).

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

41 (3) A printed affidavit containing the voter's affirmation
 42 under penalties of perjury that the information described in



- 1 subdivisions (1) and (2) is true.
- 2 (b) The voter must sign and date the affidavit, and the voter
- 3 board members each must sign the affidavit and print the
- 4 member's name.
- 5 (c) The voter board must indicate on the affidavit if:
- 6 (1) the board visited the voter in the manner authorized under
- 7 section 15(c) of this chapter; and
- 8 (2) the voter was a voter with disabilities who was unable to
- 9 make a voting mark on the ballot or sign the ballot secrecy
- 10 envelope under section 15(b) of this chapter.
- 11 **Sec. 15. (a) A voter who is in the county on election day may**
- 12 **vote before a voter board because of:**
- 13 (1) illness or injury; or
- 14 (2) caring for a confined person at a private residence.
- 15 (b) A voter with disabilities who:
- 16 (1) is unable to make a voting mark on the ballot or sign the
- 17 ballot secrecy envelope; and
- 18 (2) requests that the ballot be delivered to an address within
- 19 Indiana;
- 20 must vote before a voter board under this section.
- 21 (c) If requested by a voter described in subsection (a) or by a
- 22 voter with disabilities, a voter board shall visit the voter's place of
- 23 confinement, the residence of the voter with disabilities, or the
- 24 private residence:
- 25 (1) during the regular office hours of the circuit court clerk;
- 26 (2) at a time agreed to by the board and the voter;
- 27 (3) on any of the nineteen (19) days immediately before
- 28 election day; and
- 29 (4) only once before an election, unless:
- 30 (A) the confined voter is unavailable at the time of the
- 31 board's first visit due to a medical emergency; or
- 32 (B) the board, in its discretion, decides to make an
- 33 additional visit.
- 34 (d) This subsection applies to a voter confined due to illness or
- 35 injury. A voter board may not be denied access to the voter's place
- 36 of confinement if the board is present at the place of confinement
- 37 at a time:
- 38 (1) agreed to by the board and the voter; and
- 39 (2) during the regular office hours of the circuit court clerk.
- 40 A person who knowingly violates this subsection commits
- 41 obstruction or interference with an election officer in the discharge
- 42 of the officer's duty, a violation of IC 3-14-3-4.



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

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

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

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

15 (1) voted under section 1 of this chapter; or

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

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

22 (c) A county election board may adopt a resolution providing
23 that the ballots to be voted before a voter board visiting the voter
24 under section 15(b) of this chapter must be initialed by the county
25 election board or the board's representatives under IC 3-11.1-4-1
26 and not by the voter board visiting the voter. A resolution adopted
27 under this subsection remains in effect until rescinded by the
28 county election board. The election board may not rescind the
29 resolution during the final sixty (60) days before an election.

30 (d) The initials must be:

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

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

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

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



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

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

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

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

14 **Chapter 10. Voter Boards**

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

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

25 (b) An individual may not serve on a voter board if the
 26 individual may not serve as an election officer under IC 3-6-6.3.

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

32 (b) The county chairmen shall make written recommendations
 33 for the appointments to the county election board not later than
 34 noon forty-six (46) days before election day. The county election
 35 board shall make the appointments as recommended. If a county
 36 chairman fails to make any recommendations, then the county
 37 election board may appoint any voters of the county who comply
 38 with section 2 of this chapter.

39 Sec. 4. The individuals appointed to the voter boards under
 40 section 2 of this chapter shall be compensated in the following
 41 manner:

42 (1) The boards that are sent to voters under IC 3-11.1-9-15



1 are entitled to a per diem set by the county executive and a
 2 sum for mileage at a rate determined by the county fiscal
 3 body.

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

8 **Sec. 5. Each county election board shall conduct a training**
 9 **session for the members of the voter boards. A member of a voter**
 10 **board must receive the training before the member begins**
 11 **performing the member's duties. At the training session the duties**
 12 **of the voter boards and the election laws and penalties pertaining**
 13 **to their duties shall be explained in detail. The members of voter**
 14 **boards are entitled to a per diem set by the county executive for**
 15 **attending the training session.**

16 SECTION 62. IC 3-11.5-1-1.1, AS AMENDED BY P.L.266-2013,
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2018]: Sec. 1.1. This article applies **as follows:**

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

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

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

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

25 SECTION 63. IC 3-11.5-1-4, AS AMENDED BY P.L.219-2013,
 26 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2018]: Sec. 4. (a) To the extent that they are in conflict with
 28 this article, the following statutes do not apply to a county that has
 29 adopted a resolution described by section 1 of this chapter (before its
 30 repeal) or section 1.1 of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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



- 1 (13) IC 3-11-10-14.
 2 (14) IC 3-11-10-15.
 3 (15) IC 3-11-10-16.
 4 (16) IC 3-11-10-17.
 5 (17) IC 3-11-10-18.
 6 (18) IC 3-11-10-20.
 7 (19) IC 3-11-10-21.
 8 (20) IC 3-11-10-22.
 9 (21) IC 3-11-10-23.
 10 (22) IC 3-11-10-31.
 11 (23) IC 3-11-10-32.
 12 (24) IC 3-11-10-34.
 13 (25) IC 3-11-10-35.
 14 (26) IC 3-11-10-36.
 15 (27) IC 3-11-10-37.
 16 (28) IC 3-12-2.
 17 (29) IC 3-12-3-12.

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

19 SECTION 64. IC 3-11.5-2-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. As used in this
 21 article, "~~absentee~~ "ballot counter" refers to a person designated under
 22 IC 3-11.5-4-22.

23 SECTION 65. IC 3-11.5-2-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. As used in this
 25 article, "central location for counting ~~absentee~~ ballots" refers to **the**
 26 **following:**

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

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

33 SECTION 66. IC 3-11.5-2-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. **(a)** An absentee
 35 ballot application or an absentee ballot is considered "sent" to a voter
 36 if the application or ballot is:

- 37 (1) sent by United States mail addressed to the voter;
 38 (2) transmitted by fax to a number provided by the voter; or
 39 (3) personally given to the voter.

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

41 SECTION 67. IC 3-11.5-2-6 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2018]: Sec. 6. (a) Before January 1, 2022, the following apply:

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

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

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

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

(b) This section expires January 1, 2022.

