

HOUSE BILL No. 1154

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-11-2-17; IC 3-11.5.

Synopsis: Processing, counting, and tabulating ballots. Establishes definitions in election law relating to processing, counting, and tabulating ballots. Defines the process for retracting ballots. Provides that each paper ballot that is to be read by a machine must be marked with a code that permits the votes associated on the ballot to be retracted if a county's voting system has an approved feature that is able to retract a ballot. Provides that a voter who votes on a ballot that is to be scanned by a machine, whether the voter votes on election day or votes early, shall be permitted to place the voter's ballot into the ballot reading machine under the supervision of the precinct election board or the county election board. Provides that absentee ballots may not be tabulated before 6 p.m. on election day. Makes other changes to the statute describing the counting of absentee ballots to conform with these changes.

Effective: July 1, 2023.

Clere, Engleman, Fleming

January 10, 2023, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1154

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 3-5-2-15.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 15.5. "Counted" means, with respect to a ballot, that**
4 **the ballot has been processed and scanned, but before ballots have**
5 **been tabulated.**

6 SECTION 2. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2023]: **Sec. 40.4. "Processed" means, with respect to a ballot, the**
9 **procedure that this title requires to be completed before the ballot**
10 **may be counted or tabulated.**

11 SECTION 3. IC 3-5-2-42.7 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2023]: **Sec. 42.7. "Retracted" means, with respect to a ballot, the**
14 **removal of the votes on the ballot from the memory or the**
15 **document onto which the votes were recorded.**

16 SECTION 4. IC 3-5-2-43.5 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2023]: **Sec. 43.5. "Scanned" means, with respect to a ballot, the following:**

(1) Recording the votes on a processed ballot in the electronic memory of a machine that reads the votes on the ballot.

(2) If a machine does not record the votes on a ballot, recording the votes on the processed ballot on a physical, separate document other than an electronic document.

The term does not include tabulation of ballots.

SECTION 5. IC 3-5-2-48.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 48.3. "Tabulated" means, with respect to ballots, the process of cumulating into totals the votes on the ballots in a precinct, a county, or the election district for each office and each public question on the ballot in the precinct, county, or election district.**

SECTION 6. IC 3-11-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 17. (a) This section applies only to a paper ballot that is to be scanned by machine.**

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

(1) A serial number.

(2) A scannable bar code or QR code.

(c) If a county's voting system has a feature approved under this title that is able to retract a ballot, each ballot must be marked with a code that permits the ballot to be retracted.

(d) A voter, whether the voter votes on election day or votes early under IC 3-11-10-26, shall be permitted to place the voter's ballot into the machine that reads ballots under the supervision of the precinct election board or the county election board.

(e) This subsection applies if a county's voting system does not have an approved feature enabling retraction of a ballot. After a voter places the voter's ballot into the machine that reads ballots under subsection (d), the voter's ballot shall be placed in a sealed envelope to be processed under IC 3-11.5.

SECTION 7. IC 3-11.5-4-10, AS AMENDED BY P.L.109-2021, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 10. (a) This subsection applies to a county that: if all of the following apply to the county:**

(1) The county uses a paper list of voters provided under IC 3-7-29-2.

(2) The county has not adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1). and



1 (3) **The county** is not a vote center county under IC 3-11-18.1.
 2 Subject to IC 3-10-8-7.5, IC 3-12-1-17, and section 7 of this chapter,
 3 absentee ballots received by mail (or by fax or electronic mail under
 4 IC 3-11-4-6) after 6 p.m. on election day are considered as arriving too
 5 late and may not be counted **or tabulated.**

6 (b) This subsection applies to a county described in subsection (a).
 7 An absentee ballot that is returned to the county election board between
 8 noon and 6 p.m. on election day may not be ~~reviewed or processed~~ **or**
 9 counted under this article until all of the following have occurred:

10 (1) The polls in each precinct have closed.

11 (2) The poll list for the precinct with an absentee ballot that has
 12 not been counted has been returned to the county election board.

13 (3) The county election board confirms whether the voter cast a
 14 ballot at the polls on election day.

