

HOUSE BILL No. 1173

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-7; IC 3-9-5; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12.

Synopsis: Various elections matters. Extends the requirement for a county to enter into an agreement with the secretary of state to have an elections security consultant service provide services to the county. Repeals and removes all references in election law concerning faxes and facsimile transmissions. Repeals language that requires the circuit court clerk to provide notice containing certain information to each voter who casts a provisional ballot. Changes the term "risk-limiting audit" to "post-election audit". Removes the word "pilot" from the chapter concerning post-election audits. Provides that the secretary of state shall determine the number of elections that are subject to a post-election audit. Makes conforming changes.

Effective: July 1, 2022.

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January 6, 2022, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1173

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 IC 3-5-2-23.7 IS REPEALED [EFFECTIVE JULY 1,
- 2 2022]. ~~Sec. 23.7. "Fax" refers to transmission of information by a~~
- 3 ~~facsimile (fax) machine.~~
- 4 SECTION 2. IC 3-5-4-1.7, AS AMENDED BY P.L.257-2019,
- 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2022]: Sec. 1.7. (a) Except as otherwise expressly authorized
- 7 or required under this title, a filing by a person with a commission, the
- 8 election division, an election board, or a county voter registration office
- 9 may not be made by ~~fax or~~ electronic mail.
- 10 (b) A petition of nomination filed with a county voter registration
- 11 office under IC 3-8-2, IC 3-8-2.5, IC 3-8-3, or IC 3-8-6 or a petition to
- 12 place a public question on the ballot, or any other petition filed that
- 13 requires the county voter registration office to certify the validity of
- 14 signatures, may not contain the electronic signature, digital signature,
- 15 digitized signature, or photocopied signature of a voter.
- 16 SECTION 3. IC 3-5-4-12, AS AMENDED BY P.L.193-2021,
- 17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 12. (a) Each county shall enter into an agreement
 2 with the secretary of state to use a threat intelligence and enterprise
 3 security company designated by the secretary of state to provide
 4 hardware, software, and services to:

- 5 (1) investigate cybersecurity attacks;
- 6 (2) protect against malicious software; and
- 7 (3) analyze information technology security risks.

8 (b) The agreement to provide services to a county under this section:

- 9 (1) has no effect on any threat intelligence and enterprise security
 10 service provided to the county by any other agreement with a
 11 provider or by any county employee or contractor; and
- 12 (2) must be designed to complement any existing service
 13 agreement or service used by the county;

14 when the county enters into the agreement. This section expires
 15 January 1, ~~2023~~. **2028**.

16 SECTION 4. IC 3-7-32-4, AS AMENDED BY P.L.128-2015,
 17 SECTION 111, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2022]: Sec. 4. A voter may not submit a
 19 registration application by ~~fax or~~ an electronic transmission except:

- 20 (1) a voter who is an absent uniformed services voter or overseas
 21 voter submitting a registration application on the combined
 22 absentee registration form and absentee ballot request approved
 23 under 52 U.S.C. 20301(b);
- 24 (2) as provided in IC 3-7-26.3; or
- 25 (3) as provided in IC 3-7-26.7.

26 SECTION 5. IC 3-7-36-5, AS AMENDED BY P.L.66-2010,
 27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2022]: Sec. 5. (a) This section does not apply to a voter who
 29 files a combined absentee registration form and absentee ballot request.

30 (b) When a county voter registration office receives an application
 31 for registration from an absent uniformed services voter or an overseas
 32 voter, the office shall promptly mail or deliver to the applicant the
 33 affidavit prescribed by this title for the registration of a voter. The
 34 county voter registration office shall transmit the voter registration
 35 application to the applicant by electronic mail ~~or fax~~ if:

- 36 (1) requested by the applicant; and
- 37 (2) the applicant provides an electronic mail address ~~or a fax~~
 38 ~~number~~ that permits the county voter registration office to send a
 39 application not later than the end of the first business day after the
 40 county voter registration office receives the communication from
 41 the voter.

42 If the electronic mail address ~~or the fax number~~ provided by the voter



1 does not permit the county voter registration office to send the voter an
 2 application not later than the end of the first business day after the
 3 county voter registration office receives the communication, the county
 4 voter registration office shall send the application to the voter by
 5 United States mail.

6 (c) When the properly executed and certified affidavit is returned to
 7 the voter registration office and approved under this article, the
 8 applicant becomes a registered voter in the precinct of residence.

9 SECTION 6. IC 3-7-36-8, AS AMENDED BY P.L.66-2010,
 10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2022]: Sec. 8. (a) This section does not apply to a combined
 12 absentee registration and request for an absentee ballot.

13 (b) When a circuit court clerk receives a request for an absentee
 14 ballot application, the clerk shall promptly mail the absentee ballot
 15 application (or transmit the application to the voter by electronic mail
 16 ~~or fax~~ if requested by the voter).

17 SECTION 7. IC 3-7-36-9, AS AMENDED BY P.L.66-2010,
 18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2022]: Sec. 9. (a) If a voter registration application is
 20 delivered to the circuit court clerk in a county where there is a board of
 21 registration, the clerk shall promptly deliver to the board the
 22 application requesting registration.

23 (b) If the application is a combined application for registration and
 24 an application for an absentee ballot, the clerk shall record the name,
 25 address, and other necessary information for the use of the county
 26 election board or board of elections and registration in mailing an
 27 application for an absentee ballot.

28 (c) The requested application for an absentee ballot shall be mailed
 29 or transmitted to the applicant by electronic mail ~~or fax~~ if:

30 (1) requested by the applicant; and

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

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

39 (d) The clerk shall promptly deliver a combined application to the
 40 board. The board shall promptly mail the registration application to the
 41 applicant at the address appearing on the application submitted by the
 42 applicant or transmit the application to the applicant by electronic mail



1 or fax if:

- 2 (1) requested by the applicant; and
 3 (2) the applicant provides an electronic mail address ~~or a fax~~
 4 ~~number~~ that permits the board to send an application not later
 5 than the end of the first business day after the board receives the
 6 communication from the voter.

7 If the electronic mail address ~~or fax number~~ provided by the applicant
 8 does not permit the board to send the application not later than the end
 9 of the first business day after the board receives the communication,
 10 the board shall send the application by United States mail.

11 SECTION 8. IC 3-9-5-7 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) A person may deliver reports
 13 to the appropriate office as follows:

- 14 (1) By hand.
 15 (2) By mail.
 16 (3) By electronic mail, if the appropriate office has the capacity
 17 to do all of the following:
 18 (A) Receive electronic mail.
 19 (B) Electronically record the date and time that electronic mail
 20 is received by the office.
 21 (C) Print out a hard copy of the report after the receipt of the
 22 electronic mail by the office.

23 (b) Reports must be filed as follows:

- 24 (1) Hand delivered reports or reports transmitted by mail must be
 25 filed with the appropriate office during regular office hours not
 26 later than noon seven (7) days after the date of the report.
 27 (2) Reports delivered by electronic mail must be filed with the
 28 appropriate office not later than noon seven (7) days after the date
 29 of the report.

30 (c) This subsection applies to a report delivered by electronic mail.
 31 Filing of a report occurs under IC 3-5-2-24.5 on the date and at the time
 32 electronically recorded by the office's computer system. If a
 33 discrepancy exists between the text of the electronic mail and the
 34 printed report, the text of the printed report prevails until an
 35 amendment is filed under this article to correct the discrepancy.

36 ~~(d) An office is not required to accept a report or statement required~~
 37 ~~under this article by facsimile transmission. Upon approval of a policy~~
 38 ~~by the commission or a county election board to receive reports or~~
 39 ~~statements by facsimile transmission, the election division or the~~
 40 ~~county election board may accept the facsimile transmission of a report~~
 41 ~~or statement.~~

42 SECTION 9. IC 3-9-5-20.1, AS AMENDED BY P.L.169-2015,



1 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2022]: Sec. 20.1. (a) This section:

3 (1) applies only to a large contribution that is received by a
4 candidate, the candidate's committee, or the treasurer of the
5 candidate's committee; and

6 (2) does not apply to a candidate for a state office, the candidate's
7 committee, or the treasurer of the candidate's committee.

