

# HOUSE BILL No. 1150

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2; IC 3-11; IC 3-11.5-4; IC 3-12-3-5; IC 3-14-2-31; IC 35-51-3-2.

**Synopsis:** Various election law matters. Defines for purposes of Indiana election law "emergency first responder" to include a member of the military, a public safety officer, an employee of a public utility, or a physician with an unlimited license to practice medicine or osteopathic medicine. Permits an emergency first responder who is responding to an emergency declaration to apply for an absentee ballot by electronic mail or fax and receive absentee ballots by electronic mail or fax under stated conditions. Defines "false vote history communication" as a written communication sent to an individual that contains information about the individual's voting history that is false. Provides that a person who knowingly or intentionally sends a false vote history communication to five or more individuals commits a Level 6 felony.

**Effective:** July 1, 2014.

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## Bartlett

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January 13, 2014, read first time and referred to Committee on Elections and Apportionment.

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Second Regular Session 118th General Assembly (2014)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1150



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 3-5-2-21.1 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2014]: **Sec. 21.1. "Emergency declaration" refers to a**
- 4 **declaration:**
- 5 (1) **issued by:**
- 6 (A) **the President of the United States under federal law; or**
- 7 (B) **the governor under Indiana law; and**
- 8 (2) **that declares a state of emergency or disaster.**
- 9 SECTION 2. IC 3-5-2-21.3 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2014]: **Sec. 21.3. "Emergency first responder" refers to any of**
- 12 **the following:**
- 13 (1) **A member of the military or a public safety officer.**
- 14 (2) **An employee of a public utility (as defined in IC 8-1-2-1).**
- 15 (3) **A physician with an unlimited license to practice medicine**
- 16 **or osteopathic medicine.**



1 SECTION 3. IC 3-11-4-3, AS AMENDED BY P.L.219-2013,  
 2 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2014]: Sec. 3. (a) Except as provided in section 6 of this  
 4 chapter, an application for an absentee ballot must be received by the  
 5 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of  
 6 the board of elections and registration) not earlier than the date the  
 7 registration period resumes under IC 3-7-13-10 nor later than the  
 8 following:

9 (1) Noon on election day if the voter registers to vote under  
 10 IC 3-7-36-14.

11 (2) Noon on the day before election day if the voter:

12 (A) completes the application in the office of the circuit court  
 13 clerk under IC 3-11-10-26; ~~or~~

14 (B) is an absent uniformed services voter or overseas voter  
 15 who requests that the ballot be transmitted by electronic mail  
 16 or fax under section 6(h) of this chapter; **or**

17 **(C) is an emergency first responder who has applied for an**  
 18 **absentee ballot under section 6.3 of this chapter and**  
 19 **requests that the ballot be transmitted by fax or electronic**  
 20 **mail under section 6.3(e) of this chapter.**

21 (3) Noon on the day before election day if:

22 (A) the application is a mailed, transmitted by fax, or hand  
 23 delivered application from a confined voter or voter caring for  
 24 a confined person; and

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

28 (4) 11:59 p.m. on the eighth day before election day if the  
 29 application:

30 (A) is a mailed application;

31 (B) was transmitted by fax; or

32 (C) was hand delivered;

33 from other voters who request to vote by mail under  
 34 IC 3-11-10-24.

35 (b) An application for an absentee ballot received by the election  
 36 division by the time and date specified by subsection (a)(2)(B), (a)(3),  
 37 or (a)(4) is considered to have been timely received for purposes of  
 38 processing by the county. The election division shall immediately  
 39 transmit the application to the circuit court clerk, or the director of the  
 40 board of elections and registration, of the county where the applicant  
 41 resides. The election division is not required to complete or file the  
 42 affidavit required under section 2(h) of this chapter whenever the



1 election division transmits an application under this subsection.

