



January 18, 2022

HOUSE BILL No. 1173

DIGEST OF HB 1173 (Updated January 18, 2022 11:48 am - DI 131)

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

Synopsis: Various elections matters. Provides that the security agreement that counties are required to enter into with the secretary of state must be funded by money received from the federal government or from money appropriated by the general assembly. Provides that before an individual can access an absentee ballot application that is submitted in an electronic format using a module of the computerized list, the individual must provide either the individual's Indiana driver's license number or the last four digits of the individual's Social Security number. Provides that under certain circumstances, a person is entitled to vote by absentee ballot by mail if the person is unable to vote: (1) during the period of time a voter may vote by absentee ballot in person before the absentee voter board; (2) on election day; or (3) on election day during the entire 12 hours that the polls are open. (Current law provides that under certain circumstances, a person is entitled to vote by absentee ballot by mail if the person is unable to vote on election day or on election day during the entire 12 hours that the polls are open.) Requires that voting before an absentee voter board at the circuit court clerk's office or at a satellite office be referred to as "early voting" on all forms prescribed by the election division and in all communications with voters. 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.

Wesco

January 6, 2022, read first time and referred to Committee on Elections and Apportionment.
January 18, 2022, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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January 18, 2022

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 3-5-4-12, AS AMENDED BY P.L.193-2021,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 12. **(a) This section applies only if the costs to**
4 **a county to enter into an agreement required by this section can be**
5 **paid from money:**
6 **(1) received from the federal government and permitted to be**
7 **spent for this purpose; or**
8 **(2) appropriated by the general assembly for this purpose.**
9 ~~(a)~~ **(b)** Each county shall enter into an agreement with the secretary
10 of state to use a threat intelligence and enterprise security company
11 designated by the secretary of state to provide hardware, software, and
12 services to:
13 (1) investigate cybersecurity attacks;
14 (2) protect against malicious software; and
15 (3) analyze information technology security risks.
16 ~~(b)~~ **(c)** The agreement to provide services to a county under this
17 section:

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1 (1) has no effect on any threat intelligence and enterprise security
 2 service provided to the county by any other agreement with a
 3 provider or by any county employee or contractor; and

4 (2) must be designed to complement any existing service
 5 agreement or service used by the county;

6 when the county enters into the agreement.

7 **(d)** This section expires January 1, ~~2023~~: **2028**.

8 SECTION 2. IC 3-11-4-2, AS AMENDED BY P.L.278-2019,
 9 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2022]: Sec. 2. (a) A voter who wants to vote by absentee
 11 ballot must apply to the county election board for an official absentee
 12 ballot. Except as provided in subsection (b), the voter must sign the
 13 absentee ballot application.

14 (b) If a voter with disabilities is unable to sign the absentee ballot
 15 application and the voter has not designated an individual to serve as
 16 attorney in fact for the voter, the voter may designate an individual
 17 eligible to assist the voter under IC 3-11-9-2(a) to sign the application
 18 on behalf of the voter and add the individual's name to the application.
 19 If an individual applies for an absentee ballot as the properly
 20 authorized attorney in fact for a voter, the attorney in fact must attach
 21 a copy of the power of attorney to the application and comply with
 22 subsection (d).

23 (c) A person may provide an individual with an application for an
 24 absentee ballot with the following information already printed or
 25 otherwise set forth on the application when provided to the individual:

- 26 (1) The name of the individual.
 27 (2) The voter registration address of the individual.
 28 (3) The mailing address of the individual.
 29 (4) The date of birth of the individual.

30 (d) A person may not provide an individual with an application for
 31 an absentee ballot with the following information already printed or
 32 otherwise set forth on the application when provided to the individual:

- 33 (1) The address to which the absentee ballot would be mailed, if
 34 different from the voter registration address of the individual.
 35 (2) In a primary election, the major political party ballot requested
 36 by the individual.
 37 (3) In a primary or general election, the types of absentee ballots
 38 requested by the individual.
 39 (4) The reason why the individual is entitled to vote an absentee
 40 ballot:

- 41 (A) by mail; or
 42 (B) before an absentee voter board (other than an absentee



1 voter board located in the office of the circuit court clerk or a
 2 satellite office);
 3 in accordance with IC 3-11-4-18, IC 3-11-10-24, or
 4 IC 3-11-10-25.

5 (5) The voter identification number of the individual.

6 (e) If the county election board determines that an absentee ballot
 7 application does not comply with subsection (d), the board shall deny
 8 the application under section 17.5 of this chapter.

9 **(f) This subsection applies only to an absentee ballot application**
 10 **submitted in an electronic format using a module of the**
 11 **computerized list under IC 3-7-26.3. In order for an individual to**
 12 **access the absentee ballot application, the individual shall provide**
 13 **either of the following:**

14 **(1) The individual's ten (10) digit Indiana driver's license**
 15 **number.**

16 **(2) The last four (4) digits of the individual's Social Security**
 17 **number.**

18 **(f) (g)** A person who assists an individual in completing any
 19 information described in subsection (d) on an absentee ballot
 20 application shall state under the penalties for perjury the following
 21 information on the application:

22 (1) The full name, residence and mailing address, and daytime
 23 and evening telephone numbers (if any) of the person providing
 24 the assistance.

