

HOUSE BILL No. 1225

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-1.3-18; IC 3-5-2-19.8; IC 3-6-6-40; IC 3-11; IC 3-11.5-4-3; IC 3-14-2-1; IC 35-31.5-2-260.2; IC 35-42-2-1.

Synopsis: Election security. Requires the interim study committee on elections to study all issues relating to making voting by absentee ballot by mail as secure as in-person voting. Provides that a county election board may provide the training required for poll workers in person, online, through video presentation, or by any combination of these formats. Standardizes language regarding who can receive election supplies for a precinct. Provides that a person providing an absentee ballot application form to an individual may not highlight, emphasize any language, or otherwise make marks on the provided absentee ballot form that might prompt or confuse a voter regarding the information the voter should supply in filling out the absentee ballot application. Provides that a county election board may not permit the use of drop boxes to receive absentee ballots. Provides that the following is a Level 6 felony: (1) Casting a ballot in an Indiana election and later casting another ballot in the same Indiana election with the intent that both ballots be counted. (2) Casting a ballot for a federal office in an Indiana election and during the same general election also casting a ballot for the same federal office in another state with the intent that both ballots be counted. Enhances the crime of battery if the victim is an election worker. Repeals a statute relating to absentee ballot drop boxes.

Effective: July 1, 2023.

Aylesworth

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



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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1225

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 2-5-1.3-18 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2023]: **Sec. 18. (a) As used in this section, "committee" refers to**
- 4 **the interim study committee on elections established by section 4(6)**
- 5 **of this chapter.**
- 6 **(b) The committee shall study all issues relating to making**
- 7 **voting by absentee ballot by mail as secure as in-person voting.**
- 8 **(c) This section expires January 1, 2025.**
- 9 SECTION 2. IC 3-5-2-19.8 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2023]: **Sec. 19.8. "Election worker" means an individual who**
- 12 **does any of the following:**
- 13 **(1) The individual serves as any of the following:**
- 14 **(A) The secretary of state.**
- 15 **(B) An employee of the election division.**
- 16 **(C) An employee of the commission.**
- 17 **(D) A precinct election officer, including an individual who**



- 1 serves as a precinct election officer at a vote center using
 2 a different title under IC 3-6-6-5.5.
 3 (E) A member of a county election board.
 4 (F) A member of a county board of elections and
 5 registration.
 6 (G) A member of a board of registration established under
 7 IC 3-7-12.
 8 (H) A circuit court clerk.
 9 (I) An employee of the office of a circuit court clerk.
 10 (J) A member of a town election board.
 11 (K) An individual who serves under IC 3-6-6-39.
 12 (L) A challenger or pollbook holder under IC 3-6-7.
 13 (M) A watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10.
 14 (2) The individual either:
 15 (A) works in exchange for compensation; or
 16 (B) volunteers;
 17 at a precinct or vote center under the supervision of one (1) or
 18 more of the individuals listed in subdivision (1).
- 19 SECTION 3. IC 3-6-6-40, AS AMENDED BY P.L.99-2007,
 20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2023]: Sec. 40. (a) The county election board shall conduct a
 22 training and educational meeting for precinct election officers.
 23 (b) The board shall require inspectors to attend the meeting and may
 24 require other precinct election officers to attend the meeting. The board
 25 shall maintain a record of the attendance of each individual at the
 26 meeting conducted under this subsection.
 27 (c) The meeting required under this section must include
 28 information:
 29 (1) relating to making polling places and voting systems
 30 accessible to elderly voters and voters with a disability; and
 31 (2) relating to the voting systems used in the county.
 32 The meeting may include other information relating to the duties of
 33 precinct election officers as determined by the county election board.
 34 (d) The meeting required by this section must be held not later than
 35 the day before election day.
 36 (e) If an individual:
 37 (1) is appointed as a precinct election officer after the training and
 38 educational meeting conducted under this section; or
 39 (2) demonstrates to the county election board that the individual
 40 was unable to attend the meeting due to good cause;
 41 the county election board may authorize the individual to serve as a
 42 precinct election officer if the county election board determines that



1 there is insufficient time to conduct the training required by this
2 section.