15 (c) This subsection applies to a county ~~that:~~ **if the county uses**
 16 **electronic poll books.**

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

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

20 Subject to IC 3-10-8-7.5 and IC 3-12-1-17, absentee ballots received
 21 by mail or by fax or electronic mail under IC 3-11-4 after 6 p.m. on
 22 election day are considered as arriving too late and may not be counted
 23 **or tabulated.**

24 SECTION 8. IC 3-11.5-4-11, AS AMENDED BY P.L.109-2021,
 25 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2023]: Sec. 11. (a) Upon receipt of the absentee ballot and not
 27 later than election day, the county election board shall examine the
 28 signature on the absentee ballot.

29 (b) This subsection applies to a county that ~~has not adopted an order~~
 30 ~~to use an electronic poll book under IC 3-7-29-6(a)(1) or is a vote~~
 31 ~~center county under IC 3-11-18.1.~~ **does not use electronic poll books.**
 32 Except as provided in subsection (c), (d), or (e), at any time after the
 33 couriers return the certificate under section 9 of this chapter, absentee
 34 ballot counters appointed under section 22 of this chapter, in the
 35 presence of the county election board, shall, except for a ballot rejected
 36 under section 13 of this chapter **do all of the following:**

37 (1) Open the outer or carrier envelope containing an absentee
 38 ballot envelope and application.

39 (2) Announce the absentee voter's name. ~~and~~

40 (3) Compare the signature upon the ballot application or, if there
 41 is no application, ~~with the signature on the electronic poll book~~
 42 with the signature upon the:



- 1 (A) voter's absentee ballot envelope; or
 2 (B) if there is no envelope, computerized list.
- 3 (c) This subsection applies to a county (other than a county
 4 described in subsection (d) or (e)) that
 5 (1) has adopted an order to use an electronic poll book under
 6 IC 3-7-29-6(a)(1); or
 7 (2) is a vote center county under IC 3-11-18.1;
 8 **uses electronic poll books** and has not updated the computerized list
 9 to reflect absentee ballots received on election day. Immediately after
 10 the electronic poll books used at each polling place or vote center have
 11 been updated to indicate that the county received, not later than noon
 12 on election day, an absentee ballot from a voter, the absentee ballot
 13 counters shall, in a central counting location designated by the county
 14 election board, count the absentee ballot. ~~votes cast for each candidate~~
 15 ~~for each office and on each public question in the precinct.~~
- 16 (d) This subsection applies to a county having a consolidated city,
 17 if the county
 18 (1) has adopted an order to use an electronic poll book under
 19 IC 3-7-29-6(a)(1); or
 20 (2) is a vote center county under IC 3-11-18.1.
 21 **uses electronic poll books.** After ~~the receipt receiving~~ and processing
 22 ~~required under sections 12 and 12.5 of this chapter to process~~ an
 23 absentee ballot from a voter and after ensuring that the electronic poll
 24 books used in each polling place or vote center have been updated to
 25 reflect all absentee ballots received by the county not later than 12:01
 26 a.m. on election day, the absentee ballot counters shall, at any time
 27 after 6:00 a.m. on election day, in a central counting location
 28 designated by the county election board, count the absentee ballot.
 29 ~~votes cast for each candidate; for each office; and on each public~~
 30 ~~question.~~
- 31 (e) This subsection applies to a county other than a county having
 32 a consolidated city, if the county election board has adopted a
 33 resolution by the unanimous vote of the entire membership of the board
 34 to use procedures set forth in this subsection, and the county
 35 (1) has adopted an order to use an electronic poll book under
 36 IC 3-7-29-6(a)(1); or
 37 (2) is a vote center county under IC 3-11-18.1.
 38 **uses electronic poll books.** After ~~the receipt receiving~~ and processing
 39 ~~required under section 12 of this chapter to process~~ an absentee ballot
 40 from a voter and after ensuring that the electronic poll books used in
 41 each polling place or vote center have been updated to reflect all
 42 absentee ballots received by the county not later than 12:01 a.m. on



1 election day, the absentee ballot counters shall, at any time after 6:00
 2 a.m. on election day, in a central counting location designated by the
 3 county election board, count the absentee ballot. ~~votes cast for each~~
 4 ~~candidate, for each office, and on each public question.~~

5 (f) A resolution adopted under subsection (e) may be repealed or
 6 amended only by the unanimous vote of the entire membership of the
 7 county election board.