25 (2) The date this assistance was provided.

26 (3) That the person providing the assistance has complied with
 27 Indiana laws governing the submission of absentee ballot
 28 applications.

29 (4) That the person has no knowledge or reason to believe that the
 30 individual submitting the application:

31 (A) is ineligible to vote or to cast an absentee ballot; or

32 (B) did not properly complete and sign the application.

33 When providing assistance to an individual, the person must, in the
 34 individual's presence and with the individual's consent, provide the
 35 information listed in subsection (d) if the individual is unable to do so.

36 **(g) (h)** This subsection does not apply to an employee of the United
 37 States Postal Service or a bonded courier company acting in the
 38 individual's capacity as an employee of the United States Postal Service
 39 or a bonded courier company. A person who receives a completed
 40 absentee ballot application from the individual who has applied for the
 41 absentee ballot shall indicate on the application the date the person
 42 received the application, and file the application with the appropriate



1 county election board or election division not later than:

2 (1) noon ten (10) days after the person receives the application;

3 or

4 (2) the deadline set by Indiana law for filing the application with
5 the board;

6 whichever occurs first. The election division, a county election board,
7 or a board of elections and registration shall forward an absentee ballot
8 application to the county election board or board of elections and
9 registration of the county where the individual resides.

10 ~~(h)~~ (i) This subsection does not apply to an employee of the United
11 States Postal Service or a bonded courier company acting in the
12 individual's capacity as an employee of the United States Postal Service
13 or a bonded courier company, or to the election division, a county
14 election board, or a board of elections and registration. A person filing
15 an absentee ballot application, other than the person's own absentee
16 ballot application, must include an affidavit with the application. The
17 affidavit must be signed by the individual who received the completed
18 application from the applicant. The affidavit must be in a form
19 prescribed by the election division. The form must include the
20 following:

21 (1) A statement of the full name, residence and mailing address,
22 and daytime and evening telephone numbers (if any) of the person
23 submitting the application.

24 (2) A statement that the person filing the affidavit has complied
25 with Indiana laws governing the submission of absentee ballot
26 applications.

27 (3) The date (or dates) that the absentee ballot applications
28 attached to the affidavit were received.

29 (4) A statement that the person has no knowledge or reason to
30 believe that the individual whose application is to be filed:

31 (A) is ineligible to vote or to cast an absentee ballot; or

32 (B) did not properly complete and sign the application.

33 (5) A statement that the person is executing the affidavit under the
34 penalties of perjury.

35 (6) A statement setting forth the penalties for perjury.

36 ~~(h)~~ (j) The county election board shall record the date and time of
37 the filing of the affidavit.

38 SECTION 3. IC 3-11-4-3, AS AMENDED BY P.L.109-2021,
39 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c) and
41 section 6 of this chapter, an application for an absentee ballot must be
42 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2



1 or IC 3-6-5.6, the director of the board of elections and registration) not
 2 earlier than the date the registration period resumes under IC 3-7-13-10
 3 nor later than the following:

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

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

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

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

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

13 (A) the application is a mailed, transmitted by electronic mail,
 14 or fax, or hand delivered application from a confined voter or
 15 voter caring for a confined person; and

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

19 (4) 11:59 p.m. twelve (12) days before election day if the
 20 application is:

21 (A) a mailed application;

22 (B) transmitted by electronic mail;

23 (C) transmitted by fax; or

24 (D) hand delivered;

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

27 (b) An application for an absentee ballot received by the election
 28 division by the time and date specified by subsection (a)(2)(B), (a)(3),
 29 or (a)(4) is considered to have been timely received for purposes of
 30 processing by the county. The election division shall immediately
 31 transmit the application to the circuit court clerk, or the director of the
 32 board of elections and registration, of the county where the applicant
 33 resides. The election division is not required to complete or file the
 34 affidavit required under section ~~2(h)~~ **2(i)** of this chapter whenever the
 35 election division transmits an application under this subsection.

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

40 SECTION 4. IC 3-11-4-5.1, AS AMENDED BY P.L.193-2021,
 41 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2022]: Sec. 5.1. (a) The election division shall prescribe the