2 SECTION 4. IC 3-11-4-4, AS AMENDED BY P.L.219-2013,  
3 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2014]: Sec. 4. (a) Applications may be made on application  
5 forms approved by the commission by any of the following means:

- 6 (1) In person.  
7 (2) By fax transmission.  
8 (3) By mail (including United States mail or bonded courier).  
9 (4) By electronic mail with a digital image of the application and  
10 signature of the applicant, if transmitted by:

11 (A) an absent uniformed services voter or an overseas voter  
12 acting under section 6 of this chapter; **or**

13 **(B) an emergency first responder acting under section 6.3**  
14 **of this chapter.**

15 (b) Application forms shall:

16 (1) be furnished to a central committee of the county at the  
17 request of the central committee;

18 (2) be:

- 19 (A) mailed;  
20 (B) transmitted by fax; or  
21 (C) transmitted by electronic mail with a digital image of the  
22 application;

23 upon request, to a voter applying by mail, by telephone, by  
24 electronic mail, or by fax; and

25 (3) be delivered to a voter in person who applies at the circuit  
26 court clerk's office.

27 (c) A county election board shall accept an application for an  
28 absentee ballot transmitted by fax even though the application is  
29 delivered to the county election board by a person other than the person  
30 submitting the application.

31 (d) When an application is received under subsection (a)(4), the  
32 circuit court clerk's office (or, in a county subject to IC 3-6-5.2 or  
33 IC 3-6-5.4, the office of the board of elections and registration) shall  
34 send an electronic mail receipt acknowledging receipt of the voter's  
35 application.

36 SECTION 5. IC 3-11-4-6.3 IS ADDED TO THE INDIANA CODE  
37 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
38 1, 2014]: **Sec. 6.3. (a) An emergency first responder may apply to**  
39 **vote by absentee ballot under this section.**

40 **(b) An absentee ballot application for an emergency first**  
41 **responder must, in addition to the information required by the**  
42 **commission under section 5.1 of this chapter, contain the following**



- 1 information:
- 2 (1) A statement that the applicant is an emergency first
- 3 responder.
- 4 (2) A statement that the applicant has been assigned to
- 5 respond to an emergency under an emergency declaration.
- 6 (3) The location of the applicant's assignment.
- 7 (4) A statement that the applicant's assignment was made
- 8 within eight (8) days before the election for which the
- 9 applicant is applying for an absentee ballot.
- 10 (5) Whether the applicant wants to receive absentee ballots by
- 11 electronic mail or by fax.
- 12 (c) The election division and county election boards shall make
- 13 blank absentee ballot forms available online.
- 14 (d) If the county election board receives an absentee ballot
- 15 application from an emergency first responder, the circuit court
- 16 clerk shall mail to the person, free of postage as provided by 39
- 17 U.S.C. 3406, all ballots for the election, unless the individual has
- 18 indicated under subsection (e) that the person wishes to receive the
- 19 absentee ballot by electronic mail or fax.
- 20 (e) The county election board shall by fax or electronic mail
- 21 transmit an absentee ballot to and receive an absentee ballot from
- 22 an emergency first responder by fax or electronic mail at the
- 23 request of the voter indicated in the application filed under this
- 24 section. If the voter wants to submit absentee ballots by fax or
- 25 electronic mail, the voter must separately sign and date a statement
- 26 submitted with the fax or electronic mail transmission that states
- 27 substantively the following: "I understand that by faxing or
- 28 e-mailing my voted ballot I am voluntarily waiving my right to a
- 29 secret ballot."
- 30 (f) The county election board shall send confirmation to a voter
- 31 described in subsection (e) that the voter's absentee ballot has been
- 32 received as follows:
- 33 (1) If the voter provides a fax number to which a confirmation
- 34 may be sent, the county election board shall send the
- 35 confirmation to the voter at the fax number provided by the
- 36 voter.
- 37 (2) If the voter provides an electronic mail address to which
- 38 a confirmation may be sent, the county election board shall
- 39 send the confirmation to the voter at the electronic mail
- 40 address provided by the voter.
- 41 (3) If:
- 42 (A) the voter does not provide a fax number or an



1           electronic mail address; or  
 2           **(B) the fax number or electronic mail address provided**  
 3           **does not permit the county election board to send the**  
 4           **confirmation not later than the end of the first business**  
 5           **day after the county election board receives the voter's**  
 6           **absentee ballot;**  
 7           **the county election board shall send the confirmation by**  
 8           **United States mail.**