8 **(g) Absentee ballots may not be tabulated before 6 p.m. on**
 9 **election day.**

10 SECTION 9. IC 3-11.5-4-11.3 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2023]: **Sec. 11.3. (a) This section describes**
 13 **the actions for processing an absentee ballot in a county to which**
 14 **section 11.5 of this chapter applies.**

15 **(b) A team of absentee ballot counters shall do the following:**

16 **(1) Conduct a review of the absentee ballot required by**
 17 **section 12(a) through 12(c) of this chapter. Section 12(e) and**
 18 **12(f) of this chapter apply to this review.**

19 **(2) Determine in accordance with section 13 of this chapter**
 20 **whether the absentee ballot must be rejected.**

21 **(3) Open the envelope containing the absentee ballot in a**
 22 **manner that does not deface or destroy the affidavit and take**
 23 **out each ballot enclosed without unfolding or permitting the**
 24 **ballot to be unfolded or examined.**

25 **(4) Determine if the absentee ballot has been endorsed with**
 26 **the initials of:**

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

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

32 **(C) the two (2) appointed members of the county election**
 33 **board or the members' designated representatives under**
 34 **IC 3-11-4-19.**

35 **(c) If the team of absentee ballot counters determines the**
 36 **absentee ballot can be counted under this chapter, the absentee**
 37 **ballot must be stored in an envelope or container kept for ballots**
 38 **of the same precinct. The envelope or container must:**

39 **(1) have the name of the precinct written on the envelope or**
 40 **container; and**

41 **(2) be stored in a secure manner under a dual lock controlled**
 42 **by both appointed members of the county election board.**



1 **(d) A member of the county election board may challenge a**
 2 **voter under section 15(c) of this chapter when a team of absentee**
 3 **ballot counters is processing an absentee ballot under this section.**

4 SECTION 10. IC 3-11.5-4-11.5, AS ADDED BY P.L.108-2021,
 5 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2023]: Sec. 11.5. (a) This section applies to a county if the
 7 county election board has adopted a resolution by the unanimous vote
 8 of the entire membership of the board to use the procedures set forth in
 9 this section, and the county

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

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

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

13 **uses electronic poll books.**

14 (b) Absentee ballot counters appointed under section 22 of this
 15 chapter shall, in the presence of the county election board, process an
 16 absentee ballot of a voter as follows:

17 (1) Beginning at noon, three (3) days before ~~the~~ election **day** for
 18 any absentee ballot that has been received by the county election
 19 board not later than noon, four (4) days before ~~the~~ election **day**.

20 (2) Beginning at noon, two (2) days before ~~the~~ election **day** for
 21 any absentee ballot that has been received by the county election
 22 board any time after noon, four (4) days before ~~the~~ election **day**
 23 and not later than noon, three (3) days before ~~the~~ election **day**.

24 (3) Beginning at noon, the day before ~~the~~ election **day** for any
 25 absentee ballot that has been received by the county election
 26 board any time after noon, three (3) days before ~~the~~ election **day**
 27 and not later than noon, two (2) days before ~~the~~ election **day**.

28 (c) ~~A team of absentee ballot counters shall do all of the following:~~

29 (1) ~~Conduct a review of the absentee ballot required by section~~
 30 ~~12(a) through 12(e) of this chapter. Section 12(e) and 12(f) of this~~
 31 ~~chapter apply to this subdivision.~~

32 (2) ~~Determine in accordance with section 13 of this chapter if the~~
 33 ~~absentee ballot cannot be counted.~~

34 (3) ~~Open the envelope containing the absentee ballot in a manner~~
 35 ~~that does not deface or destroy the affidavit and take out each~~
 36 ~~ballot enclosed without unfolding or permitting the ballot to be~~
 37 ~~unfolded or examined.~~

38 (4) ~~Determine if the absentee ballot has been endorsed with the~~
 39 ~~initials of:~~