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

9 (1) A primary election.

10 (2) A general election.

11 (3) A municipal election.

12 (4) A special election.

13 (5) For candidates nominated at a state convention, the state
14 convention.

15 (c) As used in this section, "large contribution" means contributions:

16 (1) that total at least one thousand dollars (\$1,000); and

17 (2) that are received:

18 (A) not more than twenty-five (25) days before an election;

19 and

20 (B) not less than forty-eight (48) hours before an election.

21 (d) The treasurer of a candidate's committee shall file a
22 supplemental large contribution report with the election division or a
23 county election board not later than forty-eight (48) hours after the
24 contribution is received. A candidate for a legislative office shall file
25 a report required by this section with the election division and the
26 county election board as required by section 3 of this chapter. ~~A report
27 filed under this section may be filed by facsimile (fax) transmission.~~

28 (e) A report required by subsection (d) must contain the following
29 information for each large contribution:

30 (1) The name of the person making the contribution.

31 (2) The address of the person making the contribution.

32 (3) If the person making the contribution is an individual, the
33 individual's occupation.

34 (4) The total amount of the contribution.

35 (5) The dates and times the contributions making up the large
36 contribution were received by the treasurer, the candidate, or the
37 candidate's committee.

38 (f) The election division shall prescribe the form for the report
39 required by this section.

40 SECTION 10. IC 3-9-5-22, AS AMENDED BY P.L.169-2015,
41 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2022]: Sec. 22. (a) This section applies only to a large



1 contribution that is received by a candidate for a state office, the
2 candidate's committee, or the treasurer of the candidate's committee.

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

4 (1) For a candidate nominated at a primary election, the primary
5 election.

6 (2) For a candidate nominated at a state convention, the state
7 convention.

8 (3) A general election.

9 (c) As used in this section, "large contribution" means either of the
10 following:

11 (1) Contributions:

12 (A) that total at least one thousand dollars (\$1,000); and

13 (B) that are received:

14 (i) after the end of a reporting period and before the deadline
15 for the candidate's committee to file a report under section
16 6 of this chapter; and

17 (ii) not less than forty-eight (48) hours before an election.

18 (2) A single contribution that is at least ten thousand dollars
19 (\$10,000) that is received at any time.

20 (d) The treasurer of a candidate's committee shall file a
21 supplemental large contribution report with the election division not
22 later than:

23 (1) forty-eight (48) hours after a contribution described by
24 subsection (c)(1) is received; or

25 (2) noon seven (7) days after a contribution described by
26 subsection (c)(2) is received.

27 (e) A report filed under this section may be filed ~~by facsimile~~
28 ~~transmission~~ or as an electronic report when the requirements of
29 IC 3-9-4 or this chapter have been met. A report required by subsection
30 (d) must contain the following information for each large contribution:

31 (1) The name of the person making the contribution.

32 (2) The address of the person making the contribution.

33 (3) If the person making the contribution is an individual, the
34 individual's occupation.

35 (4) The total amount of the contribution.

36 (5) The dates and times the contributions making up the large
37 contribution described in subsection (c)(1) or a large contribution
38 described in subsection (c)(2) were received by the treasurer, the
39 candidate, or the candidate's committee.

40 (f) The election division shall prescribe the form for the report
41 required by this section.

42 SECTION 11. IC 3-11-4-0.5 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 0.5. For purposes of
 2 this chapter, an absentee ballot application or an absentee ballot is
 3 considered "sent" to a voter if the application or ballot is:

- 4 (1) sent by United States mail addressed to the voter;
 5 ~~(2) transmitted by fax to a number provided by the voter;~~ or
 6 ~~(3)~~ (2) personally given to the voter.

7 SECTION 12. IC 3-11-4-3, AS AMENDED BY P.L.109-2021,
 8 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c) and
 10 section 6 of this chapter, an application for an absentee ballot must be
 11 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2
 12 or IC 3-6-5.6, the director of the board of elections and registration) not
 13 earlier than the date the registration period resumes under IC 3-7-13-10
 14 nor later than the following:

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

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

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

20 (B) is an absent uniformed services voter or overseas voter
 21 who requests that the ballot be transmitted by electronic mail
 22 ~~or fax~~ under section 6(h) of this chapter.

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

24 (A) the application is a mailed, transmitted by electronic mail,
 25 ~~or fax~~; or hand delivered application from a confined voter or
 26 voter caring for a confined person; and

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

30 (4) 11:59 p.m. twelve (12) days before election day if the
 31 application is:

32 (A) a mailed application;

33 (B) transmitted by electronic mail;

34 ~~(C)~~ ~~transmitted by fax~~; or

35 ~~(D)~~ (C) hand delivered;

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

38 (b) An application for an absentee ballot received by the election
 39 division by the time and date specified by subsection (a)(2)(B), (a)(3),
 40 or (a)(4) is considered to have been timely received for purposes of
 41 processing by the county. The election division shall immediately
 42 transmit the application to the circuit court clerk, or the director of the



1 board of elections and registration, of the county where the applicant
 2 resides. The election division is not required to complete or file the
 3 affidavit required under section 2(h) of this chapter whenever the
 4 election division transmits an application under this subsection.

5 (c) An application for an absentee ballot for the election may not be
 6 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2
 7 or IC 3-6-5.6, the director of the board of elections and registration)
 8 earlier than December 1 of the year before the election.

9 SECTION 13. IC 3-11-4-4, AS AMENDED BY P.L.170-2019,
 10 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2022]: Sec. 4. (a) Applications may be made on application
 12 forms approved by the election division by any of the following means:

13 (1) In person.

14 ~~(2) By fax transmission.~~

15 ~~(3) (2)~~ By mail (including United States mail or bonded courier).

16 ~~(4) (3)~~ By electronic mail with a digital image of the application
 17 and signature of the applicant.

18 (b) Application forms shall:

19 (1) be furnished to a central committee of the county at the
 20 request of the central committee;

21 (2) be:

22 (A) mailed;

23 ~~(B) transmitted by fax;~~ or

24 ~~(C) (B)~~ transmitted by electronic mail with a digital image of
 25 the application;

26 upon request, to a voter; and

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

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

33 ~~(d) (c)~~ When an application is received under subsection ~~(a)(4);~~
 34 ~~(a)(3)~~, the circuit court clerk's office (or, in a county for which a board
 35 of elections and registration is established, the office of the board of
 36 elections and registration) shall send an electronic mail receipt
 37 acknowledging receipt of the voter's application.

38 SECTION 14. IC 3-11-4-5.7, AS AMENDED BY P.L.170-2019,
 39 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2022]: Sec. 5.7. (a) As used in this section, "MOVE" refers to
 41 the Military and Overseas Voter Empowerment Act (P.L. 111-84,
 42 Division A, Title V, Subtitle H (Section 575 et seq.)).



1 (b) As used in this section, "voter" refers only to either of the
2 following:

- 3 (1) An absent uniformed services voter.
4 (2) An overseas voter.

5 (c) Except as expressly provided by law, the state delegates its
6 responsibilities to carry out the requirements of MOVE to each county
7 election board or board of elections and registration.

8 (d) To implement 52 U.S.C. 20302, electronic mail ~~fax~~, and web
9 publication are designated as means of communication for a voter to
10 request a voter registration application and an absentee ballot
11 application from the election division, a county election board, or a
12 county voter registration office.

13 (e) An office described in subsection (d) that receives an electronic
14 mail ~~or fax~~ from a voter shall provide an absentee ballot application or
15 a voter registration application by electronic mail ~~or fax~~ to the voter if:

- 16 (1) requested by the voter; and
17 (2) the voter provides an electronic mail address ~~or a fax number~~
18 that permits the office to send an application not later than the end
19 of the first business day after the office receives the
20 communication from the voter.