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

12          **(g) A county election board may transmit an absentee ballot to**  
 13          **an emergency first responder directly to the voter at the voter's**  
 14          **electronic mail address, if requested to do so by the voter. A voter**  
 15          **described by this section may transmit the voted absentee ballot to**  
 16          **a county election board by electronic mail. An electronic mail**  
 17          **message transmitting a voted absentee ballot under this subsection**  
 18          **must include an optically scanned image of the voter's signature on**  
 19          **the statement required under subsection (e).**

20          SECTION 6. IC 3-11-4-7 IS AMENDED TO READ AS FOLLOWS  
 21          [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) An absentee ballot  
 22          application under section 6 of this chapter must be made on a standard  
 23          form approved under 42 U.S.C. 1973ff(b) or on the form prescribed by  
 24          the commission under section 5.1 of this chapter. **An absentee ballot**  
 25          **application under section 6.3 of this chapter must be made on a**  
 26          **standard form prescribed by the commission under section 5.1 of**  
 27          **this chapter.**

28          (b) An absentee ballot application under section 6 of this chapter  
 29          from an:

- 30               (1) absent uniformed services voter; or  
 31               (2) address confidentiality program participant (as defined in  
 32               IC 5-26.5-1-6);

33          must show that the voter or program participant is a resident otherwise  
 34          qualified to vote in the precinct. **An absentee ballot application under**  
 35          **section 6.3 of this chapter from an emergency first responder must**  
 36          **show that the first responder is a resident otherwise qualified to**  
 37          **vote in the precinct.**

38          (c) An absentee ballot application under section 6 of this chapter  
 39          from an overseas voter must show that the overseas voter was a  
 40          resident and otherwise qualified to vote in the precinct where the voter  
 41          resided before leaving the United States.

42          SECTION 7. IC 3-11-10-1, AS AMENDED BY P.L.198-2005,



1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 1. (a) A voter voting by absentee ballot shall make  
3 and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter  
4 then shall, except as provided in subsection (b), do the following:

- 5 (1) Mark the ballot in the presence of no other person.  
6 (2) Fold each ballot separately.  
7 (3) Fold each ballot so as to conceal the marking.  
8 (4) Enclose each ballot, with the seal and signature of the circuit  
9 court clerk on the outside, together with any unused ballot, in the  
10 envelope provided.  
11 (5) Securely seal the envelope.  
12 (6) Do one (1) of the following:  
13 (A) Mail the envelope to the county election board, with not  
14 more than one (1) ballot per envelope.  
15 (B) Deliver the envelope to the county election board in  
16 person.  
17 (C) Deliver the envelope to a member of the voter's household  
18 or a person designated as the attorney in fact for the voter  
19 under IC 30-5 for delivery to the county election board:  
20 (i) in person;  
21 (ii) by United States mail; or  
22 (iii) by a bonded courier company.

23 (b) A voter permitted to transmit the voter's absentee ballots by fax  
24 or electronic mail under IC 3-11-4-6 or **IC 3-11-4-6.3** is not required  
25 to comply with subsection (a). The individual designated by the circuit  
26 court clerk to receive absentee ballots transmitted by fax or electronic  
27 mail shall do the following upon receipt of an absentee ballot  
28 transmitted by fax:

- 29 (1) Note the receipt of the absentee ballot in the records of the  
30 circuit court clerk as other absentee ballots received by the circuit  
31 court clerk are noted.  
32 (2) Fold each ballot received from the voter separately so as to  
33 conceal the marking.  
34 (3) Enclose each ballot in a blank absentee ballot envelope.  
35 (4) Securely seal the envelope.  
36 (5) Mark on the envelope: "Absentee Ballot Received by Fax or  
37 Electronic Mail".  
38 (6) Securely attach to the envelope the faxed affidavit received  
39 with the voter's absentee ballots.

40 (c) Except as otherwise provided in this title, absentee ballots  
41 received by fax or electronic mail shall be handled and processed as  
42 other absentee ballots received by the circuit court clerk are handled



1 and processed.

2 SECTION 8. IC 3-11-10-4, AS AMENDED BY P.L.198-2005,  
3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2014]: Sec. 4. (a) Upon receipt of an absentee ballot, a county  
5 election board (or the absentee voter board in the office of the circuit  
6 court clerk) shall immediately examine the signature of the absentee  
7 voter to determine its genuineness.