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



- 1 (B) the two (2) members of the absentee voter board visiting
2 the voter under IC 3-11-10-25; or
3 (C) the two (2) appointed members of the county election
4 board or the members' designated representatives under
5 IC 3-11-4-19.
- 6 (d) If the team of absentee ballot counters determines the absentee
7 ballot can be counted under this chapter, the absentee ballot must be
8 stored in an envelope or container kept for ballots of the same precinct.
9 The envelope or container must:
- 10 (1) have the name of the precinct written on the envelope or
11 container; and
12 (2) be stored in a secure manner under dual lock controlled by
13 both appointed members of the county election board.
- 14 (e) (c) An absentee ballot ~~determined~~ **permitted** to be counted
15 under this section shall be **counted and** tabulated according to this
16 article. ~~on election day in accordance with section 11 of this chapter.~~
- 17 (f) A member of the county election board may challenge a voter
18 under section 15(c) of this chapter when a team of absentee ballot
19 counters is processing an absentee ballot under this section.
- 20 SECTION 11. IC 3-11.5-4-12.5, AS AMENDED BY P.L.109-2021,
21 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2023]: Sec. 12.5. (a) Notwithstanding section 12(b) of this
23 chapter and subject to subsection (b), absentee ballot envelopes may be
24 opened by machine instead of by the absentee ballot counters. For
25 purposes of certification of voting systems under this article, a
26 machine, the only function of which is the opening of envelopes, is not
27 considered to be a voting system or part of a voting system.
- 28 (b) After making the applicable findings under section 12(b) of this
29 chapter, the absentee ballot counters shall take out each ballot enclosed
30 in an envelope opened under subsection (a) without unfolding or
31 permitting a ballot to be unfolded or examined. The absentee ballots
32 shall then continue to be processed as provided under ~~section 12 and~~
33 ~~other applicable provisions of this chapter.~~
- 34 SECTION 12. IC 3-11.5-4-13, AS AMENDED BY P.L.109-2021,
35 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2023]: Sec. 13. (a) If the absentee ballot counters find under
37 section 11 of this chapter that any of the following applies, the ballots
38 shall be rejected:
- 39 (1) The affidavit is insufficient or that the ballot has not been
40 endorsed with the initials of:
- 41 (A) the two (2) members of the absentee voter board in the
42 office of the clerk of the circuit court under IC 3-11-4-19 or



- 1 IC 3-11-10-27;
- 2 (B) the two (2) members of the absentee voter board visiting
- 3 the voter under IC 3-11-10-25; or
- 4 (C) the two (2) appointed members of the county election
- 5 board or their designated representatives under IC 3-11-4-19.
- 6 (2) The signatures do not correspond or there is no signature, and
- 7 the signature mismatch or missing signature is not cured by the
- 8 deadline established under section 13.5 or 13.6 of this chapter.
- 9 (3) The absentee voter is not a qualified voter in the precinct.
- 10 (4) The absentee voter has voted in person at the election.
- 11 (5) The absentee voter has not registered.
- 12 (6) 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 to be rejected because the
- 15 ballot was sealed in the absentee ballot envelope by the individual
- 16 designated by the circuit court to receive absentee ballots
- 17 transmitted by fax or electronic mail.
- 18 (7) The ballot envelope contains more than one (1) ballot of any
- 19 kind for the same office or public question.
- 20 (8) In 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 (9) 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 security 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 any of the following:
- 37 (1) The absentee voter board under section 22 of this chapter.
- 38 (2) A member of the voter's household.
- 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 the absentee ballot counters to determine that a signature or mark
- 42 complies with subsection (a)(2).



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

4 (f) This subsection does not apply to an absentee ballot rejected
 5 under this section based on a finding that the voter's signature on the
 6 absentee ballot security envelope affidavit does not correspond to any
 7 signature on the voter's absentee ballot application. The absentee ballot
 8 counters or county election board shall issue a certificate to a voter
 9 whose ballot:

10 (1) has been rejected under this section; or

11 (2) has not been received by the county by noon on election day
 12 and will not be counted under ~~section 10~~ of this chapter;

13 if the voter appears in person before the board not later than 5 p.m. on
 14 election day. The certificate must state that the voter's absentee ballot
 15 has been rejected and that the voter may vote in person under section
 16 21 of this chapter if otherwise qualified to vote.

17 SECTION 13. IC 3-11.5-4-21, AS AMENDED BY P.L.157-2019,
 18 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2023]: Sec. 21. If an envelope containing a voter's absentee
 20 ballot has been marked "Rejected" or a voter's absentee ballot has been
 21 received by noon on election day and will not be counted under ~~section~~
 22 ~~10~~ of this chapter, and the voter appears in person at the precinct before
 23 the polls close, the voter may vote as any other voter voting in person
 24 if the voter presents the precinct election board with the certificate
 25 issued under section 13(f) of this chapter.