21 If the electronic mail address ~~or the fax number~~ provided by the voter
22 does not permit the office to send the voter an application not later than
23 the end of the first business day after the office receives the
24 communication, the office shall send the application to the voter by
25 United States mail.

26 (f) As required by 52 U.S.C. 20302, to the extent practicable and
27 permitted under Indiana law (including IC 3-7 and IC 5-14-3), an office
28 described in subsection (d) shall ensure that the procedures used to
29 transmit an absentee ballot application or a voter registration
30 application to an absent uniformed services voter or overseas voter
31 protect the security and integrity of the application request processes,
32 and that the privacy of the identity and other personal data of the voter
33 who requests or is sent an application under subsection (e) is protected
34 throughout the process of making the request or being sent the
35 application.

36 (g) As required under 52 U.S.C. 20302, an office described in
37 subsection (d) shall include information regarding the use of electronic
38 mail ~~fax~~, and web publication with all informational and instructional
39 materials that are sent with an absentee ballot application or an
40 absentee ballot to an absent uniformed services voter or overseas voter.

41 (h) To implement Section 580 of MOVE, and in accordance with
42 IC 3-7-26.3-3, the secretary of state, with the approval of the election



1 division, shall develop a free access system that permits an absent
 2 uniformed services voter or overseas voter to determine whether the
 3 voter's absentee ballot has been received by the appropriate county
 4 election board (or board of elections and registration), regardless of the
 5 manner in which the absentee ballot was transmitted by the voter to the
 6 board. To the extent permitted by IC 3-7 and IC 5-14-3, the system
 7 must contain reasonable procedures to protect the security,
 8 confidentiality, and integrity of personal information collected, stored,
 9 or otherwise used on the system.

10 SECTION 15. IC 3-11-4-5.8, AS ADDED BY P.L.109-2021,
 11 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2022]: Sec. 5.8. (a) A voter with print disabilities may use
 13 electronic mail ~~fax~~, or web publication to request:

14 (1) a voter registration application; and

15 (2) an absentee ballot application;

16 from the election division, a county election board, a county board of
 17 elections and registration, or a county voter registration office.

18 (b) The election division, county election board, county board of
 19 elections and registration, or county voter registration office that
 20 receives an electronic mail ~~or fax~~ from a voter with print disabilities
 21 requesting a voter registration application or absentee ballot application
 22 by electronic mail ~~or fax~~ shall provide the requested application to the
 23 voter by:

24 (1) electronic mail address ~~or fax number~~ if the electronic mail
 25 address ~~or fax number~~ permits the office to send the application
 26 not later than the end of the first business day after the office
 27 receives the request from the voter; or

28 (2) United States Postal Service mail if the electronic mail address
 29 ~~or fax number~~ provided by the voter to the office does not permit
 30 the office to send the application in the time frame specified in
 31 subdivision (1).

32 (c) The election division, county election board, county board of
 33 elections and registration, or county voter registration office shall
 34 ensure that the procedures used to receive a request for a voter
 35 registration application or an absentee ballot application under this
 36 section and transmission of the application to a voter with print
 37 disabilities protect:

38 (1) the security and integrity of the application request processes;
 39 and

40 (2) the voter's identity and other personal data.

41 (d) The election division, county election board, county board of
 42 elections and registration, or county voter registration office shall



1 include information concerning the use of electronic mail ~~fax~~; and web
 2 publication with all informational and instructional materials that are
 3 sent with a voter registration application or an absentee ballot
 4 application to a voter with print disabilities.

5 (e) The secretary of state, with the approval of the election division,
 6 shall develop a free access system that permits a voter with print
 7 disabilities to determine whether the voter's absentee ballot has been
 8 received by the appropriate county election board or board of elections
 9 and registration, regardless of the manner in which the absentee ballot
 10 was transmitted by the voter to the board. To the extent permitted by
 11 IC 3-7 and IC 5-14-3, the system must contain reasonable procedures
 12 to protect the security, confidentiality, and integrity of personal
 13 information collected, stored, or otherwise used on the system.

14 (f) The secretary of state, with the approval of the election division,
 15 shall develop a system that complies with the Web Content Guidelines.

16 SECTION 16. IC 3-11-4-6, AS AMENDED BY P.L.109-2021,
 17 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2022]: Sec. 6. (a) This section applies, notwithstanding any
 19 other provision of this title, to absentee ballot applications for the
 20 following:

- 21 (1) An absent uniformed services voter.
- 22 (2) An address confidentiality program participant (as defined in
 23 IC 5-26.5-1-6).
- 24 (3) An overseas voter.
- 25 (4) A voter with print disabilities.

26 (b) A county election board shall make blank absentee ballot
 27 applications available for persons covered by this section. Except as
 28 provided in section 3(c) of this chapter, a person may apply for an
 29 absentee ballot at any time after the registration period resumes under
 30 IC 3-7-13-10.

31 (c) A person covered by this section may apply for an absentee
 32 ballot for the next scheduled primary, general, or special election by
 33 filing either of the following:

- 34 (1) A combined absentee registration form and absentee ballot
 35 request approved under 52 U.S.C. 20301(b)(2).
- 36 (2) A form prescribed under IC 3-5-4-8 that identifies the
 37 applicant as an absent uniformed services voter, an overseas
 38 voter, or a voter with print disabilities. A form prescribed under
 39 this subdivision must permit the applicant to designate whether
 40 the applicant wishes to receive the absentee ballot by electronic
 41 mail ~~fax~~, or United States mail.

42 (d) If the county election board receives an absentee ballot



1 application from a person described by subsection (c), the circuit court
2 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
3 3406, all ballots for the election immediately upon receipt of the ballots
4 under section 15 of this chapter, unless the person has indicated under
5 subsection (c) that the person wishes to receive the absentee ballot by
6 electronic mail. ~~or fax.~~

7 (e) Whenever a voter files an application for an absentee ballot and
8 indicates on the application that the voter is an absent uniformed
9 services voter, an overseas voter, or a voter with print disabilities, the
10 application is an adequate application for an absentee ballot for an
11 election conducted during the period that ends on December 31
12 following the date the application is filed, unless an absentee ballot
13 mailed to the voter at the address set forth in the application is returned
14 to the county election board during that period as undeliverable. The
15 circuit court clerk and county election board shall process this
16 application and send general election absentee ballots to the voter in
17 the same manner as other general election and special election absentee
18 ballot applications and ballots are processed and sent under this
19 chapter. If a voter entitled to receive an absentee ballot under this
20 subsection subsequently files a voter registration application for a
21 change of address within the same county or for a change of name or
22 other information set forth in the voter's registration record, the
23 previously approved absentee ballot application remains effective for
24 the same period, unless the acknowledgment notice sent to the voter at
25 that address is returned by the United States Postal Service due to an
26 unknown or insufficient address in accordance with IC 3-7-33-5. If a
27 voter entitled to receive an absentee ballot under this subsection
28 subsequently files a voter registration application for an address that is
29 not located in the same county, the voter must file a new absentee
30 ballot application under this section with the appropriate county
31 election board.

32 (f) Whenever a voter described in subsection (a)(2) files an
33 application for a primary election absentee ballot and indicates on the
34 application that the voter is an address confidentiality program
35 participant, the application is an adequate application for a general
36 election absentee ballot under this chapter and an absentee ballot for a
37 special election conducted during the period that ends on December 31
38 following the date the application is filed. The circuit court clerk and
39 county election board shall process this application and send general
40 election and special election absentee ballots to the voter in the same
41 manner as other general election and special election absentee ballot
42 applications and ballots are processed and sent under this chapter.



1 (g) The name, address, telephone number, and any other identifying
 2 information relating to a program participant (as defined in
 3 IC 5-26.5-1-6) in the address confidentiality program, as contained in
 4 a voting registration record, is declared confidential for purposes of
 5 IC 5-14-3-4(a)(1). The county voter registration office may not disclose
 6 for public inspection or copying a name, an address, a telephone
 7 number, or any other information described in this subsection, as
 8 contained in a voting registration record, except as follows:

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

10 (2) As directed by a court order.