8 (b) This subsection does not apply to an absentee ballot cast by a  
9 voter permitted to transmit the voter's absentee ballots by fax or  
10 electronic mail under IC 3-11-4-6 or **IC 3-11-4-6.3**. The board shall  
11 compare the signature as it appears upon the envelope containing the  
12 absentee ballot with the signature of the voter as it appears upon the  
13 application for the absentee ballot. The board may also compare the  
14 signature on the ballot envelope with any other admittedly genuine  
15 signature of the voter.

16 (c) This subsection applies to an absentee ballot cast by a voter  
17 permitted to transmit the voter's absentee ballots by fax or electronic  
18 mail under IC 3-11-4-6 or **IC 3-11-4-6.3**. The board shall compare the  
19 signature as it appears on the affidavit transmitted with the voter's  
20 absentee ballot to the voter's signature as it appears on the application  
21 for the absentee ballot. The board may also compare the signature on  
22 the affidavit with any other admittedly genuine signature of the voter.

23 (d) If a member of the absentee voter board questions whether a  
24 signature on a ballot envelope or transmitted affidavit is genuine, the  
25 matter shall be referred to the county election board for consideration  
26 under section 5 of this chapter.

27 SECTION 9. IC 3-11-10-14, AS AMENDED BY P.L.219-2013,  
28 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2014]: Sec. 14. Subject to IC 3-10-8-7.5 and section 11 of this  
30 chapter, absentee ballots received by mail (or by fax or electronic mail  
31 under IC 3-11-4-6 or **IC 3-11-4-6.3**) after the county election board has  
32 started the final delivery of the ballots to the precincts on election day  
33 are considered as arriving too late and need not be delivered to the  
34 polls.

35 SECTION 10. IC 3-11-10-17, AS AMENDED BY P.L.194-2013,  
36 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2014]: Sec. 17. (a) If the inspector finds under section 15 of  
38 this chapter that any of the following applies, a ballot may not be  
39 accepted or counted:

40 (1) The affidavit is insufficient or the ballot has not been endorsed  
41 with the initials of:

42 (A) the two (2) members of the absentee voter board in the





- 1 office of the circuit court clerk under IC 3-11-4-19 or section  
 2 27 of this chapter;
- 3 (B) the two (2) members of the absentee voter board visiting  
 4 the voter under section 25(b) of this chapter; or
- 5 (C) the two (2) appointed members of the county election  
 6 board or their designated representatives under IC 3-11-4-19.
- 7 (2) A copy of the voter's signature has been furnished to the  
 8 precinct election board and that the signatures do not correspond  
 9 or there is no signature.
- 10 (3) The absentee voter is not a qualified voter in the precinct.
- 11 (4) The absentee voter has not registered.
- 12 (5) The ballot is open or has been opened and resealed. This  
 13 subdivision does not permit an absentee ballot transmitted by fax  
 14 or electronic mail under IC 3-11-4-6 or **IC 3-11-4-6.3** to be  
 15 rejected because the ballot was sealed in the absentee ballot  
 16 envelope by the individual designated by the circuit court to  
 17 receive absentee ballots transmitted by fax or electronic mail.
- 18 (6) The ballot envelope contains more than one (1) ballot of any  
 19 kind for the same office or public question.
- 20 (7) In the case of a primary election, if the absentee voter has not  
 21 previously voted, the voter failed to execute the proper  
 22 declaration relative to age and qualifications and the political  
 23 party with which the voter intends to affiliate.
- 24 (8) The ballot has been challenged and there is no absentee ballot  
 25 application from the voter to support the absentee ballot.
- 26 (b) Subsection (c) applies whenever a voter with a disability is  
 27 unable to make a signature:
- 28 (1) on an absentee ballot application that corresponds to the  
 29 voter's signature in the records of the county voter registration  
 30 office; or
- 31 (2) on an absentee ballot secrecy envelope that corresponds with  
 32 the voter's signature:
- 33 (A) in the records of the county voter registration office; or
- 34 (B) on the absentee ballot application.
- 35 (c) The voter may request that the voter's signature or mark be  
 36 attested to by:
- 37 (1) the absentee voter board under section 25(b) of this chapter;
- 38 (2) a member of the voter's household; or
- 39 (3) an individual serving as attorney in fact for the voter.
- 40 (d) An attestation under subsection (c) provides an adequate basis  
 41 for an inspector to determine that a signature or mark complies with  
 42 subsection (a)(2).