- 1 form of an application for an absentee ballot.
- 2 (b) This subsection does not apply to the form for an absentee ballot
 3 application to be submitted by an absent uniformed services voter or
 4 overseas voter that contains a standardized oath for those voters. The
 5 form of the application for an absentee ballot must do all of the
 6 following:
- 7 (1) Require the applicant to swear to or affirm under the penalties
 8 of perjury that all of the information set forth on the application
 9 is true to the best of the applicant's knowledge and belief.
 - 10 (2) Require a person who assisted with the completion of the
 11 application to swear to or affirm under the penalties of perjury the
 12 statements set forth in section ~~2(f)~~ **2(g)** of this chapter.
 - 13 (3) Serve as a verified statement for a voter to indicate a change
 14 of name under IC 3-7-41. The form must require the applicant to
 15 indicate the applicant's previous name.
 - 16 (4) Set forth the penalties for perjury.
- 17 (c) The form prescribed by the election division shall require that a
 18 voter who:
- 19 (1) requests an absentee ballot; and
 - 20 (2) is eligible to vote in the precinct under IC 3-10-11 or
 21 IC 3-10-12;
- 22 must include the affidavit required by IC 3-10-11 or a written
 23 affirmation described in IC 3-10-12.
- 24 (d) The election division shall approve absentee ballot application
 25 forms that comply with this subsection and section ~~2(g)~~ **2(h)** of this
 26 chapter and permit the applicant to indicate a change of name under
 27 subsection (b). The form prescribed by the election division must
 28 request that a voter who requests an absentee ballot:
- 29 (1) provide the last four (4) digits of the voter's Social Security
 30 number; or
 - 31 (2) state that the voter does not have a Social Security number.
- 32 The form must indicate that the voter's compliance with this request is
 33 optional.
- 34 (e) An application form submitted by a voter must comply with
 35 subsection (d).
- 36 (f) The form prescribed by the election division must include a
 37 statement that permits an applicant to indicate whether:
- 38 (1) the applicant has been certified and is currently a participant
 39 in the address confidentiality program under IC 5-26.5-2; and
 - 40 (2) the applicant's legal address is the address set forth in the
 41 applicant's voter registration.
- 42 If the applicant confirms these statements, the applicant may indicate



1 the address of the office of the attorney general as the address to which
2 the absentee ballot is to be mailed.

3 (g) This subsection applies to an application to receive an absentee
4 ballot:

5 (1) by mail under IC 3-11-10-24; or

6 (2) in the form of an application to vote before an absentee voter
7 board under IC 3-11-10-25 at the voter's place of confinement or
8 the residence of the voter.

9 If the voter wishes to submit an application under this section in an
10 electronic format using a module of the statewide voter registration
11 system, the voter must include a telephone number at which the voter
12 can be reached to submit the application.

13 (h) The application form for an absentee ballot must enable the
14 applicant to provide the applicant's electronic mail address. However,
15 an applicant's failure to provide an electronic mail address is not a
16 reason for denial of the absentee ballot application.

17 SECTION 5. IC 3-11-8-25.2, AS AMENDED BY P.L.193-2021,
18 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2022]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall
20 examine the list provided under IC 3-7-29-1 to determine if the county
21 election board has indicated that the voter is required to provide
22 additional personal identification under 52 U.S.C. 21083 and
23 IC 3-7-33-4.5 before voting in person. If the list indicates that the voter
24 is required to present this identification before voting in person, the
25 poll clerk shall advise the voter that the voter must present, in addition
26 to the proof of identification required by section 25.1(a) of this chapter,
27 a piece of identification described in subsection (b) to the poll clerk.

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

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

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

41 (c) If a voter presents a document under subsection (b), the poll
42 clerk shall add a notation to the list indicating the type of document



1 presented by the voter. The election division shall prescribe a
 2 standardized coding system to classify documents presented under this
 3 subsection for entry into the county voter registration system.

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

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

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

16 SECTION 6. IC 3-11-10-24, AS AMENDED BY P.L.109-2021,
 17 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2022]: Sec. 24. (a) Except as provided in subsection (b), a
 19 voter who satisfies any of the following is entitled to vote by mail:

20 (1) The voter has a specific, reasonable expectation of being
 21 absent from the county **during the period of time a voter may**
 22 **vote by absentee ballot before the board (as described in**
 23 **section 26 of this chapter) and** on election day during the entire
 24 twelve (12) hours that the polls are open.

25 (2) The voter will be absent from the precinct of the voter's
 26 residence **during the period of time a voter may vote by**
 27 **absentee ballot before the board (as described in section 26 of**
 28 **this chapter) and** on election day, because of service as:

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

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

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

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

34 (3) The voter will be confined **during the period of time a voter**
 35 **may vote by absentee ballot before the board (as described in**
 36 **section 26 of this chapter) and** on election day **during the**
 37 **entire twelve (12) hours that the polls are open** to the voter's
 38 residence, to a health care facility, or to a hospital because of an
 39 illness or injury. ~~during the entire twelve (12) hours that the polls~~
 40 ~~are open.~~

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

42 (5) The voter is an elderly voter.