11 (h) The county election board shall by ~~fax or~~ electronic mail
 12 transmit an absentee ballot to and receive an absentee ballot from an
 13 absent uniformed services voter, an overseas voter, or a voter with print
 14 disabilities by electronic mail ~~or fax~~ at the request of the voter
 15 indicated in the application filed under this section. If the voter wants
 16 to submit absentee ballots by ~~fax or~~ electronic mail, the voter must
 17 separately sign and date a statement submitted with the electronic mail
 18 ~~or the fax transmission~~ that states substantively the following: "I
 19 understand that by ~~faxing or~~ e-mailing my voted ballot I am voluntarily
 20 waiving my right to a secret ballot."

21 (i) The county election board shall send confirmation to a voter
 22 described in subsection (h) that the voter's absentee ballot has been
 23 received as follows:

24 ~~(1) If the voter provides a fax number to which a confirmation~~
 25 ~~may be sent, the county election board shall send the confirmation~~
 26 ~~to the voter at the fax number provided by the voter.~~

27 ~~(2) (1)~~ If the voter provides an electronic mail address to which
 28 a confirmation may be sent, the county election board shall send
 29 the confirmation to the voter at the electronic mail address
 30 provided by the voter.

31 ~~(3) (2)~~ If:

32 (A) the voter does not provide a ~~fax number or~~ an electronic
 33 mail address; or

34 (B) the ~~number or~~ address provided does not permit the board
 35 to send the confirmation not later than the end of the first
 36 business day after the board receives the voter's absentee
 37 ballot;

38 the county election board shall send the confirmation by United
 39 States mail.

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



1 (j) Upon approval of the voter's absentee ballot application, a county
 2 election board shall transmit an absentee ballot to an absent uniformed
 3 services voter or an overseas voter by electronic mail under a program
 4 authorized and administered by the Federal Voting Assistance Program
 5 of the United States Department of Defense or directly to the voter at
 6 the voter's electronic mail address, if requested to do so by the voter. A
 7 voter described by this section may transmit the voted absentee ballot
 8 to a county election board by electronic mail. If a voter described in
 9 this section transmits the voted absentee ballot through the United
 10 States Department of Defense program, the ballot must be transmitted
 11 in accordance with the procedures established under that program. An
 12 electronic mail message transmitting a voted absentee ballot under this
 13 subsection must include a digital image of the voter's signature on the
 14 statement required under subsection (h).

15 (k) The secretary of state, with the approval of the election division,
 16 shall develop a system that complies with the Web Content Guidelines.

17 SECTION 17. IC 3-11-4-12.5, AS AMENDED BY P.L.128-2015,
 18 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2022]: Sec. 12.5. (a) This section applies to an
 20 absent uniformed services voter or overseas voter.

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

- 27 (1) Any candidate for nomination at a primary election.
- 28 (2) Any candidate, political party, or public question on a general
 29 election, municipal election, or special election ballot.

30 (c) The voluntary waiver of confidentiality under section 6(h) of this
 31 chapter is not required for a federal write-in absentee ballot.

32 (d) When a county election board receives a federal write-in
 33 absentee ballot, the board shall process the ballot as prescribed by
 34 IC 3-11-10-1(b).

35 SECTION 18. IC 3-11-4-17, AS AMENDED BY P.L.13-2013,
 36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2022]: Sec. 17. Upon receipt of an application for an absentee
 38 ballot, a circuit court clerk shall file the application in the clerk's office
 39 and record all of the following in the statewide voter registration list
 40 maintained under IC 3-7-26.3:

- 41 (1) The voter's name.
- 42 (2) The date the application is received.



- 1 (3) The information provided by the voter under section 5.1(d) of
 2 this chapter.
 3 (4) The date the ballot is sent to the voter.
 4 (5) If mailed, the address to which the ballot is sent.
 5 ~~(6) If transmitted by fax, the fax number to which the ballot is~~
 6 ~~faxed.~~
 7 ~~(7) (6)~~ The date the ballot is marked before the clerk or otherwise
 8 received from the voter.
 9 ~~(8) (7)~~ The combined total number of absentee ballots sent by the
 10 county to absent uniformed services voters and overseas voters.
 11 ~~(9) (8)~~ The total number of absentee ballots returned by voters
 12 described in subdivision ~~(8) (7)~~ in time to be counted.
 13 ~~(10) (9)~~ The total number of absentee ballots described in
 14 subdivision (8) that were counted in whole or in part.
 15 ~~(11) (10)~~ Any other information that is necessary or advisable.

16 SECTION 19. IC 3-11-8-25.2, AS AMENDED BY P.L.193-2021,
 17 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2022]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall
 19 examine the list provided under IC 3-7-29-1 to determine if the county
 20 election board has indicated that the voter is required to provide
 21 additional personal identification under 52 U.S.C. 21083 and
 22 IC 3-7-33-4.5 before voting in person. If the list indicates that the voter
 23 is required to present this identification before voting in person, the
 24 poll clerk shall advise the voter that the voter must present, in addition
 25 to the proof of identification required by section 25.1(a) of this chapter,
 26 a piece of identification described in subsection (b) to the poll clerk.

27 (b) As required by 52 U.S.C. 21083, and in addition to the proof of
 28 identification required by section 25.1(a) of this chapter, a voter
 29 described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5
 30 before appearing at the polls on election day must present one (1) of the
 31 following documents to the poll clerk:

- 32 (1) A current and valid photo identification.
 33 (2) A current utility bill.
 34 (3) A current bank statement.
 35 (4) A current government check.
 36 (5) A current paycheck.
 37 (6) A current government document.

38 The document presented by the voter must show the name and
 39 residence address of the voter.

40 (c) If a voter presents a document under subsection (b), the poll
 41 clerk shall add a notation to the list indicating the type of document
 42 presented by the voter. The election division shall prescribe a



1 standardized coding system to classify documents presented under this
2 subsection for entry into the county voter registration system.

3 (d) If a voter required to present documentation under subsection (b)
4 is unable to present the documentation to the poll clerk while present
5 in the polls, the poll clerk shall notify the precinct election board. The
6 board shall provide a provisional ballot to the voter under IC 3-11.7-2.

7 (e) The precinct election board shall advise the voter, both orally
8 and in writing, that the voter may file a copy of the documentation with
9 the county voter registration office to permit the provisional ballot to
10 be counted under IC 3-11.7. The election division shall prescribe the
11 form of the explanation required by this subsection.

12 ~~(f) The circuit court clerk shall provide the notice required by~~
13 ~~IC 3-11.7-6-4 to a voter who casts a provisional ballot under this~~
14 ~~section.~~

15 SECTION 20. IC 3-11-10-1, AS AMENDED BY P.L.157-2019,
16 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2022]: Sec. 1. (a) A voter voting by absentee ballot shall make
18 and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter
19 then shall, except as provided in subsection (b), do the following:

- 20 (1) Mark the ballot in the presence of no other person.
21 (2) Fold each ballot separately.
22 (3) Fold each ballot so as to conceal the marking.
23 (4) Enclose each ballot, with the seal and signature of the circuit
24 court clerk on the outside, together with any unused ballot, in the
25 envelope provided.
26 (5) Securely seal the envelope.
27 (6) Do one (1) of the following:
28 (A) Deliver the envelope to the county election board, with not
29 more than one (1) ballot per envelope, by United States mail
30 or by a bonded courier company.
31 (B) Deliver the envelope to the county election board in
32 person.
33 (C) Deliver the envelope to a member of the voter's household
34 or a person designated as the attorney in fact for the voter
35 under IC 30-5 for delivery to the county election board:
36 (i) in person;
37 (ii) by United States mail; or
38 (iii) by a bonded courier company.

39 (b) A voter permitted to transmit the voter's absentee ballots by ~~fax~~
40 ~~or~~ electronic mail under IC 3-11-4-6 is not required to comply with
41 subsection (a). ~~The individual designated by the circuit court clerk to~~
42 ~~receive absentee ballots transmitted by fax or electronic mail shall do~~



1 the following upon receipt of an absentee ballot transmitted by fax:

2 (1) Note the receipt of the absentee ballot in the records of the
3 circuit court clerk as other absentee ballots received by the circuit
4 court clerk are noted.