3 **(f) A county election board may provide the training required**
4 **by this section in any of the following formats:**

5 **(1) In person.**

6 **(2) Online.**

7 **(3) Through video presentation.**

8 **(4) Any combination of the formats described in subdivisions**
9 **(1) through (3).**

10 SECTION 4. IC 3-11-3-1.5 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2023]: **Sec. 1.5. For purposes of this chapter, a "representative"**
13 **of the inspector of a precinct refers only to another member of the**
14 **precinct election board authorized in writing by the inspector.**

15 SECTION 5. IC 3-11-3-10, AS AMENDED BY P.L.71-2019,
16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2023]: Sec. 10. (a) Except as otherwise provided in this
18 section, the inspector of each precinct, or ~~another member of the~~
19 ~~precinct election board authorized in writing by the inspector;~~ a
20 **representative of the inspector** shall appear at the office of the county
21 election board of the inspector's county on the second or third day
22 before election day to receive ballots and other supplies.

23 (b) This subsection applies to an electronic poll book. Before
24 delivery of an electronic poll book to an inspector or the inspector's
25 ~~authorized~~ representative, the county election board shall:

26 (1) affix a tamper-proof numbered seal to the electronic poll book
27 or a secure container that includes a single electronic poll book;

28 (2) record the number of the seal affixed to each electronic poll
29 book or container; and

30 (3) provide a list of the units and the number of the unit's seal to
31 the inspector.

32 (c) A county election board may adopt a resolution by the
33 unanimous vote of the entire membership of the county election board
34 to use an alternative electronic poll book delivery protocol instead of
35 using seals under subsection (b). A resolution under this subsection
36 must set forth the following information:

37 (1) The method to be used to ensure that an electronic poll book
38 is not accessed, modified, or tampered with after the electronic
39 poll book is transferred by the county election board to the
40 inspector or the inspector's ~~authorized~~ representative for delivery.

41 (2) The method for a precinct election board or vote center
42 officers to determine and document on behalf of the county



- 1 election board that each electronic poll book was successfully
 2 secured against improper access, modification, or tampering
 3 before delivery to the polling place or vote center.
 4 Before any electronic poll book is delivered to a polling place or vote
 5 center, the resolution must be filed with the election division.
- 6 (d) This subsection applies to a voting system. At any time before
 7 election day:
 8 (1) the county election board;
 9 (2) teams consisting of at least two (2) individuals and that:
 10 (A) are designated by the county election board;
 11 (B) are affiliated with a political party entitled to nominate an
 12 individual to serve as an appointed member of the county
 13 election board; and
 14 (C) have at least two (2) individuals on the team who are not
 15 members of the same political party; or
 16 (3) a commercial delivery entity operating under a contract with
 17 the county election board;
 18 shall deliver all voting systems to the polls for the precinct or to the
 19 vote centers.
- 20 (e) The county election board may not:
 21 (1) designate any individual to serve on a delivery team if the
 22 individual is:
 23 (A) imprisoned;
 24 (B) subject to lawful detention;
 25 (C) on probation;
 26 (D) on parole;
 27 (E) subject to home detention; or
 28 (F) placed in a community corrections program; or
 29 (2) permit a commercial delivery entity to allow any individual
 30 who is:
 31 (A) imprisoned;
 32 (B) subject to lawful detention;
 33 (C) on probation;
 34 (D) on parole;
 35 (E) subject to home detention; or
 36 (F) placed in a community corrections program;
 37 to have access to or deliver a voting system.
- 38 (f) If a county election board uses the teams or a commercial
 39 delivery entity described in subsection (d), the board shall require that:
 40 (1) two (2) members of each team who are not members of the
 41 same political party; or
 42 (2) the commercial delivery entity;



1 execute a certificate setting forth the information set forth in subsection
2 (g).