- 1 (6) The voter is prevented from voting due to the voter's care of
 2 an individual confined to a private residence because of illness or
 3 injury **during the period of time a voter may vote by absentee**
 4 **ballot before the board (as described in section 26 of this**
 5 **chapter) and** during the entire twelve (12) hours that the polls are
 6 open.
- 7 (7) The voter is scheduled to work at the person's regular place of
 8 employment **during the period of time a voter may vote by**
 9 **absentee ballot before the board (as described in section 26 of**
 10 **this chapter) and** during the entire twelve (12) hours that the
 11 polls are open.
- 12 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 13 (9) The voter is prevented from voting due to observance of a
 14 religious discipline or religious holiday **during the period of**
 15 **time a voter may vote by absentee ballot before the board (as**
 16 **described in section 26 of this chapter) and** during the entire
 17 twelve (12) hours that the polls are open.
- 18 (10) The voter is an address confidentiality program participant
 19 (as defined in IC 5-26.5-1-6).
- 20 (11) The voter is a member of the Indiana National Guard
 21 deployed or on assignment inside Indiana or a public safety
 22 officer.
- 23 (12) The voter is a serious sex offender (as defined in
 24 IC 35-42-4-14(a)).
- 25 (13) The voter is prevented from voting due to the unavailability
 26 of transportation to the polls.
- 27 (b) An absent uniformed services voter or overseas voter is entitled
 28 to vote by mail using the combined absentee registration form and
 29 absentee ballot request approved under 52 U.S.C. 20301(b)(2).
- 30 (c) A county shall mail an absentee ballot to a voter under this
 31 section by nonforwardable United States Postal Service mail.
- 32 (d) Except as provided in subsection (l), a voter with disabilities
 33 who:
 34 (1) is unable to make a voting mark on the ballot or sign the
 35 absentee ballot secrecy envelope; and
 36 (2) requests that the absentee ballot be delivered to an address
 37 within Indiana;
 38 must vote before an absentee voter board under section 25(b) of this
 39 chapter.
- 40 (e) If a voter receives an absentee ballot by mail, the voter shall
 41 personally mark the ballot in secret and seal the marked ballot inside
 42 the envelope provided by the county election board for that purpose.



- 1 The voter shall:
- 2 (1) deposit the sealed envelope in the United States mail for
- 3 delivery to the county election board; or
- 4 (2) authorize a member of the voter's household, family listed in
- 5 IC 3-6-6-7(a)(4), or the individual designated as the voter's
- 6 attorney in fact to:
- 7 (A) deposit the sealed envelope in the United States mail; or
- 8 (B) deliver the sealed envelope in person to the county
- 9 election board at:
- 10 (i) the office of the circuit court clerk or the office of the
- 11 board of elections and registration under section 26 of this
- 12 chapter;
- 13 (ii) a satellite office of the circuit court clerk designated
- 14 under section 26.3 of this chapter; or
- 15 (iii) a satellite office of a vote center under IC 3-11-18.1-11.
- 16 A voter who delivers the sealed envelope under this clause
- 17 may request a replacement absentee ballot under IC 3-11.5-4-2
- 18 and cast a replacement absentee ballot at an office or vote
- 19 center described in items (i) through (iii).
- 20 (f) A county election board shall reject an absentee ballot deposited
- 21 in a drop box or other container or location that is not under the
- 22 physical control and supervision of the county election board when the
- 23 ballot is deposited.
- 24 (g) If a drop box or other container is located in a building under the
- 25 control of a political subdivision in which a document may be
- 26 deposited for other purposes related to the office of the circuit court
- 27 clerk or an office of any other political subdivision, the political
- 28 subdivision in control of the drop box or container shall post a notice
- 29 on or in a prominent location adjacent to the drop box or container
- 30 saying substantially as follows: "Do not deposit a voted absentee ballot
- 31 into this box or container. The absentee ballot will not be counted."
- 32 (h) If an absentee ballot is deposited into a box or container in
- 33 violation of subsection (f) or (g), the county election board shall mark
- 34 the absentee ballot security envelope as rejected and, if possible,
- 35 promptly notify the individual whose name appears on the security
- 36 envelope containing the absentee ballot.
- 37 (i) If a member of the voter's household, family listed in
- 38 IC 3-6-6-7(a)(4), or the voter's attorney in fact delivers the sealed
- 39 envelope containing a voter's absentee ballot to the county election
- 40 board, the individual delivering the ballot shall complete an affidavit
- 41 in a form prescribed by the election division. The affidavit must
- 42 contain the following information:



- 1 (1) The name and residence address of the voter whose absentee
2 ballot is being delivered.
- 3 (2) A statement of the full name, residence and mailing address,
4 and daytime and evening telephone numbers (if any) of the
5 individual delivering the absentee ballot.
- 6 (3) A statement indicating whether the individual delivering the
7 absentee ballot is a member of the voter's household, family listed
8 in IC 3-6-6-7(a)(4), or is the attorney in fact for the voter. If the
9 individual is the attorney in fact for the voter, the individual must
10 attach a copy of the power of attorney for the voter, unless a copy
11 of this document has already been filed with the county election
12 board.
- 13 (4) The date and location at which the absentee ballot was
14 delivered by the voter to the individual delivering the ballot to the
15 county election board.
- 16 (5) A statement that the individual delivering the absentee ballot
17 has complied with Indiana laws governing absentee ballots.
- 18 (6) A statement that the individual delivering the absentee ballot
19 is executing the affidavit under the penalties of perjury.
- 20 (7) A statement setting forth the penalties for perjury.
- 21 (j) The county election board shall record the date and time that the
22 affidavit under subsection (i) was filed with the board.
- 23 (k) After a voter has mailed or delivered an absentee ballot to the
24 office of the county election board, the voter may not recast a ballot,
25 except as provided in IC 3-11-4-17.7, IC 3-11.5-4-2, and
26 IC 3-11.5-4-21.
- 27 (l) A voter with print disabilities may vote by using the system
28 developed by the secretary of state under IC 3-11-4-6(k).
- 29 SECTION 7. IC 3-11-10-26, AS AMENDED BY P.L.193-2021,
30 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2022]: Sec. 26. (a) This subsection applies to all counties,
32 except for a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an
33 alternative to voting by mail, a voter is entitled to cast an absentee
34 ballot before an absentee voter board at any of the following:
- 35 (1) One (1) location of the office of the circuit court clerk
36 designated by the circuit court clerk.
- 37 (2) A satellite office established under section 26.3 of this
38 chapter.
- 39 (b) This subsection applies to a county to which IC 3-6-5.2 or
40 IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is
41 entitled to cast an absentee ballot before an absentee voter board at any
42 of the following:



- 1 (1) The office of the board of elections and registration.
- 2 (2) A satellite office established under section 26.3 of this
- 3 chapter.
- 4 (c) Except for a location designated under subsection (a)(1), a
- 5 location of the office of the circuit court clerk must be established as
- 6 a satellite office under section 26.3 of this chapter in order to be used
- 7 as a location at which a voter is entitled to cast an absentee ballot
- 8 before an absentee voter board under this section.
- 9 (d) The voter must do the following before being permitted to vote:
- 10 (1) This subdivision does not apply to a county that uses
- 11 electronic poll books for voting under this section. Sign an
- 12 application on the form prescribed by the election division under
- 13 IC 3-11-4-5.1. The application must be received by the circuit
- 14 court clerk not later than the time prescribed by IC 3-11-4-3.
- 15 (2) This subdivision applies only to a county that uses electronic
- 16 poll books for voting under this section and in which the ballot is
- 17 cast on an electronic voting system. The voter must do the
- 18 following:
- 19 (A) If the county election board has prescribed an affidavit
- 20 under subsection (e) that includes a unique identifier to
- 21 comply with section 26.2(c)(3) of this chapter, make and
- 22 subscribe to the affidavit.
- 23 (B) Sign the electronic poll book.
- 24 (C) Provide proof of identification.
- 25 (3) This subdivision applies only to a county that uses electronic
- 26 poll books for voting under this section and in which the ballot is
- 27 cast on an optical scan voting system. The voter must do the
- 28 following:
- 29 (A) Sign the electronic poll book.
- 30 (B) Provide proof of identification.
- 31 (C) Sign the affidavit prescribed by section 29 of this chapter.
- 32 (e) The county election board may:
- 33 (1) prescribe an affidavit that includes a unique identifier; or
- 34 (2) establish a procedure to produce a document, label, or
- 35 electronic record that is associated with each voter and includes
- 36 a unique identifier;
- 37 to comply with section 26.2(c)(3) of this chapter. After the county
- 38 election board approves an affidavit or procedure described in this
- 39 subsection and before the affidavit or procedure is used in an election,
- 40 the county election board shall file a copy of the affidavit or a brief
- 41 description of the procedure with the election division to assist the state
- 42 recount commission in conducting proceedings under IC 3-12-11.



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

7 (g) An absent uniformed services voter who is eligible to vote by
8 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
9 may vote before the board not earlier than twenty-eight (28) days
10 before the election and not later than noon on election day. If the close
11 of a voter registration period is transferred under IC 3-5-4-1.5 from
12 twenty-nine (29) days to a later date due to the Columbus Day holiday,
13 the voter may vote before the board on the first day following the day
14 on which the voter registration period closes. If a voter described by
15 this subsection wishes to cast an absentee ballot during the period
16 beginning at noon on the day before election day and ending at noon on
17 election day, the county election board or absentee voter board may
18 receive and process the ballot at a location designated by resolution of
19 the county election board.

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

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

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

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

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

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

40 (2) provided with the opportunity to change the ballot or correct
41 any error in a private and independent manner before the ballot is
42 cast and counted, including the opportunity to receive a