SECTION 68. IC 3-11.5-3-1, AS AMENDED BY P.L.169-2015, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. The following apply for the purposes of IC 3-6-8, IC 3-6-9, and IC 3-6-10:

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

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

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

SECTION 69. IC 3-11.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) Political parties or independent candidates described in IC 3-6-8-1 may appoint watchers at a central location for counting ~~absentee~~ ballots.

(b) A watcher appointed under this section:

(1) has the rights; and

(2) must follow the requirements;

set forth in IC 3-6-8.

SECTION 70. IC 3-11.5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A candidate entitled to appoint a watcher under IC 3-6-9 may appoint a watcher at a central location for counting ~~absentee~~ ballots.

(b) A watcher appointed under this section:

(1) has the rights; and

(2) must follow the requirements;

set forth in IC 3-6-9.

SECTION 71. IC 3-11.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) Media entitled to appoint a watcher under IC 3-6-10 may appoint a watcher at a central location for counting ~~absentee~~ ballots.

(b) A watcher appointed under this section:



- 1 (1) has the rights; and
 2 (2) must follow the requirements;
 3 set forth in IC 3-6-10.

4 SECTION 72. IC 3-11.5-4-0.5, AS ADDED BY P.L.266-2013,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2018]: Sec. 0.5. (a) This section applies only to a county
 7 having a consolidated city.

8 (b) Except as provided in subsection (c), a county shall count
 9 absentee ballots at a central location. Notwithstanding IC 3-11.5-6-1(a),
 10 the provisions of IC 3-11.5-6 apply in the county unless the county
 11 election board adopts a resolution under IC 3-11.5-5-1 making
 12 IC 3-11.5-5 applicable in the county.

13 (c) If the county election board adopts a resolution, by the
 14 unanimous vote of the entire membership of the board, that:

- 15 (1) requires absentee ballots to be counted at individual precincts
 16 instead of at a central location; and
 17 (2) states the board's basis for adopting the requirement described
 18 in subdivision (1);

19 all absentee ballots shall be counted at individual precincts instead of
 20 at a central location.

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

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

24 SECTION 73. IC 3-11.5-4-1, AS AMENDED BY P.L.76-2014,
 25 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2018]: Sec. 1. (a) Each circuit court clerk shall do the
 27 following:

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

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

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

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

40 (3) This subdivision applies to a county that has adopted an order
 41 to use an electronic poll book under IC 3-7-29-6 or is a voter
 42 center county under IC 3-11-18.1. Certify at the time the county



1 voter registration office downloads information to an electronic
2 poll book under IC 3-7-29-6(c), the names of the voters:

- 3 (A) to whom absentee ballots were sent or who marked ballots
4 in person; and
5 (B) whose ballots have been received by the county election
6 board under IC 3-11-10.

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

8 SECTION 74. IC 3-11.5-4-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) This section
10 applies to a voter voting by an absentee ballot that is defective and
11 ordered corrected under IC 3-11-2-16 or includes a candidate for
12 election to office who:

- 13 (1) ceases to be a candidate; and
14 (2) is succeeded by a candidate selected under IC 3-13-1 or
15 IC 3-13-2.

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

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

- 22 (1) Place the written request with the absentee voter's original
23 ballots.
24 (2) Mark "canceled" on the original set of ballots.
25 (3) Preserve the original ballots with other defective ballots.
26 (4) Deliver a new set of ballots to the absentee voter.

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

28 SECTION 75. IC 3-11.5-4-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A county election
30 board must receive an absentee ballot before noon on election day.

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

32 SECTION 76. IC 3-11.5-4-5, AS AMENDED BY P.L.64-2014,
33 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2018]: Sec. 5. (a) If a county election board unanimously finds
35 that the signature on a ballot envelope or transmitted affidavit is
36 genuine, the board shall enclose immediately the accepted and
37 unopened ballot envelope, together with the voter's application for the
38 absentee ballot, in a large or carrier envelope. The board may enclose
39 in the same carrier envelope all absentee ballot envelopes and
40 applications.

41 (b) The envelope shall be securely sealed and endorsed with the
42 name and official title of the circuit court clerk and the following



- 1 words:
 2 "This envelope contains an absentee ballot and must be opened
 3 only on election day under IC 3-11.5."
 4 **(c) This section expires January 1, 2022.**
 5 SECTION 77. IC 3-11.5-4-6 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. Each circuit court
 7 clerk shall keep all accepted ballot envelopes securely in the clerk's
 8 office until the ballot envelopes are opened by ~~absentee~~ ballot counters
 9 in accordance with this chapter.
 10 SECTION 78. IC 3-11.5-4-7 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. **(a)** Not later than
 12 noon on election day each circuit court clerk, or an agent of the clerk,
 13 shall visit the appropriate post office to accept delivery of absentee
 14 envelopes.
 15 **(b) This section expires January 1, 2022.**
 16 SECTION 79. IC 3-11.5-4-8, AS AMENDED BY P.L.169-2015,
 17 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) This section does not apply
 19 to a county that:
 20 (1) has adopted an order to use an electronic poll book under
 21 IC 3-7-29-6(a)(1); or
 22 (2) is a vote center county under IC 3-11-18.1;
 23 if the electronic poll book used at a polling place or vote center is
 24 immediately updated to indicate the county received, not later than
 25 noon on election day, an absentee ballot from a voter.
 26 (b) Each county election board shall certify the names of voters:
 27 (1) to whom absentee ballots were sent or who marked ballots in
 28 person; and
 29 (2) whose ballots have been received by the board under this
 30 chapter;
 31 after the certification under section 1 of this chapter and not later than
 32 noon on election day.
 33 (c) The county election board shall have:
 34 (1) the certificates described in subsection (b); and
 35 (2) the circuit court clerk's certificates for voters who have
 36 registered and voted under IC 3-7-36-14;
 37 delivered to the precinct election boards at their respective polls on
 38 election day by couriers appointed under section 22 of this chapter.
 39 (d) The certificates shall be delivered not later than 3 p.m. on
 40 election day.
 41 **(e) This section expires January 1, 2022.**
 42 SECTION 80. IC 3-11.5-4-9, AS AMENDED BY P.L.169-2015,



1 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2018]: Sec. 9. (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 that the county received, not later than
 9 noon on election day, an absentee ballot from a voter.