3 (g) The certificate required in subsection (f) must be signed by the
4 two (2) members of each team described in subsection (d) or by an
5 individual authorized to act on behalf of the commercial delivery
6 entity. The certificate must include the following:

7 (1) That the voting systems remained in the custody and control
8 of each individual during the period beginning when the voting
9 systems were received from the county election board and ending
10 when the voting systems were delivered to the location of the
11 polling place or vote center.

12 (2) That no individual other than a team member or an individual
13 acting on behalf of the commercial delivery entity had access to
14 any voting system.

15 (3) That an individual documented receipt of the voting system at
16 the polling location or vote center when the system was delivered.

17 (4) The:

18 (A) written name and signature of the individual; and

19 (B) date that the voting system was delivered to the custody of
20 that individual.

21 (h) Immediately upon any delivery of a voting system, the
22 completed certificate must be filed with the county election board.

23 SECTION 6. IC 3-11-3-15 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. If an inspector ~~fails~~
25 **and any representative of the inspector fail** to appear at the office of
26 the circuit court clerk under section 10 of this chapter, the inspector is
27 not entitled to compensation for services at the election.

28 SECTION 7. IC 3-11-4-2, AS AMENDED BY THE TECHNICAL
29 CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS
30 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:
31 Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to
32 the county election board for an official absentee ballot. Except as
33 provided in subsection (b), the voter must sign the absentee ballot
34 application.

35 (b) If a voter with disabilities is unable to sign the absentee ballot
36 application and the voter has not designated an individual to serve as
37 attorney in fact for the voter, the voter may designate an individual
38 eligible to assist the voter under IC 3-11-9-2(a) to sign the application
39 on behalf of the voter and add the individual's name to the application.
40 If an individual applies for an absentee ballot as the properly
41 authorized attorney in fact for a voter, the attorney in fact must attach
42 a copy of the power of attorney to the application and comply with



- 1 subsection (d).
- 2 (c) A person may provide an individual with an application for an
3 absentee ballot with the following information already printed or
4 otherwise set forth on the application when provided to the individual:
5 (1) The name of the individual.
6 (2) The voter registration address of the individual.
7 (3) The mailing address of the individual.
8 (4) The date of birth of the individual.
- 9 (d) A person may not provide an individual with an application for
10 an absentee ballot with the following information already printed or
11 otherwise set forth on the application when provided to the individual:
12 (1) The address to which the absentee ballot would be mailed, if
13 different from the voter registration address of the individual.
14 (2) In a primary election, the major political party ballot requested
15 by the individual.
16 (3) In a primary or general election, the types of absentee ballots
17 requested by the individual.
18 (4) The reason why the individual is entitled to vote an absentee
19 ballot:
20 (A) by mail; or
21 (B) before an absentee voter board (other than an absentee
22 voter board located in the office of the circuit court clerk or a
23 satellite office);
24 in accordance with ~~IC 3-11-4-18~~, **section 18 of this chapter**,
25 IC 3-11-10-24, or IC 3-11-10-25.
26 (5) The voter identification number of the individual.
- 27 **A person providing an absentee ballot application form may not**
28 **highlight, emphasize any language, or otherwise make marks on**
29 **the provided absentee ballot form that might prompt or confuse a**
30 **voter regarding the information the voter should supply in filling**
31 **out the absentee ballot application.**
- 32 (e) If the county election board determines that an absentee ballot
33 application does not comply with subsection (d), the board shall deny
34 the application under section 17.5 of this chapter.
- 35 (f) The following statement must be printed in at least 16 point font
36 size, underlined, and clearly legible print on the envelope of an
37 absentee ballot application that a person sends to an individual:
38 "(Name of person sending the absentee ballot application) has
39 sent you the enclosed application. This is unsolicited and is not
40 sent by a state or local ~~elections~~ **election** official."
41 (g) This subsection applies only to an absentee ballot application
42 submitted in an electronic format using a module of the computerized



1 list under IC 3-7-26.3. In order for an individual to access the absentee
2 ballot application, the individual shall provide either of the following:

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

6 (h) A person who assists an individual in completing any
7 information described in subsection (d) on an absentee ballot
8 application shall state under the penalties for perjury the following
9 information on the application:

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

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

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

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

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

40 (j) This subsection does not apply to an employee of the United
41 States Postal Service or a bonded courier company acting in the
42 individual's capacity as an employee of the United States Postal Service



1 or a bonded courier company, or to the election division, a county
 2 election board, or a board of elections and registration. A person filing
 3 an absentee ballot application, other than the person's own absentee
 4 ballot application, must include an affidavit with the application. The
 5 affidavit must be signed by the individual who received the completed
 6 application from the applicant. The affidavit must be in a form
 7 prescribed by the election division. The form must include the
 8 following:

- 9 (1) A statement of the full name, residence and mailing address,
 10 and daytime and evening telephone numbers (if any) of the person
 11 submitting the application.
 12 (2) A statement that the person filing the affidavit has complied
 13 with Indiana laws governing the submission of absentee ballot
 14 applications.
 15 (3) The date (or dates) that the absentee ballot applications
 16 attached to the affidavit were received.
 17 (4) A statement that the person has no knowledge or reason to
 18 believe that the individual whose application is to be filed:
 19 (A) is ineligible to vote or to cast an absentee ballot; or
 20 (B) did not properly complete and sign the application.
 21 (5) A statement that the person is executing the affidavit under the
 22 penalties of perjury.
 23 (6) A statement setting forth the penalties for perjury.
 24 (k) The county election board shall record the date and time of the
 25 filing of the affidavit.

26 SECTION 8. IC 3-11-10-24, AS AMENDED BY P.L.109-2021,
 27 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 24. (a) Except as provided in subsection (b), a
 29 voter who satisfies any of the following is entitled to vote by mail:

- 30 (1) The voter has a specific, reasonable expectation of being
 31 absent from the county on election day during the entire twelve
 32 (12) hours that the polls are open.
 33 (2) The voter will be absent from the precinct of the voter's
 34 residence on election day because of service as:
 35 (A) a precinct election officer under IC 3-6-6;
 36 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 37 (C) a challenger or pollbook holder under IC 3-6-7; or
 38 (D) a person employed by an election board to administer the
 39 election for which the absentee ballot is requested.
 40 (3) The voter will be confined on election day to the voter's
 41 residence, to a health care facility, or to a hospital because of an
 42 illness or injury during the entire twelve (12) hours that the polls



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



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



- 1 and daytime and evening telephone numbers (if any) of the
- 2 individual delivering the absentee ballot.
- 3 (3) A statement indicating whether the individual delivering the
- 4 absentee ballot is a member of the voter's household, family listed
- 5 in IC 3-6-6-7(a)(4), or is the attorney in fact for the voter. If the
- 6 individual is the attorney in fact for the voter, the individual must
- 7 attach a copy of the power of attorney for the voter, unless a copy
- 8 of this document has already been filed with the county election
- 9 board.
- 10 (4) The date and location at which the absentee ballot was
- 11 delivered by the voter to the individual delivering the ballot to the
- 12 county election board.
- 13 (5) A statement that the individual delivering the absentee ballot
- 14 has complied with Indiana laws governing absentee ballots.
- 15 (6) A statement that the individual delivering the absentee ballot
- 16 is executing the affidavit under the penalties of perjury.
- 17 (7) A statement setting forth the penalties for perjury.
- 18 (†) (h) The county election board shall record the date and time that
- 19 the affidavit under subsection (†) (g) was filed with the board.
- 20 (†) (i) After a voter has mailed or delivered an absentee ballot to the
- 21 office of the county election board, the voter may not recast a ballot,
- 22 except as provided in IC 3-11-4-17.7, IC 3-11.5-4-2, and
- 23 IC 3-11.5-4-21.
- 24 (†) (j) A voter with print disabilities may vote by using the system
- 25 developed by the secretary of state under IC 3-11-4-6(k).
- 26 SECTION 9. IC 3-11.5-4-3 IS REPEALED [EFFECTIVE JULY 1,
- 27 2023]. ~~Sec. 3. In accordance with IC 3-11-10-24, a county election~~
- 28 ~~board shall reject an absentee ballot deposited in a drop box or other~~
- 29 ~~container or location that is not under the physical control and~~
- 30 ~~supervision of the county election board when the ballot is deposited.~~
- 31 SECTION 10. IC 3-14-2-1, AS AMENDED BY P.L.278-2019,
- 32 SECTION 163, IS AMENDED TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2023]: Sec. 1. A person who knowingly does
- 34 any of the following commits a Level 6 felony:
- 35 (1) Conspires with an individual for the purpose of encouraging
- 36 the individual to submit a false application for registration.
- 37 (2) Conspires with an individual for the purpose of encouraging
- 38 the individual to vote illegally.
- 39 (3) Pays or offers to pay an individual any property for doing any
- 40 of the following:
- 41 (A) Applying for an absentee ballot.
- 42 (B) Casting an absentee ballot.