- 1 replacement ballot if the voter is otherwise unable to change or
 2 correct the ballot; and
 3 (3) notified before the ballot is cast regarding the effect of casting
 4 multiple votes for the office and provided an opportunity to
 5 correct the ballot before the ballot is cast and counted.
- 6 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is
 7 provided under this section, the board must also provide the voter with:
 8 (1) information concerning the effect of casting multiple votes for
 9 an office; and
 10 (2) instructions on how to correct the ballot before the ballot is
 11 cast and counted, including the issuance of replacement ballots.
- 12 (l) If:
 13 (1) the voter is unable or declines to present the proof of
 14 identification; or
 15 (2) a member of the board determines that the proof of
 16 identification provided by the voter does not qualify as proof of
 17 identification under IC 3-5-2-40.5;
 18 the voter shall be permitted to cast a provisional ballot.
- 19 (m) This subsection applies to a voter who casts an absentee ballot
 20 that is treated as a provisional ballot under subsection (l). The board
 21 shall provide the voter, both orally and in writing, an explanation of
 22 what actions, if any, the voter must take in order to have the voter's
 23 ballot counted. The election division shall prescribe the form of the
 24 explanation required by this subsection. ~~The circuit court clerk shall~~
 25 ~~also provide the notice required by IC 3-11-7-6-4 to the voter.~~
- 26 (n) A voter casting an absentee ballot under this section is entitled
 27 to cast the voter's ballot in accordance with IC 3-11-9.
- 28 (o) In a primary election, a voter casting an absentee ballot under
 29 this chapter may not change the voter's choice of the voter's political
 30 party after the voter has been mailed or otherwise provided with a
 31 primary ballot containing the candidates of that party.
- 32 SECTION 8. IC 3-11-10-26.1 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2022]: **Sec. 26.1. Voting before an absentee**
 35 **voter board under section 26 of this chapter shall be referred to as**
 36 **"early voting" on all forms prescribed by the election division and**
 37 **in all communications with voters.**
- 38 SECTION 9. IC 3-11-7-2-2, AS AMENDED BY P.L.193-2021,
 39 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2022]: Sec. 2. (a) A provisional voter shall do the following:
 41 (1) Execute the affidavit described in IC 3-10-1-9 or
 42 IC 3-11-8-23.



- 1 (2) Sign the poll list.
- 2 (3) Mark the ballot in the presence of no other person, unless the
- 3 voter requests help in marking a ballot under IC 3-11-9.
- 4 (4) Fold each ballot separately.
- 5 (5) Fold each ballot so as to conceal the marking.
- 6 (6) Enclose each ballot, with the seal and signature of the circuit
- 7 court clerk on the outside, together with any unused ballot, in the
- 8 envelope provided by the county election board under
- 9 IC 3-11.7-1-8.
- 10 (7) Securely seal the envelope.
- 11 (b) A provisional voter may mark a ballot with a pen or a lead
- 12 pencil.
- 13 (c) This subsection applies to a provisional voter described in
- 14 section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52
- 15 U.S.C. 21082, a precinct election officer shall give the provisional
- 16 voter a copy of the written instructions prescribed by the county
- 17 election board under IC 3-11.7-6-3 after the voter returns the envelope
- 18 containing the provisional voter's ballots.
- 19 (d) This subsection applies to a provisional voter described in
- 20 section 1(a) or 1(b) of this chapter. In addition to the written
- 21 instructions required by subsection (c), a precinct election officer shall
- 22 provide the provisional voter, both orally and in writing, an explanation
- 23 of what actions, if any, the provisional voter must take in order to have
- 24 the provisional voter's ballot counted. The election division shall
- 25 prescribe the form of the explanation required by this subsection. ~~The~~
- 26 ~~circuit court clerk shall also provide the notice required by~~
- 27 ~~IC 3-11.7-6-4 to the provisional voter.~~
- 28 SECTION 10. IC 3-11.7-6-4 IS REPEALED [EFFECTIVE JULY
- 29 1, 2022]. Sec. 4. (a) Not later than three (3) calendar days after election
- 30 day, the circuit court clerk shall provide a notice containing the
- 31 following information to each voter who casts a provisional ballot:
- 32 (1) ~~The reason or reasons that the voter's ballot is being treated as~~
- 33 ~~a provisional ballot:~~
- 34 (2) ~~A description of what actions, if any, the provisional voter~~
- 35 ~~must take in order to have the provisional voter's ballot counted~~
- 36 ~~under this article.~~
- 37 (3) ~~The deadlines by which the provisional voter is required to~~
- 38 ~~take any actions described in subdivision (2) in order to have the~~
- 39 ~~provisional voter's ballot counted under this article.~~
- 40 (4) ~~The following information that will enable the provisional~~
- 41 ~~voter to inquire about the provisional voter's ballot:~~
- 42 (A) ~~The name of the office that the provisional voter may~~