5 (2) Fold each ballot received from the voter separately so as to
6 conceal the marking.

7 (3) Enclose each ballot in a blank absentee ballot envelope.

8 (4) Securely seal the envelope.

9 (5) Mark on the envelope: "Absentee Ballot Received by Fax or
10 Electronic Mail".

11 (6) Securely attach to the envelope the faxed affidavit received
12 with the voter's absentee ballots.

13 (c) Except as otherwise provided in this title, absentee ballots
14 received by fax or electronic mail shall be handled and processed as
15 other absentee ballots received by the circuit court clerk are handled
16 and processed.

17 SECTION 21. IC 3-11-10-26, AS AMENDED BY P.L.193-2021,
18 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2022]: Sec. 26. (a) This subsection applies to all counties,
20 except for a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an
21 alternative to voting by mail, a voter is entitled to cast an absentee
22 ballot before an absentee voter board at any of the following:

23 (1) One (1) location of the office of the circuit court clerk
24 designated by the circuit court clerk.

25 (2) A satellite office established under section 26.3 of this
26 chapter.

27 (b) This subsection applies to a county to which IC 3-6-5.2 or
28 IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is
29 entitled to cast an absentee ballot before an absentee voter board at any
30 of the following:

31 (1) The office of the board of elections and registration.

32 (2) A satellite office established under section 26.3 of this
33 chapter.

34 (c) Except for a location designated under subsection (a)(1), a
35 location of the office of the circuit court clerk must be established as
36 a satellite office under section 26.3 of this chapter in order to be used
37 as a location at which a voter is entitled to cast an absentee ballot
38 before an absentee voter board under this section.

39 (d) The voter must do the following before being permitted to vote:

40 (1) This subdivision does not apply to a county that uses
41 electronic poll books for voting under this section. Sign an
42 application on the form prescribed by the election division under



1 IC 3-11-4-5.1. The application must be received by the circuit
2 court clerk not later than the time prescribed by IC 3-11-4-3.

3 (2) This subdivision applies only to a county that uses electronic
4 poll books for voting under this section and in which the ballot is
5 cast on an electronic voting system. The voter must do the
6 following:

7 (A) If the county election board has prescribed an affidavit
8 under subsection (e) that includes a unique identifier to
9 comply with section 26.2(c)(3) of this chapter, make and
10 subscribe to the affidavit.

11 (B) Sign the electronic poll book.

12 (C) Provide proof of identification.

13 (3) This subdivision applies only to a county that uses electronic
14 poll books for voting under this section and in which the ballot is
15 cast on an optical scan voting system. The voter must do the
16 following:

17 (A) Sign the electronic poll book.

18 (B) Provide proof of identification.

19 (C) Sign the affidavit prescribed by section 29 of this chapter.

20 (e) The county election board may:

21 (1) prescribe an affidavit that includes a unique identifier; or

22 (2) establish a procedure to produce a document, label, or
23 electronic record that is associated with each voter and includes
24 a unique identifier;

25 to comply with section 26.2(c)(3) of this chapter. After the county
26 election board approves an affidavit or procedure described in this
27 subsection and before the affidavit or procedure is used in an election,
28 the county election board shall file a copy of the affidavit or a brief
29 description of the procedure with the election division to assist the state
30 recount commission in conducting proceedings under IC 3-12-11.

31 (f) The voter may vote before the board not more than twenty-eight
32 (28) days nor later than noon on the day before election day. If the
33 close of a voter registration period is transferred under IC 3-5-4-1.5
34 from twenty-nine (29) days to a later date due to the Columbus Day
35 holiday, the voter may vote before the board on the first day following
36 the day on which the voter registration period closes.

37 (g) An absent uniformed services voter who is eligible to vote by
38 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
39 may vote before the board not earlier than twenty-eight (28) days
40 before the election and not later than noon on election day. If the close
41 of a voter registration period is transferred under IC 3-5-4-1.5 from
42 twenty-nine (29) days to a later date due to the Columbus Day holiday,



1 the voter may vote before the board on the first day following the day
 2 on which the voter registration period closes. If a voter described by
 3 this subsection wishes to cast an absentee ballot during the period
 4 beginning at noon on the day before election day and ending at noon on
 5 election day, the county election board or absentee voter board may
 6 receive and process the ballot at a location designated by resolution of
 7 the county election board.

8 (h) The absentee voter board in the office of the circuit court clerk
 9 must permit voters to cast absentee ballots under this section for at
 10 least seven (7) hours on each of the two (2) Saturdays preceding
 11 election day. However, the county election board may adopt a
 12 resolution authorizing the circuit court clerk to:

13 (1) use the office of the circuit court clerk designated in
 14 subsection (a)(1); or

15 (2) establish a satellite office under section 26.3 of this chapter;
 16 to permit voters to cast absentee ballots under this section for at least
 17 four (4) hours on the third Saturday preceding election day.

18 (i) Notwithstanding subsection (h), in a county with a population of
 19 less than twenty thousand (20,000), the absentee voter board in the
 20 office of the circuit court clerk, with the approval of the county election
 21 board, may reduce the number of hours available to cast absentee
 22 ballots under this section to a minimum of four (4) hours on each of the
 23 two (2) Saturdays preceding election day.

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

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

28 (2) provided with the opportunity to change the ballot or correct
 29 any error in a private and independent manner before the ballot is
 30 cast and counted, including the opportunity to receive a
 31 replacement ballot if the voter is otherwise unable to change or
 32 correct the ballot; and

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

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

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

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

42 (l) If:



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

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

6 the voter shall be permitted to cast a provisional ballot.

7 (m) This subsection applies to a voter who casts an absentee ballot
8 that is treated as a provisional ballot under subsection (l). The board
9 shall provide the voter, both orally and in writing, an explanation of
10 what actions, if any, the voter must take in order to have the voter's
11 ballot counted. The election division shall prescribe the form of the
12 explanation required by this subsection. ~~The circuit court clerk shall~~
13 ~~also provide the notice required by IC 3-11.7-6-4 to the voter.~~

14 (n) A voter casting an absentee ballot under this section is entitled
15 to cast the voter's ballot in accordance with IC 3-11-9.

16 (o) In a primary election, a voter casting an absentee ballot under
17 this chapter may not change the voter's choice of the voter's political
18 party after the voter has been mailed or otherwise provided with a
19 primary ballot containing the candidates of that party.

20 SECTION 22. IC 3-11.5-2-5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. An absentee ballot
22 application or an absentee ballot is considered "sent" to a voter if the
23 application or ballot is:

- 24 (1) sent by United States mail addressed to the voter;
25 ~~(2) transmitted by fax to a number provided by the voter; or~~
26 ~~(3) (2) personally given to the voter.~~

27 SECTION 23. IC 3-11.5-4-10, AS AMENDED BY P.L.109-2021,
28 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2022]: Sec. 10. (a) This subsection applies to a county that:

- 30 (1) uses a paper list of voters provided under IC 3-7-29-2;
31 (2) has not adopted an order to use an electronic poll book under
32 IC 3-7-29-6(a)(1); and
33 (3) is not a vote center county under IC 3-11-18.1.

34 Subject to IC 3-10-8-7.5, IC 3-12-1-17, and section 7 of this chapter,
35 absentee ballots received by mail (or by ~~fax or~~ electronic mail under
36 IC 3-11-4-6) after 6 p.m. on election day are considered as arriving too
37 late and may not be counted.

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

- 42 (1) The polls in each precinct have closed.



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

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

5 (c) This subsection applies to a county that:

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

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

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

12 SECTION 24. IC 3-11.5-4-13, AS AMENDED BY P.L.109-2021,
13 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2022]: Sec. 13. (a) If the absentee ballot counters find under
15 section 11 of this chapter that any of the following applies, the ballots
16 shall be rejected:

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

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

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

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

26 (2) The signatures do not correspond or there is no signature, and
27 the signature mismatch or missing signature is not cured by the
28 deadline established under section 13.5 or 13.6 of this chapter.

