

HOUSE BILL No. 1084

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11-10-23; IC 3-11.5-4-17.

Synopsis: Absentee ballots cast before death. Requires that an absentee ballot marked and forwarded by a voter who subsequently dies be counted if the absentee ballot would otherwise be entitled to be counted if the voter had not died.

Effective: Upon passage.

Hamm

January 3, 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. 1084

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

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

1 SECTION 1. IC 3-11-10-23 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. ~~If proof is given~~
3 ~~to a precinct election board that~~ **(a) This section applies if** an absentee
4 voter:

5 **(1) marked and forwarded an absentee ballot; and**
6 **(2) subsequently dies.** ~~but died before election day; then the~~
7 ~~inspector shall return the ballot of the deceased voter with the~~
8 ~~other defective ballots to the officer issuing the ballots. However,~~
9 ~~the casting of an~~

10 **(b) The deceased voter's absentee ballot by a deceased voter does**
11 **not invalidate an election: shall be counted if the absentee ballot**
12 **would otherwise be entitled to be counted if the voter had not died.**

13 SECTION 2. IC 3-11.5-4-17 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) ~~If proof is~~
15 ~~given to the absentee ballot counters that~~ **This section applies if** an
16 absentee voter:

17 **(1) marked and forwarded an absentee ballot; and**



1 **(2) subsequently dies, but died before election day; the ballot of**
2 **the deceased voter shall be rejected under section 13 of this**
3 **chapter and retained with the other rejected ballots under section**
4 **14 of this chapter.**

5 **(b) The casting of an deceased voter's absentee ballot by a**
6 **deceased voter does not invalidate an election. shall be counted if the**
7 **absentee ballot would otherwise be entitled to be counted if the**
8 **voter had not died.**

9 **SECTION 3. An emergency is declared for this act.**