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

13 (1) Mark the poll list.

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

16 The poll clerks shall sign the statement printed on the certificate
 17 indicating that the inspector marked the poll list and attached the
 18 certificates under this section in the presence of both poll clerks to
 19 indicate that the absentee ballot of the voter has been received by the
 20 county election board.

21 (c) The inspector shall then deposit:

22 (1) the certificate prepared under section 1 of this chapter;

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

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

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

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

31 (e) The couriers shall immediately return the envelope described in
 32 subsection (c) to the county election board. Upon delivering the
 33 envelope to the county election board, each courier shall sign a
 34 statement printed on the envelope indicating that the courier has not
 35 opened or tampered with the envelope since the envelope was delivered
 36 to the courier.

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

38 SECTION 81. IC 3-11.5-4-10, AS AMENDED BY P.L.64-2014,
 39 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2018]: Sec. 10. (a) Subject to IC 3-10-8-7.5, IC 3-12-1-17,
 41 and section 7 of this chapter, absentee ballots received by mail (or by
 42 fax or electronic mail under IC 3-11-4-6) after noon on election day are



1 considered as arriving too late and may not be counted.

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

3 SECTION 82. IC 3-11.5-4-11, AS AMENDED BY P.L.169-2015,
4 SECTION 138, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) Except as provided in
6 subsection (b), at any time after the couriers return the certificate under
7 section 9 of this chapter, absentee ballot counters appointed under
8 section 22 of this chapter, in the presence of the county election board,
9 shall, except for a ballot rejected under section 13 of this chapter:

- 10 (1) open the outer or carrier envelope containing an absentee
11 ballot envelope and application;
12 (2) announce the absentee voter's name; and
13 (3) compare the signature upon the application with the signature
14 upon the affidavit on the ballot envelope or transmitted affidavit.

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

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

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

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

27 SECTION 83. IC 3-11.5-4-12, AS AMENDED BY P.L.225-2011,
28 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2018]: Sec. 12. (a) If the ~~absentee~~ ballot counters find under
30 section 11 of this chapter that:

- 31 (1) the affidavit is properly executed;
32 (2) the signatures correspond;
33 (3) the ~~absentee~~ voter is a qualified voter of the precinct;
34 (4) the ~~absentee~~ voter is registered and is not required to file
35 additional information with the county voter registration office
36 under IC 3-7-33-4.5; and
37 (5) in case of a primary election, if the ~~absentee~~ voter has not
38 previously voted, the ~~absentee~~ voter has executed the proper
39 declaration relative to age and qualifications and the political
40 party with which the ~~absentee~~ voter intends to affiliate;

41 the ~~absentee~~ ballot counters shall open the envelope containing the
42 ~~absentee~~ ballots so as not to deface or destroy the affidavit and take out



1 each ballot enclosed without unfolding or permitting a ballot to be
2 unfolded or examined.

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

8 (c) The absentee ballot counters shall then deposit the ballots in a
9 secure envelope with the name of the precinct set forth on the outside
10 of the envelope. After the absentee ballot counters or the county
11 election board has made the findings described in subsection (a) or
12 section 13 of this chapter for all absentee ballots of the precinct, the
13 absentee ballot counters shall remove all the ballots deposited in the
14 envelope under this section for counting under IC 3-11.5-5 or
15 IC 3-11.5-6.

16 SECTION 84. IC 3-11.5-4-13, AS AMENDED BY P.L.194-2013,
17 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2018]: Sec. 13. (a) If the absentee ballot counters find under
19 section 11 of this chapter that any of the following applies, the ballots
20 shall be rejected:

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

23 (A) the two (2) members of the absentee voter board in the
24 office of the clerk of the circuit court under IC 3-11-4-19 or
25 IC 3-11-10-27;

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

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

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

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

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

33 (5) The absentee voter has not registered.

34 (6) The ballot is open or has been opened and resealed. This
35 subdivision does not permit an absentee a ballot transmitted by
36 fax or electronic mail under IC 3-11-4-6 to be rejected because
37 the ballot was sealed in the absentee ballot envelope by the
38 individual designated by the circuit court to receive absentee
39 ballots transmitted by fax or electronic mail.

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

42 (8) In case of a primary election, if the absentee voter has not



1 previously voted, the voter failed to execute the proper
 2 declaration relative to age and qualifications and the political
 3 party with which the voter intends to affiliate.

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

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

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

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

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

14 (B) on the absentee ballot application.

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

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

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

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

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

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

26 (f) The absentee ballot counters or county election board shall issue
 27 a certificate to a voter whose ballot has been rejected under this section
 28 if the voter appears in person before the board not later than 5 p.m. on
 29 election day. The certificate must state that the voter's absentee ballot
 30 has been rejected and that the voter may vote in person under section
 31 21 of this chapter if otherwise qualified to vote.

32 SECTION 85. IC 3-11.5-4-14 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) Each ballot
 34 rejected for any of the reasons prescribed by section 13 of this chapter
 35 shall, without being unfolded to disclose how the ballot is marked, be
 36 endorsed with the words: "Rejected (giving the reason or reasons for
 37 the rejection).".

38 (b) All rejected absentee ballots shall be enclosed and securely
 39 sealed in an envelope on which the absentee ballot counters shall write
 40 the words: "Rejected absentee ballots". The absentee ballot counters
 41 shall also identify the precinct and the date of the election on the
 42 envelope containing the rejected ballots.



1 (c) The rejected ~~absentee~~ ballots shall be returned to the same
 2 officer and in the same manner as prescribed by this title for the return
 3 and preservation of official ballots cast and uncast at the election.

4 SECTION 86. IC 3-11.5-4-15, AS AMENDED BY P.L.169-2015,
 5 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2018]: Sec. 15. (a) Except as provided in
 7 subsection (c), the vote of an absentee voter may be challenged at the
 8 polls for the reason that the absentee voter is not a legal voter of the
 9 precinct where the ballot is being cast.

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

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

- 20 (1) has adopted an order to use an electronic poll list under
 21 IC 3-7-29-6(a)(1); or
 22 (2) is a vote center county under IC 3-11-18.1.

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

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

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

33 SECTION 87. IC 3-11.5-4-16, AS AMENDED BY P.L.76-2014,
 34 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2018]: Sec. 16. (a) If an absentee ballot is challenged under
 36 section 15 of this chapter, the absentee voter's application for an
 37 absentee ballot shall be considered as the affidavit required to be made
 38 by a voter when challenged at the polls while voting in person.

