

HOUSE BILL No. 1112

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11.

Synopsis: Absentee voting. Provides that a voter who has been hospitalized, has been confined to a health care facility, or suffered an injury after the final day for applying for an absentee ballot may cast an absentee ballot on election day before an absentee voter board if the county election board or the Indiana election commission makes certain findings.

Effective: July 1, 2017.

Klinker

January 5, 2017, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1112

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

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

1 SECTION 1. IC 3-11-4-1, AS AMENDED BY P.L.66-2010,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1. (a) A voter who is otherwise qualified to vote
4 in person is entitled to vote by absentee ballot. Except as otherwise
5 provided in this article, a voter voting by absentee ballot must vote in
6 the office of the circuit court clerk (or board of elections and
7 registration in a county subject to IC 3-6-5.2) or at a satellite office
8 established under IC 3-11-10-26.3.

9 (b) A county election board, by unanimous vote of its entire
10 membership, may authorize a person who is otherwise qualified to vote
11 in person to vote by absentee ballot if the board ~~determines~~ **finds both**
12 **of the following:**

13 (1) That the person has been hospitalized, **has been confined to**
14 **a health care facility**, or suffered an injury following the final
15 date and hour for applying for an absentee ballot.

16 (2) That **the person's hospitalization, confinement, or injury**
17 would prevent the person from voting in person at the polls.



1 (c) The commission, by unanimous vote of its entire membership,
 2 may authorize a person who is otherwise qualified to vote in person to
 3 vote by absentee ballot if the commission ~~determines~~ **finds** that an
 4 emergency, **other than a circumstance described in subsection (b)**,
 5 prevents the person from voting in person at a polling place.

6 (d) The absentee ballots used in subsection (b) or (c) must be the
 7 same official absentee ballots as described in section 12.5 of this
 8 chapter. Taking into consideration the amount of time remaining before
 9 the election, the **board or** commission shall determine whether the
 10 absentee ballots are transmitted to and from the voter by mail or
 11 personally delivered **as provided in IC 3-11-10-25**. An absentee ballot
 12 that is personally delivered shall comply with the requirements in
 13 sections 19, 20, and 21 of this chapter.

14 SECTION 2. IC 3-11-10-25, AS AMENDED BY P.L.169-2015,
 15 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2017]: Sec. 25. (a) A voter who:

17 (1) votes by absentee ballot because of:

18 (1) (A) illness, **confinement**, or injury;

19 (B) **an emergency determined under IC 3-11-4-1(c)**; or

20 (2) (C) caring for a confined person at a private residence; and

21 ~~who~~

22 (2) is within the county on election day;

23 may vote before an absentee voter board or by mail.

24 (b) If requested by a voter described in subsection (a) or by a voter
 25 with disabilities whose precinct is not accessible to voters with
 26 disabilities, an absentee voter board shall visit the voter's place of
 27 confinement, the residence of the voter with disabilities, or the private
 28 residence:

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

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

31 (3) on:

32 (A) any of the nineteen (19) days immediately before election
 33 day; **or**

34 (B) **election day, if the county election board or the**
 35 **commission makes findings under IC 3-11-4-1(b) or**
 36 **IC 3-11-4-1(c)**; and

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

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

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

42 (c) This subsection applies to a voter confined due to illness or



1 injury. An absentee voter board may not be denied access to the voter's
2 place of confinement if the board is present at the place of confinement
3 at a time:

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

5 (2) during the regular office hours of the circuit court clerk. A
6 person who knowingly violates this subsection commits
7 obstruction or interference with an election officer in the
8 discharge of the officer's duty, a violation of IC 3-14-3-4.

9 (d) The county election board, by unanimous vote of the board's
10 entire membership, may authorize an absentee voter board to visit a
11 voter who is confined due to illness or injury and will be outside the
12 county on election day in accordance with the procedures set forth in
13 subsection (b).

14 (e) As provided by 52 U.S.C. 21081, a voter casting an absentee
15 ballot under this section must be:

16 (1) permitted to verify in a private and independent manner the
17 votes selected by the voter before the ballot is cast and counted;

18 (2) provided with the opportunity to change the ballot or correct
19 any error in a private and independent manner before the ballot is
20 cast and counted, including the opportunity to receive a
21 replacement ballot if the voter is otherwise unable to change or
22 correct the ballot; and

23 (3) notified before the ballot is cast regarding the effect of casting
24 multiple votes for the office and provided an opportunity to
25 correct the ballot before the ballot is cast and counted.

26 (f) As provided by 52 U.S.C. 21081, when an absentee ballot is
27 provided under this section, the board must also provide the voter with:

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

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

32 (g) This subsection applies to a voter who applies to vote an
33 absentee ballot by mail. The county election board shall include a copy
34 of the Absentee Voter's Bill of Rights with any absentee ballot mailed
35 to the voter.