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

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

31 (5) The absentee voter has not registered.

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

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

40 (8) In case of a primary election, if the absentee voter has not
41 previously voted, the voter failed to execute the proper
42 declaration relative to age and qualifications and the political



1 party with which the voter intends to affiliate.

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

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

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

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

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

12 (B) on the absentee ballot application.

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

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

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

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

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

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

24 (f) This subsection does not apply to an absentee ballot rejected
25 under this section based on a finding that the voter's signature on the
26 absentee ballot security envelope affidavit does not correspond to any
27 signature on the voter's absentee ballot application. The absentee ballot
28 counters or county election board shall issue a certificate to a voter
29 whose ballot:

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

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

33 if the voter appears in person before the board not later than 5 p.m. on
34 election day. The certificate must state that the voter's absentee ballot
35 has been rejected and that the voter may vote in person under section
36 21 of this chapter if otherwise qualified to vote.

37 SECTION 25. IC 3-11.5-4-13.5, AS ADDED BY P.L.109-2021,
38 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2022]: Sec. 13.5. (a) This section applies to an absentee ballot
40 where there is a finding that the voter's signature on the absentee ballot
41 security envelope affidavit does not correspond to the signature on the
42 voter's absentee ballot application or electronic poll book, or any



- 1 signature by the voter maintained in the statewide voter registration
 2 system.
- 3 (b) If the absentee voter board, the absentee ballot counters, or the
 4 county election board determine that a voter's signature on the absentee
 5 ballot security envelope affidavit does not correspond to:
- 6 (1) the voter's signature on the absentee ballot application;
 - 7 (2) the voter's signature on the electronic poll book; or
 - 8 (3) any signature of the voter maintained in the statewide voter
 9 registration system;
- 10 the absentee ballot security envelope shall not be opened and the ballot
 11 shall not be counted.
- 12 (c) The absentee voter board, the absentee ballot counters, or the
 13 county election board shall write the date and cause of the mismatched
 14 signature on the face of the security envelope after completing the
 15 procedures set forth in this section.
- 16 (d) The county election board or board of elections and registration
 17 shall send a notice produced from the computerized system established
 18 by IC 3-7-26.3 to the voter of the determination of the absentee voter
 19 board, absentee ballot counters, county election board, or board of
 20 elections and registration that an absentee ballot signature mismatch
 21 has occurred. The county election board shall:
- 22 (1) mail the notice by first class United States mail to the
 23 registration address of the voter;
 - 24 (2) send the notice by electronic mail to the voter if an electronic
 25 mail address for the voter is available; and
 - 26 (3) call the voter by telephone to provide notice of the signature
 27 mismatch determination, if a telephone number for the voter is
 28 available;
- 29 not later than the close of business two (2) business days after the
 30 signature mismatch determination by the county occurs.
- 31 (e) An absentee ballot sealed inside an absentee ballot security
 32 envelope affidavit with a signature mismatch shall be treated as a
 33 provisional ballot under IC 3-11.7. The signature mismatch may be
 34 cured under this section and the absentee ballot counted if the ballot is
 35 otherwise valid.
- 36 (f) A voter notified by the county election board or board of
 37 elections and registration under subsection (d) must verify the voter's
 38 signature under this section on:
- 39 (1) the absentee ballot security envelope affidavit;
 - 40 (2) the absentee ballot application or electronic poll book; or
 - 41 (3) both;
- 42 by filing an affidavit with the county election board or board of



1 elections and registration not later than noon, prevailing local time,
2 eight (8) days after election day.

3 (g) The notice under subsection (d) is subject to IC 3-5-4-8 and must
4 contain the following information:

5 (1) A statement from the county election board or board of
6 elections and registration notifying the voter that the county has
7 determined that a signature mismatch has occurred between the
8 signature of the voter on the absentee ballot security envelope
9 affidavit and the voter's signature on the absentee ballot
10 application or electronic poll book, or any signature made by the
11 voter on file in the statewide voter registration system.

12 (2) A statement that the voter's absentee ballot will be rejected
13 and not counted unless the voter cures the signature mismatch
14 under this section by filing a signed signature verification
15 affidavit with the county election board or board of elections and
16 registration not later than noon, local prevailing time, eight (8)
17 days after election day, and specifying the date on which the
18 eighth day will fall.

19 (3) A signature line for the voter to print the voter's name and date
20 and sign the signature verification affidavit.

21 (4) A statement that the signature verification affidavit must be:
22 (A) placed into a mailing envelope addressed to the county
23 election board or board of elections and registration, and either
24 mailed with sufficient postage or hand delivered to the board;
25 or
26 (B) sent to the board by electronic mail. ~~or facsimile~~
27 ~~transmission.~~

28 (5) Information provided by the board setting forth the mailing
29 address ~~or~~ electronic mail address ~~or facsimile number~~ of the
30 board.

31 (6) The name of the voter.

32 (h) The signature verification affidavit shall be prescribed by the
33 election division under IC 3-5-4-8, shall be produced from the
34 computerized list established under IC 3-7-26.3, must substantially be
35 in the following form, and may be included on the same page as the
36 notice and instructions:

37 SIGNATURE VERIFICATION AFFIDAVIT

38 I, [voter's name], am a registered voter of [voter's county of
39 residence] County, State of Indiana. I declare under the penalties
40 of perjury that I requested and returned an absentee ballot. I am
41 a resident of the precinct in which I have voted (or I am entitled
42 to vote in this precinct under Indiana law), and I am the person



1 whose name appears on the absentee ballot envelope. I understand
 2 that if I commit or attempt any fraud in connection with voting, or
 3 if I aid or abet fraud or attempt to aid or abet fraud in connection
 4 with voting, I may be convicted of a felony punishable by
 5 imprisonment, a fine, or both. I understand that my failure to sign
 6 this statement means my absentee ballot will not be counted.

7
 8 _____
 9 Voter's Signature

10 _____
 11 Voter's Printed Name

12 _____
 13 Voter's Registration Address

14 If there is a reason why your signature does not match, please
 15 explain here. Examples include age or disability of the voter or
 16 execution of the absentee affidavit by the person holding the
 17 voter's power of attorney or any person assisting a voter under
 18 IC 3-11-4-2(b) or a member of the voter's immediate household
 19 or power of attorney attesting to the voter's signature on the
 20 absentee by mail return envelope under IC 3-11.5-4-13(c). The
 21 computerized list shall preprint the name of the voter in the
 22 appropriate parts of the affidavit.

23 (i) The county election board or board of elections and registration
 24 may not reject an absentee ballot with a nonconforming security
 25 envelope signature if each of the following conditions are satisfied:

- 26 (1) The voter delivers:
 - 27 (A) in person;
 - 28 (B) by mail;
 - 29 ~~(C) by facsimile transmission;~~ or
 - 30 ~~(D)~~ (C) by electronic mail;

31 a signature verification affidavit signed by the voter and the
 32 county election board or board of elections and registration
 33 receives the affidavit not later than noon, prevailing time, eight
 34 (8) days after election day, or the voter, before the close of the
 35 polls on election day, completes and files a signature verification
 36 affidavit with the inspector or other chief election official of the
 37 precinct or vote center within the county. The inspector or vote
 38 center official shall forward the signature verification statement
 39 to the county election board or board of elections and registration
 40 with the other materials from the precinct.

41 (2) Upon receipt of the signature verification statement, the
 42 county election board or county board of elections and
 registration shall open the provisional ballot envelope to access



1 the voter's absentee ballot security envelope to:

2 (A) compare the signature on the verification statement with
3 the signature on the affidavit of the ballot envelope; or

4 (B) if the ballot is for a military or overseas voter who
5 transmitted the ballot by ~~facsimile~~ or electronic mail, compare
6 the affidavit found under IC 3-11-4-6(h) and, if applicable, the
7 signature found in the voter's registration record or the
8 signature on the absentee ballot application.