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

42 (c) An absentee voter is not required to provide proof of



1 identification.

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

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

6 SECTION 88. IC 3-11.5-4-17 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) ~~If proof is given~~
8 ~~to the absentee ballot counters that an absentee~~ **This section applies if**
9 **a voter:**

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

11 (2) ~~subsequently dies. but died before election day, the ballot of~~
12 ~~the deceased voter shall be rejected under section 13 of this~~
13 ~~chapter and retained with the other rejected ballots under section~~
14 ~~14 of this chapter.~~

15 (b) ~~The casting of an absentee deceased voter's ballot by a~~
16 ~~deceased voter does not invalidate an election. shall be counted if the~~
17 ~~ballot would otherwise be entitled to be counted if the voter had~~
18 ~~not died.~~

19 SECTION 89. IC 3-11.5-4-18, AS AMENDED BY P.L.169-2015,
20 SECTION 140, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2018]: Sec. 18. (a) If a voter has not returned
22 an absentee ballot, the voter may vote in person.

23 (b) However, if the voter has received an absentee ballot, before the
24 voter may vote, the voter must return the ballot to the inspector. The
25 ~~absentee~~ ballot shall be marked "canceled" and preserved with the
26 rejected ballots.

27 (c) If the voter has requested but not received an absentee ballot, the
28 voter may vote if the voter executes an affidavit affirming that the voter
29 has not received an absentee ballot.

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

31 SECTION 90. IC 3-11.5-4-20 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. (a) If the inspector
33 has marked the poll list to indicate that the absentee ballot cast by the
34 voter has been received by the county election board, the voter may not
35 vote in person except as provided in section 21 of this chapter.

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

37 SECTION 91. IC 3-11.5-4-21, AS AMENDED BY P.L.1-2009,
38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2018]: Sec. 21. (a) If an envelope containing an absentee
40 ballot has been marked "Rejected" and the voter appears in person at
41 the precinct before the polls close, the voter may vote as any other
42 voter voting in person if the voter presents the precinct election board



1 with the certificate issued under section 13(f) of this chapter.

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

3 SECTION 92. IC 3-11.5-4-21.5, AS ADDED BY P.L.169-2015,
4 SECTION 141, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2018]: Sec. 21.5. Rejected ~~absentee~~ ballots may
6 not be opened, except on order of a court or the state recount
7 commission.

8 SECTION 93. IC 3-11.5-4-22, AS AMENDED BY P.L.169-2015,
9 SECTION 142, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2018]: Sec. 22. (a) Except as provided in
11 subsection (b), each county election board shall appoint **the following:**

12 (1) ~~absentee~~ Voter boards.

13 (2) Teams of ~~absentee~~ ballot counters. ~~and~~

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

15 ~~consisting~~ **The boards and teams 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.

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

19 (1) may appoint, by a unanimous vote of the board's members,
20 only one (1) ~~absentee~~ ballot courier if the person appointed is a
21 voter of the county; and

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

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

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

26 (c) An otherwise qualified ~~person is eligible to~~ **individual may not**
27 ~~serve on an absentee a voter board or as an absentee a ballot courier~~
28 ~~or a courier unless if the person:~~

29 (1) ~~is unable to read, write, and speak the English language;~~

30 (2) ~~has any property bet or wagered on the result of the election;~~

31 (3) ~~is a candidate to be voted for at the election except as an~~
32 ~~unopposed candidate for precinct committeeman or state~~
33 ~~convention delegate; or~~

34 (4) ~~is the spouse, parent, father-in-law, mother-in-law, child,~~
35 ~~son-in-law, daughter-in-law, grandparent, grandchild, brother,~~
36 ~~sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece~~
37 ~~of a candidate or declared write-in candidate to be voted for at the~~
38 ~~election except as an unopposed candidate. This subdivision~~
39 ~~disqualifies a person whose relationship to the candidate is the~~
40 ~~result of birth, marriage, or adoption.~~ **individual may not serve**
41 **as an election officer under IC 3-6-6.3.**

42 (d) ~~A person who is a candidate to be voted for at the election or~~



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

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

10 SECTION 94. IC 3-11.5-4-23, AS AMENDED BY P.L.201-2017,
 11 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2018]: Sec. 23. (a) Not later than noon fifty (50) days before
 13 election day, each county election board shall notify the county
 14 chairmen of the two (2) political parties that have appointed members
 15 on the county election board of the number of:

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

19 to be appointed under section 22 of this chapter.

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

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

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

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

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

- 36 (1) is not required to obtain an employment certificate under
 37 IC 20-33-3; and
 38 (2) is not subject to the limitations on time and duration of
 39 employment under IC 20-33-3.

40 SECTION 95. IC 3-11.5-4-24, AS AMENDED BY P.L.169-2015,
 41 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2018]: Sec. 24. (a) This section does not apply



- 1 to a county that:
- 2 (1) has adopted an order to use an electronic poll book under
- 3 IC 3-7-29-6(a)(1); or
- 4 (2) is a vote center county under IC 3-11-18.1.
- 5 (b) In addition to the preparations described in IC 3-11-11-2,
- 6 IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:
- 7 (1) mark the poll list; and
- 8 (2) attach the certificates of voters who have registered and voted
- 9 under IC 3-7-36-14 to the poll list;
- 10 in the presence of the poll clerks to indicate the voters of the precinct
- 11 whose absentee ballots have been received by the county election board
- 12 according to the certificate supplied under section 1 of this chapter.
- 13 (c) The poll clerks shall sign the statement printed on the certificate
- 14 supplied under section 1 of this chapter indicating that the inspector:
- 15 (1) marked the poll list; and
- 16 (2) attached the certificates described in subsection (b)(2);
- 17 under this section in the presence of both poll clerks.
- 18 (d) The inspector shall retain custody of the certificate supplied
- 19 under section 1 of this chapter until the certificate is returned under
- 20 section 9 of this chapter.
- 21 **(e) This section expires January 1, 2022.**
- 22 SECTION 96. IC 3-11.5-4-28 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 28. (a) When all votes
- 24 have been counted, the precinct election board shall prepare a
- 25 certificate stating the number of votes that each candidate received for
- 26 each office and the number of votes cast on each public question. The
- 27 number of votes that each candidate and public question received shall
- 28 be written in words and numbers. The board shall also prepare a
- 29 memorandum of the total vote cast for each candidate and ensure that
- 30 each member of the board receives a copy of the memorandum.
- 31 **(b) This section expires January 1, 2022.**
- 32 SECTION 97. IC 3-11.5-5-1 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter
- 34 applies in a county only if the county election board adopts a resolution
- 35 making this chapter applicable in the county.
- 36 (b) A copy of a resolution adopted under this section shall be filed
- 37 with the election division.
- 38 (c) A county election board may not adopt a resolution under this
- 39 section less than:
- 40 (1) sixty (60) days before an election is to be conducted; or
- 41 (2) fourteen (14) days after an election has been conducted.
- 42 (d) A resolution adopted under this section takes effect immediately