1 SECTION 11. IC 3-11-10-24, AS AMENDED BY P.L.225-2011,  
 2 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2014]: Sec. 24. (a) Except as provided in subsection (b), a  
 4 voter who satisfies any of the following is entitled to vote by mail:

5 (1) The voter has a specific, reasonable expectation of being  
 6 absent from the county on election day during the entire twelve  
 7 (12) hours that the polls are open.

8 (2) The voter will be absent from the precinct of the voter's  
 9 residence on election day because of service as:

10 (A) a precinct election officer under IC 3-6-6;

11 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

12 (C) a challenger or pollbook holder under IC 3-6-7; or

13 (D) a person employed by an election board to administer the  
 14 election for which the absentee ballot is requested.

15 (3) The voter will be confined on election day to the voter's  
 16 residence, to a health care facility, or to a hospital because of an  
 17 illness or injury during the entire twelve (12) hours that the polls  
 18 are open.

19 (4) The voter is a voter with disabilities.

20 (5) The voter is an elderly voter.

21 (6) The voter is prevented from voting due to the voter's care of  
 22 an individual confined to a private residence because of illness or  
 23 injury during the entire twelve (12) hours that the polls are open.

24 (7) The voter is scheduled to work at the person's regular place of  
 25 employment during the entire twelve (12) hours that the polls are  
 26 open.

27 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

28 (9) The voter is prevented from voting due to observance of a  
 29 religious discipline or religious holiday during the entire twelve  
 30 (12) hours that the polls are open.

31 (10) The voter is an address confidentiality program participant  
 32 (as defined in IC 5-26.5-1-6).

33 (11) The voter is a ~~member of the military or public safety officer:~~  
 34 **an emergency first responder.**

35 (b) A voter with disabilities who:

36 (1) is unable to make a voting mark on the ballot or sign the  
 37 absentee ballot secrecy envelope; and

38 (2) requests that the absentee ballot be delivered to an address  
 39 within Indiana;

40 must vote before an absentee voter board under section 25(b) of this  
 41 chapter.

42 (c) If a voter receives an absentee ballot by mail, the voter shall



1 personally mark the ballot in secret and seal the marked ballot inside  
 2 the envelope provided by the county election board for that purpose.

3 The voter shall:

4 (1) deposit the sealed envelope in the United States mail for  
 5 delivery to the county election board; or

6 (2) authorize a member of the voter's household or the individual  
 7 designated as the voter's attorney in fact to:

8 (A) deposit the sealed envelope in the United States mail; or

9 (B) deliver the sealed envelope in person to the county  
 10 election board.

11 (d) If a member of the voter's household or the voter's attorney in  
 12 fact delivers the sealed envelope containing a voter's absentee ballot to  
 13 the county election board, the individual delivering the ballot shall  
 14 complete an affidavit in a form prescribed by the commission. The  
 15 affidavit must contain the following information:

16 (1) The name and residence address of the voter whose absentee  
 17 ballot is being delivered.

18 (2) A statement of the full name, residence and mailing address,  
 19 and daytime and evening telephone numbers (if any) of the  
 20 individual delivering the absentee ballot.

21 (3) A statement indicating whether the individual delivering the  
 22 absentee ballot is a member of the voter's household or is the  
 23 attorney in fact for the voter. If the individual is the attorney in  
 24 fact for the voter, the individual must attach a copy of the power  
 25 of attorney for the voter, unless a copy of this document has  
 26 already been filed with the county election board.

27 (4) The date and location at which the absentee ballot was  
 28 delivered by the voter to the individual delivering the ballot to the  
 29 county election board.

30 (5) A statement that the individual delivering the absentee ballot  
 31 has complied with Indiana laws governing absentee ballots.

32 (6) A statement that the individual delivering the absentee ballot  
 33 is executing the affidavit under the penalties of perjury.

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

35 (e) The county election board shall record the date and time that the  
 36 affidavit under subsection (d) was filed with the board.

37 (f) After a voter has mailed or delivered an absentee ballot to the  
 38 office of the circuit court clerk, the voter may not recast a ballot, except  
 39 as provided in section 1.5 of this chapter.