9 (j) If, upon conducting the comparison of signatures, the board
10 determines that the signatures match and no other challenges have been
11 made to the ballot, the board shall open the absentee ballot security
12 envelope and add the votes cast on the ballot to the tally for the voter's
13 precinct.

14 (k) A ballot may not be removed from the security envelope until
15 the time for processing ballots. If, upon conducting the comparison of
16 the signatures under this section, the election officials determine that
17 the signatures are mismatched, the voter's absentee ballot security
18 envelope may not be opened and the ballot shall not be counted. The
19 election officials shall write "this ballot has been rejected because of
20 a mismatched signature" on the face of the security envelope. The
21 absentee ballot security envelope must be resealed and the status of the
22 rejected provisional ballot must be made under the "County Election
23 Board Findings" on the affidavit.

24 (l) A mismatched absentee ballot security envelope is to be treated
25 as a provisional ballot and is subject to the same confidentiality
26 restrictions under IC 3-11.7-6-3.

27 (m) If the county election board or board of elections and
28 registration determines that the signatures match, the board shall
29 provide a copy of the statement to the county voter registration officer
30 in any county where there is a separate board of registration. The voter
31 registration officer shall then use the signature in the signature
32 verification statement, even if returned untimely, to update the voter's
33 signature in the voter's registration record.

34 SECTION 26. IC 3-11.5-4-13.6, AS ADDED BY P.L.109-2021,
35 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2022]: Sec. 13.6. (a) This section applies to an absentee ballot
37 where there is a finding that the voter's signature on the absentee ballot
38 security envelope affidavit is missing and therefore does not
39 correspond to the signature on the voter's absentee ballot application or
40 electronic poll book.

41 (b) Section 13.5(c), 13.5(d), and 13.5(f) of this chapter apply to this
42 section.



1 (c) The county election board or board of elections and registration
 2 shall not reject an absentee ballot with a missing security envelope
 3 signature if either of the following conditions is satisfied and the
 4 county election board or board of elections and registration determines
 5 that the unsigned absentee ballot affidavit is truthful and otherwise in
 6 compliance with this section:

7 (1) The voter delivers:

8 (A) in person;

9 (B) by mail;

10 ~~(C) by facsimile;~~ or

11 ~~(D)~~ (C) by electronic mail;

12 an affidavit of unsigned ballot that is signed by the voter, and the
 13 county election board or board of elections and registration
 14 receives the affidavit not later than noon eight (8) days after
 15 election day.

16 (2) Before the close of the polls on election day, the voter
 17 completes and files an affidavit of unsigned ballot with the
 18 inspector or other chief election official of the precinct or vote
 19 center within the county. The inspector or vote center official
 20 shall forward the affidavit of unsigned ballot to the county
 21 election board or board of elections and registration with the other
 22 materials from the precinct.

23 (d) Upon receipt of the affidavit of unsigned ballot, the county
 24 election board or county board of elections and registration shall open
 25 the provisional ballot envelope to access the voter's absentee ballot
 26 security envelope to:

27 (1) compare the signature on the affidavit of unsigned ballot with
 28 the most recent signature on the voter's registration record in the
 29 statewide voter registration system, or the signature on the
 30 absentee ballot application; or

31 (2) if the ballot is for a military or overseas voter who transmitted
 32 the ballot by ~~facsimile~~ or electronic mail, compare the affidavit
 33 found under IC 3-11-4-6(h) and, if applicable, the signature found
 34 in the voter's registration record or the signature on the absentee
 35 ballot application.

36 (e) If, upon conducting the comparison of the signatures, the board
 37 determines that the signatures match and there are no other challenges
 38 that have been made to the ballot, the board shall open the absentee
 39 ballot security envelope and add the votes cast on the ballot to the tally
 40 for the voter's precinct.

41 (f) If, upon conducting the comparison of the signatures, the board
 42 determines that the signatures are mismatched, the voter's absentee



1 ballot security envelope shall not be opened and the ballot may not be
2 counted. The board shall write "this ballot has been rejected because
3 of a mismatched signature" on the face of the security envelope. The
4 provisional ballot envelope must be resealed and the status of the
5 rejected ballot must be set forth under the "County Election Board
6 Findings" on the affidavit.

7 (g) The affidavit of unsigned ballot shall be prescribed by the
8 election division under IC 3-5-4-8, shall be produced from the
9 computerized list established under IC 3-7-26.3, must be in
10 substantially the following form, and may be included on the same
11 page as the notice and instructions:

12 AFFIDAVIT OF UNSIGNED BALLOT

13 I, [voter's name], am a registered voter of [voter's county of
14 residence] County, State of Indiana. I declare under the penalties
15 of perjury that I requested and returned an absentee ballot. I am
16 a resident of the precinct in which I have voted (or I am entitled
17 to vote in this precinct under Indiana law), and I am the person
18 whose name appears on the absentee ballot envelope. I understand
19 that if I commit or attempt any fraud in connection with voting, or
20 if I aid or abet fraud or attempt to aid or abet fraud in connection
21 with voting, I may be convicted of a felony punishable by
22 imprisonment, a fine, or both. I understand that my failure to sign
23 this statement means that my absentee ballot will not be counted.

24 _____
25 Voter's Signature

26 _____
27 Voter's Printed Name

28 _____
29 Voter's Registration Address

30 The computerized list shall preprint the name of the voter in the
31 appropriate parts of the affidavit.

32 (h) The following instructions, prescribed by the election division
33 under IC 3-5-4-8 and produced from the computerized list established
34 under IC 3-7-26.3, shall accompany the affidavit of unsigned ballot in
35 substantially the following form:

36 NOTICE FROM COUNTY ELECTION BOARD
37 REGARDING AN AFFIDAVIT OF UNSIGNED BALLOT FOR
38 ABSENTEE BALLOT

39 Read these instructions carefully before completing the statement.
40 Failure to follow these instructions may cause your ballot to not
41 be counted.

42 (1) We have determined that your signature is missing on your



- 1 absentee ballot security envelope. To ensure that your absentee
 2 ballot will be counted, you must complete and return an
 3 affidavit of unsigned ballot.
- 4 (2) Your affidavit of unsigned ballot must be received by the
 5 county election board or board of elections and registration not
 6 later than noon, local prevailing time, eight (8) days after the
 7 election, with the statement specifying the day on which the
 8 eighth day after the election will fall.
- 9 (3) You must sign your name where specified on the affidavit
 10 of unsigned ballot.
- 11 (4) Place the affidavit of unsigned ballot into a mailing
 12 envelope addressed to your county election official. Mail, hand
 13 deliver, or have your completed affidavit delivered to the
 14 board. Be sure to include sufficient postage if mailed, and
 15 include the address of the county election board provided
 16 below.
- 17 (5) If you do not wish to send your affidavit of unsigned ballot
 18 by mail or have it hand delivered, you may submit your
 19 completed affidavit by electronic mail ~~or facsimile~~
 20 ~~transmission~~ to the county election board using the following
 21 information provided by your county [insert county electronic
 22 mail address]. ~~and facsimile number~~.
- 23 (6) Include your name on the affidavit.
- 24 (i) A ballot may not be removed from the security envelope until the
 25 time for processing the ballot.
- 26 (j) Except where clearly inapplicable under IC 3-11.7, an unsigned
 27 absentee ballot security envelope is to be treated as a provisional ballot
 28 and is subject to the same confidentiality restrictions under
 29 IC 3-11.7-6-3. The affidavit of unsigned ballot and the signature
 30 verification statement executed by the voter are confidential under
 31 IC 3-11.7-6-3.
- 32 SECTION 27. IC 3-11.7-2-2, AS AMENDED BY P.L.193-2021,
 33 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2022]: Sec. 2. (a) A provisional voter shall do the following:
- 35 (1) Execute the affidavit described in IC 3-10-1-9 or
 36 IC 3-11-8-23.
- 37 (2) Sign the poll list.
- 38 (3) Mark the ballot in the presence of no other person, unless the
 39 voter requests help in marking a ballot under IC 3-11-9.
- 40 (4) Fold each ballot separately.
- 41 (5) Fold each ballot so as to conceal the marking.
- 42 (6) Enclose each ballot, with the seal and signature of the circuit



1 court clerk on the outside, together with any unused ballot, in the
 2 envelope provided by the county election board under
 3 IC 3-11.7-1-8.