1 and may only be rescinded by the unanimous vote of the entire
2 membership of the county election board.

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

4 SECTION 98. IC 3-11.5-5-2 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. This chapter applies
6 to the counting of ~~absentee ballots~~ **votes** cast on paper ballots.

7 SECTION 99. IC 3-11.5-5-3, AS AMENDED BY P.L.169-2015,
8 SECTION 144, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) Except as provided in
10 subsection (b), immediately after:

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

13 (2) the ~~absentee~~ ballot counters or the county election board have
14 made the findings required under IC 3-11-10 and IC 3-11.5-4 for
15 the ~~absentee~~ ballots cast by voters of the precinct and deposited
16 the accepted ~~absentee~~ ballots in the envelope required under
17 IC 3-11.5-4-12;

18 the ~~absentee~~ ballot counters shall, in a central counting location
19 designated by the county election board, count the ~~absentee ballot~~ votes
20 for each candidate for each office and on each public question in the
21 precinct.

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

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

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

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

33 SECTION 100. IC 3-11.5-5-5 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. To minimize delay,
35 the ~~absentee~~ ballot counters shall continue the count without
36 interruption until all ~~absentee~~ ballots for the precinct are canvassed and
37 the certificates required by this chapter are prepared and delivered to
38 the person entitled to receive the certificates.

39 SECTION 101. IC 3-11.5-5-7 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. During the counting
41 of the votes, one (1) of the ~~absentee~~ ballot counters shall read the name
42 of the candidates voted for from the ballots. A:



1 (1) member of the county election board who is not a member of
 2 the same political party as the absentee ballot counter; or
 3 (2) representative designated by the member;
 4 reading the names shall view the ballots as the names are read.

5 SECTION 102. IC 3-11.5-5-8 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. During the counting
 7 of the votes:

8 (1) an absentee ballot counter performing the counting;
 9 (2) a member of the county election board; or
 10 (3) a representative designated by the members;
 11 may protest the counting of any ballot or any part of a ballot.

12 SECTION 103. IC 3-11.5-5-9 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. If a ballot or any part
 14 of a ballot is protested, an absentee ballot counter immediately shall
 15 write on the back of the protested ballot the word "counted" or "not
 16 counted", as appropriate.

17 SECTION 104. IC 3-11.5-5-10 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. If the absentee
 19 ballot counters cannot agree whether to count a ballot following a
 20 protest under section 8 of this chapter, the question shall be referred to
 21 the county election board for a decision.

22 SECTION 105. IC 3-11.5-5-11 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. Following a
 24 decision by the absentee ballot counters or the county election board,
 25 the absentee ballot counters shall officially sign each protested ballot.

26 SECTION 106. IC 3-11.5-5-12 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. An absentee A
 28 ballot counter may not count absentee ballots for a precinct under this
 29 chapter while counting absentee ballots for any other precinct.

30 SECTION 107. IC 3-11.5-5-13 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) This section
 32 applies if at least two (2) sets of absentee ballot counters in a county
 33 are counting absentee ballots under this chapter.

34 (b) A set of absentee ballot counters may count absentee ballots
 35 from a precinct while another set of absentee ballot counters is
 36 counting absentee ballots from another precinct in the county if each
 37 set of counters counts the ballots in compliance with section 7 of this
 38 chapter.

39 SECTION 108. IC 3-11.5-5-14, AS AMENDED BY P.L.201-2017,
 40 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2018]: Sec. 14. (a) This section applies to the counting of
 42 federal write-in absentee ballots described in IC 3-11-4-12.5.



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

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

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

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

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

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

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

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

21 (1) the ballot was submitted:

22 (A) by an overseas voter who is not an absent uniformed
23 services voter; and

24 (B) from within the United States;

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

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

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

35 (g) If a federal write-in absentee ballot is received by the county
36 election board in an envelope that does not indicate that the envelope
37 contains the ballot, and the envelope is opened by the county election
38 board, the ~~absentee~~ ballot shall nevertheless be counted if otherwise
39 valid. The county election board shall:

40 (1) immediately seal the ~~absentee~~ ballot and the envelope in
41 which the ballot was received in a carrier envelope indicating that
42 a voted ~~absentee~~ ballot is enclosed; and



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

4 SECTION 109. IC 3-11.5-5-15 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. When all the votes
 6 have been counted, the absentee ballot counters shall prepare a
 7 certificate stating the number of votes that each candidate received for
 8 each office and the number of votes cast on each public question.

9 SECTION 110. IC 3-11.5-5-16 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. The number of
 11 votes that each candidate and public question received shall be written
 12 in words and numbers. The absentee ballot counters shall prepare a
 13 memorandum of the total votes cast for each candidate and on each
 14 public question and ensure that each member of the county election
 15 board receives a copy of the memorandum.

16 SECTION 111. IC 3-11.5-5-17 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. The absentee ballot
 18 counters shall deliver the certificates prepared under section 15 of this
 19 chapter and the tally papers to the county election board immediately
 20 upon the tabulation of the vote in each precinct.

21 SECTION 112. IC 3-11.5-5-18 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. As soon as the
 23 ballots have been counted, the absentee ballot counters shall in the
 24 presence of the county election board do the following:

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

38 SECTION 113. IC 3-11.5-5-19 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. Upon delivery of
 40 the envelope or bag to the circuit court clerk, each absentee ballot
 41 counter shall take and subscribe an oath before the clerk stating that the
 42 counter:



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

6 SECTION 114. IC 3-11.5-5-27 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 27. Immediately upon
 8 completion of the vote count, the absentee ballot counters shall make
 9 and sign a certificate for the news media showing the total number of
 10 ~~absentee ballot~~ votes received by each candidate and on each public
 11 question in the precinct.