- 1 contact.
- 2 (B) The address of the office described in clause (A):
- 3 (C) The telephone number at the office described in clause (A)
- 4 that the voter may use to contact the office about the voter's
- 5 provisional ballot.
- 6 (D) Any other information the circuit court clerk considers
- 7 useful to provide assistance to the provisional voter in
- 8 inquiring about the provisional ballot.
- 9 (b) The notice required by subsection (a) must be:
- 10 (1) sent by first class United States mail; or
- 11 (2) given by another method the circuit court clerk determines
- 12 will provide actual notice to the voter.
- 13 (c) The notice required by subsection (a) must be in a form
- 14 prescribed by the election division.
- 15 SECTION 11. IC 3-12-13-3, AS ADDED BY P.L.34-2019,
- 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2022]: Sec. 3. As used in this chapter, "risk-limiting
- 18 "post-election audit" means an audit protocol that makes use of
- 19 statistical methods and is designed to limit to acceptable levels the risk
- 20 of certifying a preliminary election outcome that constitutes an
- 21 incorrect outcome.
- 22 SECTION 12. IC 3-12-13-4, AS ADDED BY P.L.34-2019,
- 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2022]: Sec. 4. (a) The secretary of state may designate
- 25 counties as ~~risk-limiting post-election~~ audit pilot counties.
- 26 (b) For a county to be designated as a ~~risk-limiting post-election~~
- 27 audit pilot county, the county election board must adopt a resolution
- 28 requesting the secretary of state to designate the county as a
- 29 ~~risk-limiting post-election~~ audit pilot county.
- 30 (c) In designating a county as a ~~risk-limiting post-election~~ audit
- 31 pilot county, the secretary of state shall seek to designate a variety of
- 32 counties as ~~pilot post-election audit~~ counties based on the number of
- 33 active voters within the county.
- 34 (d) A county designated as a ~~risk-limiting post-election~~ audit pilot
- 35 county shall conduct ~~risk-limiting post-election~~ audits as provided in
- 36 this chapter.
- 37 SECTION 13. IC 3-12-13-5, AS AMENDED BY P.L.135-2020,
- 38 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2022]: Sec. 5. (a) The secretary of state shall determine the
- 40 **number of** elections that are subject to a ~~risk-limiting post-election~~
- 41 audit.
- 42 (b) All contested elections for an elected office and all public



1 questions are eligible for designation under subsection (a) for a
2 ~~risk-limiting post-election~~ audit.

3 SECTION 14. IC 3-12-13-6, AS AMENDED BY P.L.193-2021,
4 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2022]: Sec. 6. (a) The secretary of state may waive the
6 requirement of section 5 of this chapter, after a written request by a
7 county election board.

8 (b) The secretary of state may waive the requirement of section 5 of
9 this chapter only if the county election board shows that the technology
10 in use by the county will not enable the county election board to satisfy
11 the requirements for a ~~risk-limiting post-election~~ audit for an election.

12 SECTION 15. IC 3-12-13-7, AS AMENDED BY P.L.135-2020,
13 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2022]: Sec. 7. (a) The secretary of state shall issue orders to
15 implement and administer the requirements of this chapter.

16 (b) In issuing an order under subsection (a), the secretary of state
17 shall:

18 (1) consult with recognized statistical experts, equipment vendors,
19 the election division, and county election officials; and

20 (2) consider best practices for conducting ~~risk-limiting~~
21 ~~post-election~~ audits.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-5-4-12, AS AMENDED BY P.L.193-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. **(a) This section applies only if the costs to a county to enter into an agreement required by this section can be paid from money:**

(1) received from the federal government and permitted to be spent for this purpose; or

(2) appropriated by the general assembly for this purpose.

(a) (b) Each county shall enter into an agreement with the secretary of state to use a threat intelligence and enterprise security company designated by the secretary of state to provide hardware, software, and services to:

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

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

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

when the county enters into the agreement.

(d) This section expires January 1, ~~2023~~. **2028**."

Delete pages 2 through 6.

Page 7, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 2. IC 3-11-4-2, AS AMENDED BY P.L.278-2019, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual



eligible to assist the voter under IC 3-11-9-2(a) to sign the application on behalf of the voter and add the individual's name to the application. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- (4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) This subsection applies only to an absentee ballot application submitted in an electronic format using a module of the computerized list under IC 3-7-26.3. In order for an individual to access the absentee ballot application, the individual shall provide either of the following:

- (1) The individual's ten (10) digit Indiana driver's license number.**
- (2) The last four (4) digits of the individual's Social Security**



number.

~~(f)~~ **(g)** A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the individual submitting the application:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

~~(g)~~ **(h)** This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board or election division not later than:

- (1) noon ten (10) days after the person receives the application; or
- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

~~(h)~~ **(i)** This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must include an affidavit with the application. The



affidavit must be signed by the individual who received the completed application from the applicant. The affidavit must be in a form prescribed by the election division. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
- (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
- (3) The date (or dates) that the absentee ballot applications attached to the affidavit were received.
- (4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
- (5) A statement that the person is executing the affidavit under the penalties of perjury.
- (6) A statement setting forth the penalties for perjury.

(i) (j) The county election board shall record the date and time of the filing of the affidavit."

Page 7, line 22, reset in roman "or fax".

Page 7, line 25, reset in roman "or fax,".

Page 7, line 34, reset in roman "(C) transmitted by fax;".

Page 7, line 35, reset in roman "(D)".

Page 7, line 35, delete "C".

Page 8, line 3, strike "2(h)" and insert "2(i)".

Page 8, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 4. IC 3-11-4-5.1, AS AMENDED BY P.L.193-2021, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5.1. (a) The election division shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

- (1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.
- (2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the



statements set forth in section ~~2(f)~~ **2(g)** of this chapter.

(3) Serve as a verified statement for a voter to indicate a change of name under IC 3-7-41. The form must require the applicant to indicate the applicant's previous name.