40 SECTION 12. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005,  
 41 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2014]: Sec. 10. Subject to section 7 of this chapter, absentee



1 ballots received by mail (or by fax or electronic mail under IC 3-11-4-6  
2 **or IC 3-11-4-6.3**) after noon on election day are considered as arriving  
3 too late and may not be counted.

4 SECTION 13. IC 3-11.5-4-13, AS AMENDED BY P.L.194-2013,  
5 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2014]: Sec. 13. (a) If the absentee ballot counters find under  
7 section 11 of this chapter that any of the following applies, the ballots  
8 shall be rejected:

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

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

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

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

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

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

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

21 (5) The absentee voter has not registered.

22 (6) The ballot is open or has been opened and resealed. This  
23 subdivision does not permit an absentee ballot transmitted by fax  
24 or electronic mail under IC 3-11-4-6 **or IC 3-11-4-6.3** to be  
25 rejected because the ballot was sealed in the absentee ballot  
26 envelope by the individual designated by the circuit court to  
27 receive absentee ballots transmitted by fax or electronic mail.

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

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

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

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

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

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



- 1 (A) in the records of the county voter registration office; or  
 2 (B) on the absentee ballot application.
- 3 (c) The voter may request that the voter's signature or mark be  
 4 attested to by any of the following:
- 5 (1) The absentee voter board under section 22 of this chapter.  
 6 (2) A member of the voter's household.  
 7 (3) An individual serving as attorney in fact for the voter.
- 8 (d) An attestation under subsection (c) provides an adequate basis  
 9 for the absentee ballot counters to determine that a signature or mark  
 10 complies with subsection (a)(2).
- 11 (e) If the absentee ballot counters are unable to agree on a finding  
 12 described under this section or section 12 of this chapter, the county  
 13 election board shall make the finding.
- 14 (f) The absentee ballot counters or county election board shall issue  
 15 a certificate to a voter whose ballot has been rejected under this section  
 16 if the voter appears in person before the board not later than 5 p.m. on  
 17 election day. The certificate must state that the voter's absentee ballot  
 18 has been rejected and that the voter may vote in person under section  
 19 21 of this chapter if otherwise qualified to vote.
- 20 SECTION 14. IC 3-12-3-5, AS AMENDED BY P.L.194-2013,  
 21 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2014]: Sec. 5. (a) If a ballot card is damaged or defective so  
 23 that it cannot properly be counted by the automatic tabulating  
 24 machines, then a remake team composed of one (1) person from each  
 25 of the major political parties of the county shall have the card prepared  
 26 for processing so as to record accurately the intention of the voter  
 27 insofar as it can be ascertained.
- 28 (b) If the ballot card voting system is designed to allow the counting  
 29 and tabulation of votes by the precinct election board, the members of  
 30 the remake team must be members of the precinct election board in  
 31 which the ballot was cast. If a county provides for the counting and  
 32 tabulation of ballot card voting systems in a central location, the  
 33 members of the remake team shall be appointed by the county election  
 34 board.
- 35 (c) If necessary, a true, duplicate copy shall be made of the damaged  
 36 ballot card in the presence of witnesses and substituted for the damaged  
 37 card. Similarly, a duplicate ballot card shall be made of a defective  
 38 card, not including the uncounted votes.
- 39 (d) This subsection applies to:  
 40 (1) an absent uniformed services voter or overseas voter permitted  
 41 to transmit an absentee ballot by fax or electronic mail under  
 42 IC 3-11-4-6; or



1           **(2) an emergency first responder permitted to transmit an**  
 2           **absentee ballot by fax or electronic mail under IC 3-11-4-6.3.**

3 To facilitate the transmittal and return of the voter's absentee ballot by  
 4 fax or electronic mail, the county election board may provide the voter  
 5 with a paper ballot rather than a ballot card. The paper ballot must  
 6 conform with the requirements for paper ballots set forth in IC 3-10 and  
 7 IC 3-11. After the voter returns the ballot by fax or electronic mail, a  
 8 remake team appointed by the county election board under this section  
 9 shall prepare a ballot card for processing that accurately records the  
 10 intention of the voter as indicated on the paper ballot. The ballot card  
 11 created under this subsection must be marked and counted as a  
 12 duplicate ballot under sections 6 through 7 of this chapter.