12 SECTION 115. IC 3-11.5-5-28 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 28. The ~~absentee~~ ballot
 14 counters shall deliver the certificate to the circuit court clerk as soon as
 15 the certificate is completed. The circuit court clerk shall deliver the
 16 certificate made for the news media to any person designated to receive
 17 the certificate by the editors of the newspapers published in the county
 18 or by the managers of the radio and television stations operating in the
 19 county immediately upon the completion of the certificate, but not
 20 before the closing of the polls.

21 SECTION 116. IC 3-11.5-5-29 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 29. (a) This section
 23 applies to a person who observes or performs any of the following
 24 under this chapter:

- 25 (1) The counting of ~~absentee~~ ballots.
 26 (2) The proceedings of ~~absentee~~ ballot counters or the county
 27 election board regarding a protested ballot.
 28 (3) The preparation of a certificate by ~~absentee~~ ballot counters.
 29 (4) The delivery of a certificate to the circuit court clerk or county
 30 election board.

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

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

35 on ~~absentee~~ ballots counted under this chapter before the closing of the
 36 polls.

37 SECTION 117. IC 3-11.5-6-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter
 39 applies in a county only if the county election board adopts a resolution
 40 making this chapter applicable in the county.

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



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

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

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

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

9 SECTION 118. IC 3-11.5-6-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. This chapter applies
11 to the counting of ~~absentee~~ ballots cast on ballot cards.

12 SECTION 119. IC 3-11.5-6-3, AS AMENDED BY P.L.169-2015,
13 SECTION 145, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) Except as provided in
15 subsection (b), immediately after:

- 16 (1) the couriers have returned the certificate from a precinct under
17 IC 3-11.5-4-9; and
18 (2) the ~~absentee~~ ballot counters or the county election board has
19 made the findings required under IC 3-11-10 and IC 3-11.5-4 for
20 the ~~absentee~~ ballots cast by voters of the precinct and deposited
21 the accepted ~~absentee~~ ballots in the envelope required under
22 IC 3-11.5-4-12;

23 the ~~absentee~~ ballot counters shall, in a central counting location
24 designated by the county election board, count the ~~absentee~~ ballot votes
25 for each candidate for each office and on each public question in the
26 precinct with the assistance of any persons required for the operation
27 of the automatic tabulating machine.

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

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

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

39 SECTION 120. IC 3-11.5-6-4 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. To minimize delay,
41 the ~~absentee~~ ballot counters shall continue to count without
42 interruption until all ~~absentee~~ ballots for the precinct are canvassed and



1 the certificates required by this chapter are prepared and delivered to
2 the person entitled to receive the certificates.

3 SECTION 121. IC 3-11.5-6-5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. The ~~absentee~~ ballot
5 counters shall determine if the ballot cards are properly grouped and
6 arranged so that all similar cards from a precinct are together before the
7 ballots are counted on an automatic tabulating machine.

8 SECTION 122. IC 3-11.5-6-6 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. During the tabulation
10 of votes at a central counting location, ~~an absentee a~~ ballot counter
11 performing the count, a member of the county election board, or a
12 representative designated by the member of the board may protest the
13 counting of a ballot or part of a ballot cast by a voter of a precinct.

14 SECTION 123. IC 3-11.5-6-7 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. If the ~~absentee~~ ballot
16 counters cannot agree whether to count a ballot following a protest
17 under section 6 of this chapter, the question shall be referred to the
18 county election board for a decision.

19 SECTION 124. IC 3-11.5-6-8 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. Following a decision
21 by the ~~absentee~~ ballot counters or the county election board:

- 22 (1) the ~~absentee~~ ballot counters immediately shall write on the
23 back of the protested ballot card the word "counted" or "not
24 counted", as appropriate; and
- 25 (2) the person protesting the ballot under section 6 of this chapter
26 shall officially sign the protested ballot card.

27 SECTION 125. IC 3-11.5-6-9 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. If ~~an absentee a~~
29 ballot is damaged or defective so that the ballot cannot properly be
30 counted by an automatic tabulating machine, a remake team composed
31 of one (1) person from each of the major political parties of the county
32 shall have the card prepared for processing so as to record accurately
33 the intent of the voter insofar as the intent can be ascertained.

34 SECTION 126. IC 3-11.5-6-14, AS AMENDED BY P.L.85-2017,
35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2018]: Sec. 14. If a test of automatic tabulating machines
37 required by IC 3-11-13-22 is not conducted for a particular office or
38 public question, the ~~absentee ballot~~ votes for that office shall be
39 counted manually.

40 SECTION 127. IC 3-11.5-6-15 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. If for any reason the
42 county election board determines that it is impracticable to count all or



1 some of the absentee ballots under this chapter with an automatic
2 tabulating machine, the board may direct that the ballot cards be
3 counted manually.

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

9 SECTION 129. IC 3-11.5-6-18 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. When all the votes
11 have been counted, the absentee ballot counters shall prepare a
12 certificate stating the number of votes that each candidate received for
13 each office and the number of votes cast on each public question.

14 SECTION 130. IC 3-11.5-6-19 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. The number of
16 votes that each candidate and each public question received shall be
17 written in words and numbers. The absentee ballot counters shall
18 prepare a memorandum of the total votes cast for each candidate and
19 on each public question and ensure that each member of the county
20 election board receives a copy of the memorandum.

21 SECTION 131. IC 3-11.5-6-20 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. The absentee ballot
23 counters shall deliver the certificates prepared under section 18 of this
24 chapter and the return printed by the automatic tabulating machine to
25 the county election board immediately upon the tabulation of the vote
26 in each precinct.