(4) Set forth the penalties for perjury.

(c) The form prescribed by the election division shall require that a voter who:

(1) requests an absentee ballot; and

(2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) The election division shall approve absentee ballot application forms that comply with this subsection and section ~~2(g)~~ **2(h)** of this chapter and permit the applicant to indicate a change of name under subsection (b). The form prescribed by the election division must request that a voter who requests an absentee ballot:

(1) provide the last four (4) digits of the voter's Social Security number; or

(2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter must comply with subsection (d).

(f) The form prescribed by the election division must include a statement that permits an applicant to indicate whether:

(1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and

(2) the applicant's legal address is the address set forth in the applicant's voter registration.

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address to which the absentee ballot is to be mailed.

(g) This subsection applies to an application to receive an absentee ballot:

(1) by mail under IC 3-11-10-24; or

(2) in the form of an application to vote before an absentee voter board under IC 3-11-10-25 at the voter's place of confinement or the residence of the voter.

If the voter wishes to submit an application under this section in an electronic format using a module of the statewide voter registration system, the voter must include a telephone number at which the voter



can be reached to submit the application.

(h) The application form for an absentee ballot must enable the applicant to provide the applicant's electronic mail address. However, an applicant's failure to provide an electronic mail address is not a reason for denial of the absentee ballot application."

Delete pages 9 through 14.

Page 15, delete lines 1 through 15.

Page 16, delete lines 15 through 42.

Page 17, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 5. IC 3-11-10-24, AS AMENDED BY P.L.109-2021, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

(1) The voter has a specific, reasonable expectation of being absent from the county **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** on election day, because of service as:

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

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

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

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

(3) The voter will be confined **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** on election day **during the entire twelve (12) hours that the polls are open** to the voter's residence, to a health care facility, or to a hospital because of an illness or injury. ~~during the entire twelve (12) hours that the polls are open.~~

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** during the entire twelve (12) hours that the polls are



open.

(7) The voter is scheduled to work at the person's regular place of employment **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** during the entire twelve (12) hours that the polls are open.

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

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** during the entire twelve (12) hours that the polls are open.

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

(11) The voter is a member of the Indiana National Guard deployed or on assignment inside Indiana or a public safety officer.

(12) The voter is a serious sex offender (as defined in IC 35-42-4-14(a)).

(13) The voter is prevented from voting due to the unavailability of transportation to the polls.

(b) An absent uniformed services voter or overseas voter is entitled to vote by mail using the combined absentee registration form and absentee ballot request approved under 52 U.S.C. 20301(b)(2).

(c) A county shall mail an absentee ballot to a voter under this section by nonforwardable United States Postal Service mail.

(d) Except as provided in subsection (l), a voter with disabilities who:

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

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

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

(e) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

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

(2) authorize a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or the individual designated as the voter's



attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or
 (B) deliver the sealed envelope in person to the county election board at:

(i) the office of the circuit court clerk or the office of the board of elections and registration under section 26 of this chapter;

(ii) a satellite office of the circuit court clerk designated under section 26.3 of this chapter; or

(iii) a satellite office of a vote center under IC 3-11-18.1-11.

A voter who delivers the sealed envelope under this clause may request a replacement absentee ballot under IC 3-11.5-4-2 and cast a replacement absentee ballot at an office or vote center described in items (i) through (iii).

(f) A county election board shall reject an absentee ballot deposited in a drop box or other container or location that is not under the physical control and supervision of the county election board when the ballot is deposited.

(g) If a drop box or other container is located in a building under the control of a political subdivision in which a document may be deposited for other purposes related to the office of the circuit court clerk or an office of any other political subdivision, the political subdivision in control of the drop box or container shall post a notice on or in a prominent location adjacent to the drop box or container saying substantially as follows: "Do not deposit a voted absentee ballot into this box or container. The absentee ballot will not be counted."

(h) If an absentee ballot is deposited into a box or container in violation of subsection (f) or (g), the county election board shall mark the absentee ballot security envelope as rejected and, if possible, promptly notify the individual whose name appears on the security envelope containing the absentee ballot.

(i) If a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the election division. The affidavit must contain the following information:

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

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



(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

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

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

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

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

(j) The county election board shall record the date and time that the affidavit under subsection (i) was filed with the board.

(k) After a voter has mailed or delivered an absentee ballot to the office of the county election board, the voter may not recast a ballot, except as provided in IC 3-11-4-17.7, IC 3-11.5-4-2, and IC 3-11.5-4-21.

(l) A voter with print disabilities may vote by using the system developed by the secretary of state under IC 3-11-4-6(k)."

Page 20, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 7. IC 3-11-10-26.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 26.1. Voting before an absentee voter board under section 26 of this chapter shall be referred to as "early voting" on all forms prescribed by the election division and in all communications with voters.**"

Delete pages 21 through 28.

Page 29, delete lines 1 through 31.

Page 31, delete lines 9 through 42.

Page 32, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1173 as introduced.)

WESCO



Committee Vote: yeas 9, nays 4.