13           (e) If an automatic tabulating machine fails during the counting and  
 14 tabulation of votes following the close of the polls, the county election  
 15 board shall immediately arrange for the repair and proper functioning  
 16 of the system. The county election board may, by unanimous vote of its  
 17 entire membership, authorize the counting and tabulation of votes for  
 18 this election on an automatic tabulating machine approved for use in  
 19 Indiana by the commission:

20           (1) until the repair and retesting of the malfunctioning machine;  
 21           and

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

23           SECTION 15. IC 3-14-2-31 IS ADDED TO THE INDIANA CODE  
 24 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 25 1, 2014]: **Sec. 31. (a) As used in this section, "false vote history**  
 26 **communication" means a written communication sent to an**  
 27 **individual that contains information about the individual's or**  
 28 **another individual's voting history that is false.**

29           **(b) As used in this section, "multiple" means five (5) or more.**

30           **(c) A person who knowingly or intentionally sends a false vote**  
 31 **history communication to multiple individuals commits a Level 6**  
 32 **felony.**

33           SECTION 16. IC 35-51-3-2, AS ADDED BY P.L.258-2013,  
 34 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2014]: Sec. 2. The following statutes define crimes in  
 36 IC 3-14-2:

37           IC 3-14-2-1 (Concerning ~~voting~~): **vote fraud**).

38           IC 3-14-2-2 (Concerning ~~voting~~): **vote fraud**).

39           IC 3-14-2-2.5 (Concerning ~~voting~~): **vote fraud**).

40           IC 3-14-2-3 (Concerning ~~voting~~): **vote fraud**).

41           IC 3-14-2-4 (Concerning ~~voting~~): **vote fraud**).

42           IC 3-14-2-5 (Concerning ~~voting~~): **vote fraud**).



- 1 IC 3-14-2-6 (Concerning ~~voting~~): **vote fraud**).
- 2 IC 3-14-2-7 (Concerning ~~voting~~): **vote fraud**).
- 3 IC 3-14-2-8 (Concerning ~~voting~~): **vote fraud**).
- 4 IC 3-14-2-9 (Concerning ~~voting~~): **vote fraud**).
- 5 IC 3-14-2-10 (Concerning ~~voting~~): **vote fraud**).
- 6 IC 3-14-2-11 (Concerning ~~voting~~): **vote fraud**).
- 7 IC 3-14-2-12 (Concerning ~~voting~~): **vote fraud**).
- 8 IC 3-14-2-13 (Concerning ~~voting~~): **vote fraud**).
- 9 IC 3-14-2-14 (Concerning ~~voting~~): **vote fraud**).
- 10 IC 3-14-2-15 (Concerning ~~voting~~): **vote fraud**).
- 11 IC 3-14-2-16 (Concerning ~~voting~~): **vote fraud**).
- 12 IC 3-14-2-17 (Concerning ~~voting~~): **vote fraud**).
- 13 IC 3-14-2-18 (Concerning ~~voting~~): **vote fraud**).
- 14 IC 3-14-2-19 (Concerning ~~voting~~): **vote fraud**).
- 15 IC 3-14-2-20 (Concerning ~~voting~~): **vote fraud**).
- 16 IC 3-14-2-21 (Concerning ~~voting~~): **vote fraud**).
- 17 IC 3-14-2-22 (Concerning ~~voting~~): **vote fraud**).
- 18 IC 3-14-2-23 (Concerning ~~voting~~): **vote fraud**).
- 19 IC 3-14-2-24 (Concerning ~~voting~~): **vote fraud**).
- 20 IC 3-14-2-25 (Concerning ~~voting~~): **vote fraud**).
- 21 IC 3-14-2-26 (Concerning ~~voting~~): **vote fraud**).
- 22 IC 3-14-2-27 (Concerning ~~voting~~): **vote fraud**).
- 23 IC 3-14-2-28 (Concerning ~~voting~~): **vote fraud**).
- 24 IC 3-14-2-29 (Concerning ~~voting~~): **vote fraud**).
- 25 IC 3-14-2-30 (Concerning ~~voting~~): **vote fraud**).
- 26 **IC 3-14-2-31 (Concerning vote fraud).**