27 SECTION 132. IC 3-11.5-6-21 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 21. As soon as the
29 ballots have been counted, the absentee ballot counters shall in the
30 presence of the county election board do the following:

- 31 (1) Place in a strong paper envelope or bag the following:
 - 32 (A) All ballots, voted and not voted, together with all protested
33 and uncounted ballots.
 - 34 (B) One (1) copy of each of the certificates prepared under
35 IC 3-11.5-4-1 and IC 3-11.5-4-8.
 - 36 (C) The tally papers.
- 37 (2) Securely seal the envelope or bag.
- 38 (3) Have both absentee ballot counters initial the envelope or bag.
- 39 (4) Plainly mark on the outside of the envelope or bag, in ink, the
40 precinct for which the absentee ballots were cast.
- 41 (5) Deliver the envelope or bag to the circuit court clerk.
- 42 (6) Notify the circuit court clerk of the number of ballots placed



- 1 in the envelope or bag.
- 2 SECTION 133. IC 3-11.5-6-22 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. Upon delivery of
 4 the envelope or bag to the circuit court clerk, each ~~absentee~~ ballot
 5 counter shall take and subscribe an oath before the clerk stating that the
 6 counter:
- 7 (1) securely kept the ballots and papers in the envelope or bag;
 - 8 (2) did not permit any person to open the envelope or bag or to
 9 otherwise touch or tamper with the ballots; and
 - 10 (3) had no knowledge of any other person opening the envelope
 11 or bag.
- 12 SECTION 134. IC 3-11.5-6-30 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 30. Immediately upon
 14 completion of the vote count, the ~~absentee~~ ballot counters shall make
 15 and sign a certificate for the news media showing the total number of
 16 ~~absentee ballot~~ votes received by each candidate and on each public
 17 question in the precinct.
- 18 SECTION 135. IC 3-11.5-6-31 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 31. The ~~absentee~~ ballot
 20 counters shall deliver the certificate to the circuit court clerk as soon as
 21 the certificate is completed. The circuit court clerk shall deliver the
 22 certificate made for the news media to any person designated to receive
 23 the certificate by the editors of the newspapers published in the county
 24 or by the managers of the radio and television stations operating in the
 25 county immediately upon the completion of the certificate, but not
 26 before the closing of the polls.
- 27 SECTION 136. IC 3-11.5-6-32 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 32. (a) This section
 29 applies to a person who observes or performs any of the following
 30 under this chapter:
- 31 (1) The counting of ~~absentee~~ ballots.
 - 32 (2) The proceedings of ~~absentee~~ ballot counters or the county
 33 election board regarding a protested ballot.
 - 34 (3) The preparation of a certificate by ~~absentee~~ ballot counters.
 - 35 (4) The delivery of a certificate to the circuit court clerk or county
 36 election board.
- 37 (b) Except as prescribed by this chapter, a person shall not provide
 38 any other person with information concerning the number of votes:
- 39 (1) a candidate received for an office; or
 - 40 (2) cast to approve or reject a public question;
- 41 on ~~absentee~~ ballots counted under this chapter before the closing of the
 42 polls.



1 SECTION 137. IC 3-11.5-7-1, AS AMENDED BY P.L.64-2014,
 2 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: Sec. 1. (a) ~~Absentee~~ Ballot counters shall conduct the
 4 activities conducted by precinct election officials in submitting returns
 5 to the county election board under IC 3-12-4.

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

8 SECTION 138. IC 3-11.5-7-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. The voters appointed
 10 as couriers or ~~absentee~~ ballot counters under this article shall be
 11 compensated in the following manner:

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

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

19 SECTION 139. IC 3-11.5-7-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. ~~An absentee~~ **A** ballot
 21 is considered to be cast in the precinct in which the voter who cast the
 22 ballot resides for the purpose of the following chapters:

23 (1) IC 3-12-6.

24 (2) IC 3-12-11.

25 (3) IC 3-12-12.

26 SECTION 140. IC 3-11.7-1-2 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) Except as
 28 provided in subsection (b), a provisional ballot must have the same
 29 form as an absentee ballot for:

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

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

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

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

35 SECTION 141. IC 3-11.7-1-2.1 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2018]: **Sec. 2.1. (a) This section applies after**
 38 **December 31, 2021.**

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

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

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



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

3 SECTION 142. IC 3-11.7-2-1, AS AMENDED BY P.L.128-2015,
 4 SECTION 201, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JANUARY 1, 2019]: Sec. 1. (a) ~~As provided by 52~~
 6 ~~U.S.C. 21082~~; This section applies to the following individuals:

7 (1) An individual:

- 8 (A) whose name does not appear on the registration list; and
 9 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the
 10 voter makes an oral or a written affirmation under IC 3-7-48-5
 11 or IC 3-7-48-7 or after the voter produces a certificate of error
 12 under IC 3-7-48-1.

13 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
 14 IC 3-11-8-27.5 who is challenged as not eligible to vote.

15 (3) An individual who seeks to vote in an election as a result of a
 16 court order (or any other order) extending the time established for
 17 closing the polls under IC 3-11-8-8.

18 **(4) An individual who is registering to vote at the polls but has**
 19 **not presented identification required under IC 3-7-49-2.**

20 (b) ~~As required by 52 U.S.C. 21083~~; A voter who has registered to
 21 vote but has not:

22 (1) presented identification required under 52 U.S.C. 21083 to the
 23 poll clerk before voting in person under IC 3-11-8-25.1; ~~or~~

24 (2) filed a copy of the identification required under 52 U.S.C.
 25 21083 to the county voter registration office before the voter's
 26 absentee ballot is cast; **or**

27 **(3) presented identification required under IC 3-7-49-2 to the**
 28 **poll clerk before voting in person under IC 3-11-8-25.1;**

29 is entitled to vote a provisional ballot under this article.

30 (c) A precinct election officer shall inform an individual described
 31 by subsection (a)(1) or (a)(2) that the individual may cast a provisional
 32 ballot if the individual:

33 (1) is eligible to vote under IC 3-7-13-1;

34 (2) submitted a voter registration application during the
 35 registration period described by IC 3-7-13-10; and

36 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

37 (d) A precinct election officer shall inform an individual described
 38 by subsection (a)(3) that the individual may cast a provisional ballot.

39 SECTION 143. IC 3-11.7-3-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. An otherwise
 41 qualified ~~person is eligible to~~ **individual may not** serve as a counter
 42 ~~unless if the person:~~ **individual**



1 (1) is unable to read, write, and speak the English language;
 2 (2) has any property bet or wagered on the result of the election;
 3 (3) is a candidate to be voted for at the election in any part of the
 4 county, except as an unopposed candidate for precinct
 5 committeeman or state convention delegate; or
 6 (4) is the spouse, parent, father-in-law, mother-in-law, child,
 7 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 8 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
 9 of a candidate or declared write-in candidate to be voted for at the
 10 election in any part of the county, except as an unopposed
 11 candidate. This subdivision disqualifies a person whose
 12 relationship to the candidate is the result of birth, marriage, or
 13 adoption.