26 SECTION 14. IC 3-11.5-4-28 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 28. When all ~~votes~~
 28 **absentee ballots** have been ~~counted; tabulated~~, the precinct election
 29 board shall prepare a certificate stating the number of votes that each
 30 candidate received for each office and the number of votes cast on each
 31 public question. The number of votes that each candidate and public
 32 question received shall be written in words and numbers. The board
 33 shall also prepare a memorandum of the total vote cast for each
 34 candidate and ensure that each member of the board receives a copy of
 35 the memorandum.

36 SECTION 15. IC 3-11.5-5-15 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. When all the ~~votes~~
 38 **absentee ballots** have been ~~counted; tabulated~~, the absentee ballot
 39 counters shall prepare a certificate stating the number of votes that
 40 each candidate received for each office and the number of votes cast on
 41 each public question.

42 SECTION 16. IC 3-11.5-5-18 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. As soon as the
 2 **absentee** ballots have been ~~counted~~, **tabulated**, the absentee ballot
 3 counters shall in the presence of the county election board do the
 4 following:

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

18 SECTION 17. IC 3-11.5-5-27 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. Immediately upon
 20 completion of the ~~vote count~~, **tabulation**, the absentee ballot counters
 21 shall make and sign a certificate for the news media showing the total
 22 number of absentee ballot votes received by each candidate and on
 23 each public question in the precinct.

24 SECTION 18. IC 3-11.5-6-14, AS AMENDED BY P.L.85-2017,
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2023]: Sec. 14. If a test of automatic tabulating machines
 27 required by IC 3-11-13-22 is not conducted for a particular office or
 28 public question, the absentee ballot votes for that office shall be
 29 counted ~~manually~~: **as provided in IC 3-11.5-5.**

30 SECTION 19. IC 3-11.5-6-15 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. If for any reason the
 32 county election board determines that it is impracticable to count all or
 33 some of the absentee ballots under this chapter with an automatic
 34 tabulating machine, the board may direct that the ballot cards be
 35 counted ~~manually~~: **as provided in IC 3-11.5-5.**

36 SECTION 20. IC 3-11.5-6-21, AS AMENDED BY P.L.210-2018,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: Sec. 21. (a) As soon as the ballots have been counted,
 39 the absentee ballot counters shall, in the presence of the county election
 40 board, do the following:

- 41 (1) Place in a strong paper envelope or bag the following:
- 42 (A) All ballots, ~~voted~~ **counted** and not ~~voted~~, **counted**,



1 together with all protested ~~and uncounted~~ ballots.
2 (B) One (1) copy of each of the certificates prepared under
3 IC 3-11.5-4-1 and IC 3-11.5-4-8.
4 (C) The tally papers.
5 (2) Securely seal the envelope or bag.
6 (3) Have both absentee ballot counters initial the envelope or bag.
7 (4) Plainly mark on the outside of the envelope or bag, in ink, the
8 precinct for which the absentee ballots were cast.
9 (5) Deliver the envelope or bag to the circuit court clerk.
10 (6) Notify the circuit court clerk of the number of ballots placed
11 in the envelope or bag.
12 (b) This subsection applies to a county having a consolidated city.
13 Notwithstanding subsection (a)(4), the absentee ballots may be stored
14 in the order in which the absentee ballots were counted and not in order
15 by precinct.
16 SECTION 21. IC 3-11.5-6-33 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 33. In case of a recount,
18 all ballot cards shall be recounted in the manner prescribed by this
19 chapter unless:
20 (1) the court ordering the recount or the state recount commission
21 directs that the ballots be counted ~~manually~~; **as provided in**
22 **IC 3-11.5-5**; or
23 (2) a request for a ~~manual~~ recount **as provided in IC 3-11.5-5** is
24 made under IC 3-12-6 or IC 3-12-11.
25 SECTION 22. IC 3-11.5-8-1, AS ADDED BY P.L.157-2019,
26 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2023]: Sec. 1. (a) The county election board shall make an
28 initial determination concerning whether any absentee ballot cast on an
29 electronic voting system must be rejected for any grounds under
30 IC 3-11.5-4-13.
31 (b) If the county election board makes an initial determination under
32 subsection (a) that an absentee ballot must be rejected, the county
33 election board shall ~~void~~ **retract** the absentee ballot ~~on~~ **from** the
34 electronic voting system.