4 (7) Securely seal the envelope.

5 (b) A provisional voter may mark a ballot with a pen or a lead
 6 pencil.

7 (c) This subsection applies to a provisional voter described in
 8 section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52
 9 U.S.C. 21082, a precinct election officer shall give the provisional
 10 voter a copy of the written instructions prescribed by the county
 11 election board under IC 3-11.7-6-3 after the voter returns the envelope
 12 containing the provisional voter's ballots.

13 (d) This subsection applies to a provisional voter described in
 14 section 1(a) or 1(b) of this chapter. In addition to the written
 15 instructions required by subsection (c), a precinct election officer shall
 16 provide the provisional voter, both orally and in writing, an explanation
 17 of what actions, if any, the provisional voter must take in order to have
 18 the provisional voter's ballot counted. The election division shall
 19 prescribe the form of the explanation required by this subsection. ~~The~~
 20 ~~circuit court clerk shall also provide the notice required by~~
 21 ~~IC 3-11.7-6-4 to the provisional voter.~~

22 SECTION 28. IC 3-11.7-6-4 IS REPEALED [EFFECTIVE JULY
 23 1, 2022]. Sec. 4. (a) Not later than three (3) calendar days after election
 24 day, the circuit court clerk shall provide a notice containing the
 25 following information to each voter who casts a provisional ballot:

26 (1) ~~The reason or reasons that the voter's ballot is being treated as~~
 27 ~~a provisional ballot.~~

28 (2) ~~A description of what actions, if any, the provisional voter~~
 29 ~~must take in order to have the provisional voter's ballot counted~~
 30 ~~under this article.~~

31 (3) ~~The deadlines by which the provisional voter is required to~~
 32 ~~take any actions described in subdivision (2) in order to have the~~
 33 ~~provisional voter's ballot counted under this article.~~

34 (4) ~~The following information that will enable the provisional~~
 35 ~~voter to inquire about the provisional voter's ballot:~~

36 (A) ~~The name of the office that the provisional voter may~~
 37 ~~contact.~~

38 (B) ~~The address of the office described in clause (A).~~

39 (C) ~~The telephone number at the office described in clause (A)~~
 40 ~~that the voter may use to contact the office about the voter's~~
 41 ~~provisional ballot.~~

42 (D) ~~Any other information the circuit court clerk considers~~



1 useful to provide assistance to the provisional voter in
2 inquiring about the provisional ballot.

3 (b) The notice required by subsection (a) must be:

4 (1) sent by first class United States mail; or

5 (2) given by another method the circuit court clerk determines
6 will provide actual notice to the voter.

7 (c) The notice required by subsection (a) must be in a form
8 prescribed by the election division.

9 SECTION 29. IC 3-12-3-5, AS AMENDED BY P.L.193-2021,
10 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2022]: Sec. 5. (a) If a ballot card is damaged or defective so
12 that it cannot properly be counted by the automatic tabulating
13 machines, then a remake team composed of one (1) person from each
14 of the major political parties of the county shall have the card prepared
15 for processing so as to record accurately the intention of the voter
16 insofar as it can be ascertained.

17 (b) If the ballot card voting system is designed to allow the counting
18 and tabulation of votes by the precinct election board, the members of
19 the remake team must be members of the precinct election board in
20 which the ballot was cast. If a county provides for the counting and
21 tabulation of ballot card voting systems in a central location, the
22 members of the remake team shall be appointed by the county election
23 board.

24 (c) If necessary, a true, duplicate copy shall be made of the damaged
25 ballot card in the presence of witnesses and substituted for the damaged
26 card. Similarly, a duplicate ballot card shall be made of a defective
27 card, not including the uncounted votes.

28 (d) This subsection applies to an absent uniformed services voter or
29 overseas voter permitted to transmit an absentee ballot by ~~fax or~~
30 electronic mail under IC 3-11-4-6. To facilitate the transmittal and
31 return of the voter's absentee ballot by ~~fax or~~ electronic mail, the county
32 election board may provide the voter with a paper ballot rather than a
33 ballot card. The paper ballot must conform with the requirements for
34 paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns
35 the ballot by ~~fax or~~ electronic mail, a remake team appointed by the
36 county election board under this section shall prepare a ballot card for
37 processing that accurately records the intention of the voter as
38 indicated on the paper ballot. The ballot card created under this
39 subsection must include the initials of each member of the remake team
40 and be marked and counted as a duplicate ballot under sections 6
41 through 7 of this chapter.

42 (e) If an automatic tabulating machine fails during the counting and



1 tabulation of votes following the close of the polls, the county election
 2 board shall immediately arrange for the repair and proper functioning
 3 of the system. The county election board may, by unanimous vote of its
 4 entire membership, authorize the counting and tabulation of votes for
 5 this election on an automatic tabulating machine approved for use in
 6 Indiana by the commission:

7 (1) until the repair and retesting of the malfunctioning machine;
 8 and

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

10 SECTION 30. IC 3-12-13-3, AS ADDED BY P.L.34-2019,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2022]: Sec. 3. As used in this chapter, "~~risk-limiting~~
 13 "**post-election** audit" means an audit protocol that makes use of
 14 statistical methods and is designed to limit to acceptable levels the risk
 15 of certifying a preliminary election outcome that constitutes an
 16 incorrect outcome.

17 SECTION 31. IC 3-12-13-4, AS ADDED BY P.L.34-2019,
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2022]: Sec. 4. (a) The secretary of state may designate
 20 counties as ~~risk-limiting~~ **post-election** audit ~~pilot~~ counties.

21 (b) For a county to be designated as a ~~risk-limiting~~ **post-election**
 22 audit ~~pilot~~ county, the county election board must adopt a resolution
 23 requesting the secretary of state to designate the county as a
 24 ~~risk-limiting~~ **post-election** audit ~~pilot~~ county.

25 (c) In designating a county as a ~~risk-limiting~~ **post-election** audit
 26 ~~pilot~~ county, the secretary of state shall seek to designate a variety of
 27 counties as ~~pilot~~ **post-election audit** counties based on the number of
 28 active voters within the county.

29 (d) A county designated as a ~~risk-limiting~~ **post-election** audit ~~pilot~~
 30 county shall conduct ~~risk-limiting~~ **post-election** audits as provided in
 31 this chapter.

32 SECTION 32. IC 3-12-13-5, AS AMENDED BY P.L.135-2020,
 33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2022]: Sec. 5. (a) The secretary of state shall determine the
 35 **number of** elections that are subject to a ~~risk-limiting~~ **post-election**
 36 audit.

37 (b) All contested elections for an elected office and all public
 38 questions are eligible for designation under subsection (a) for a
 39 ~~risk-limiting~~ **post-election** audit.

40 SECTION 33. IC 3-12-13-6, AS AMENDED BY P.L.193-2021,
 41 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2022]: Sec. 6. (a) The secretary of state may waive the



- 1 requirement of section 5 of this chapter, after a written request by a
 2 county election board.
- 3 (b) The secretary of state may waive the requirement of section 5 of
 4 this chapter only if the county election board shows that the technology
 5 in use by the county will not enable the county election board to satisfy
 6 the requirements for a ~~risk-limiting~~ **post-election** audit for an election.
- 7 SECTION 34. IC 3-12-13-7, AS AMENDED BY P.L.135-2020,
 8 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2022]: Sec. 7. (a) The secretary of state shall issue orders to
 10 implement and administer the requirements of this chapter.
- 11 (b) In issuing an order under subsection (a), the secretary of state
 12 shall:
- 13 (1) consult with recognized statistical experts, equipment vendors,
 14 the election division, and county election officials; and
- 15 (2) consider best practices for conducting ~~risk-limiting~~
 16 **post-election** audits.