14 **may not serve as an election officer under IC 3-6-6.3.**

15 SECTION 144. IC 3-11.7-3-6 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. An individual
 17 serving as an absentee ballot counter under IC 3-11.5-4-12 may also
 18 serve as a provisional ballot counter under this chapter.

19 SECTION 145. IC 3-12-1-13, AS AMENDED BY P.L.64-2014,
 20 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2018]: Sec. 13. (a) This section applies only to absentee
 22 ballots.

23 (b) The whole ballot may not be counted unless the ballot is
 24 endorsed with the initials of:

- 25 (1) the two (2) members of the absentee voter board under
 26 IC 3-11-4-19, IC 3-11-10-25, IC 3-11-10-26, IC 3-11-10-26.3, or
 27 IC 3-11-18.1-11; or
 28 (2) the two (2) appointed members of the county election board
 29 (or their designated representatives) under IC 3-11-4-19.

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

31 SECTION 146. IC 3-12-2-1, AS AMENDED BY P.L.128-2015,
 32 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter:

- 34 (1) is enacted to comply with 52 U.S.C. 21081 by establishing
 35 uniform and nondiscriminatory standards to define what will be
 36 counted as a vote on a paper ballot; and
 37 (2) applies to each precinct where voting is by paper ballot.

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

42 (c) Notwithstanding subsection (b), the precinct election board may



1 count absentee ballots before the polls have closed. If the precinct
 2 election board counts absentee ballots under this subsection, a member
 3 of the precinct election board may not, before the polls have closed,
 4 provide any person other than a member of the precinct election board
 5 with information concerning the number of votes:

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

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

8 on absentee ballots counted under this subsection.

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

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

15 SECTION 147. IC 3-12-3-5, AS AMENDED BY P.L.194-2013,
 16 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2018]: Sec. 5. (a) If a ballot card is damaged or defective so
 18 that it cannot properly be counted by the automatic tabulating
 19 machines, then a remake team composed of one (1) person from each
 20 of the major political parties of the county shall have the card prepared
 21 for processing so as to record accurately the intention of the voter
 22 insofar as it can be ascertained.

23 (b) If the ballot card voting system is designed to allow the counting
 24 and tabulation of votes by the precinct election board, the members of
 25 the remake team must be members of the precinct election board in
 26 which the ballot was cast. If a county provides for the counting and
 27 tabulation of ballot card voting systems in a central location, the
 28 members of the remake team shall be appointed by the county election
 29 board.

30 (c) If necessary, a true, duplicate copy shall be made of the damaged
 31 ballot card in the presence of witnesses and substituted for the damaged
 32 card. Similarly, a duplicate ballot card shall be made of a defective
 33 card, not including the uncounted votes.

34 (d) This subsection applies to an absent uniformed services voter or
 35 overseas voter permitted to transmit an absentee ballot by fax or
 36 electronic mail under IC 3-11-4-6. To facilitate the transmittal and
 37 return of the voter's absentee ballot by fax or electronic mail, the county
 38 election board may provide the voter with a paper ballot rather than a
 39 ballot card. The paper ballot must conform with the requirements for
 40 paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns
 41 the ballot by fax or electronic mail, a remake team appointed by the
 42 county election board under this section shall prepare a ballot card for



1 processing that accurately records the intention of the voter as
 2 indicated on the paper ballot. The ballot card created under this
 3 subsection must be marked and counted as a duplicate ballot under
 4 sections 6 through 7 of this chapter.

5 (e) If an automatic tabulating machine fails during the counting and
 6 tabulation of votes following the close of the polls, the county election
 7 board shall immediately arrange for the repair and proper functioning
 8 of the system. The county election board may, by unanimous vote of its
 9 entire membership, authorize the counting and tabulation of votes for
 10 this election on an automatic tabulating machine approved for use in
 11 Indiana by the commission:

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

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

15 SECTION 148. IC 3-12-3-12 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) Votes by
 17 absentee voters may be cast on paper ballots or ballot cards, or both
 18 methods may be used. The ballots may be counted by an automatic
 19 tabulating machine or by special canvassing boards appointed by and
 20 under the direction of the county election board. A true copy of each
 21 paper absentee ballot may be made on a ballot card, which, after being
 22 verified in the presence of witnesses, shall be counted in the same
 23 manner as other ballot cards.

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

25 SECTION 149. IC 3-12-3-14 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) The precinct
 27 election board may count absentee ballots before the polls have closed.

28 (b) If the precinct election board counts absentee ballots under this
 29 section, a member of the precinct election board may not, before the
 30 polls have closed, provide any person other than a member of the
 31 precinct election board with information concerning the number of
 32 votes:

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

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

35 on absentee ballots counted under this section.

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

37 SECTION 150. IC 3-12-3.5-7 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) The precinct
 39 election board may count absentee ballots before the polls have closed.

40 (b) If the precinct election board counts absentee ballots under this
 41 section, a member of the precinct election board may not, before the
 42 polls have closed, provide any person other than a member of the



- 1 precinct election board with information concerning the number of
2 votes:
- 3 (1) a candidate received for an office; or
 - 4 (2) cast to approve or reject a public question;
- 5 on absentee ballots counted under this section.
- 6 **(c) This section expires January 1, 2022.**
- 7 SECTION 151. IC 3-12-4-6 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2019]: Sec. 6. (a) At ~~6 p.m.~~
9 **the close of the polls** on each election day, the county election board
10 shall assemble in a room to canvass the certificates, poll lists, and tally
11 papers returned by each inspector in the county and to declare the
12 results of the election as provided in this chapter.
- 13 (b) The canvassing must be performed in public under IC 5-14-1.5.
14 However, the board may restrict access to parts of the room where
15 election material is being handled or transported to safeguard the
16 material.
- 17 (c) Except as provided in section 7 of this chapter, the county
18 executive shall provide a room in the courthouse that contains adequate
19 space to permit members of the public to witness the canvassing of
20 votes.