- 1 (C) Registering to vote.
- 2 (D) Voting.
- 3 (4) Accepts the payment of any property for doing any of the
- 4 following:
- 5 (A) Applying for an absentee ballot.
- 6 (B) Casting an absentee ballot.
- 7 (C) Registering to vote.
- 8 (D) Voting.
- 9 (5) Pays or offers to pay an individual any property based on the
- 10 number of signatures obtained to place a candidate or public
- 11 question on a ballot. This subdivision does not prohibit payment
- 12 for gathering signatures not based, either directly or indirectly, on
- 13 the number of signatures obtained to place a candidate or public
- 14 question on a ballot.
- 15 (6) Pays or offers to pay an individual any property based on the
- 16 number of absentee ballot applications or voter registration
- 17 applications obtained by the individual. This subdivision does not
- 18 prohibit payment for gathering absentee ballot applications or
- 19 voter registration applications not based, either directly or
- 20 indirectly, on the number of applications obtained.
- 21 **(7) Casts a ballot in an Indiana election and later casts**
- 22 **another ballot in the same Indiana election with the intent**
- 23 **that both ballots be counted.**
- 24 **(8) Casts a ballot for a federal office in an Indiana election**
- 25 **and during the same general election also casts a ballot for the**
- 26 **same federal office in another state with the intent that both**
- 27 **ballots be counted.**
- 28 SECTION 11. IC 35-31.5-2-260.2, AS ADDED BY P.L.238-2015,
- 29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2023]: Sec. 260.2. "Public ~~safety~~ official", for purposes of
- 31 IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1.
- 32 SECTION 12. IC 35-42-2-1, AS AMENDED BY P.L.142-2020,
- 33 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2023]: Sec. 1. (a) As used in this section, "public ~~safety~~
- 35 official" means **any of the following:**
- 36 (1) A law enforcement officer, including an alcoholic beverage
- 37 enforcement officer.
- 38 (2) An employee of a penal facility or a juvenile detention facility
- 39 (as defined in IC 31-9-2-71).
- 40 (3) An employee of the department of correction.
- 41 (4) A probation officer.
- 42 (5) A parole officer.



- 1 (6) A community corrections worker.
 2 (7) A home detention officer.
 3 (8) A department of child services employee.
 4 (9) A firefighter.
 5 (10) An emergency medical services provider.
 6 (11) A judicial officer.
 7 (12) A bailiff of any court. ~~or~~
 8 (13) A special deputy (as described in IC 36-8-10-10.6).
 9 **(14) An election worker (as defined in IC 3-5-2-19.8).**
 10 (b) As used in this section, "relative" means an individual related by
 11 blood, half-blood, adoption, marriage, or remarriage, including **any of**
 12 **the following:**
 13 (1) A spouse.
 14 (2) A parent or stepparent.
 15 (3) A child or stepchild.
 16 (4) A grandchild or stepgrandchild.
 17 (5) A grandparent or stepgrandparent.
 18 (6) A brother, sister, stepbrother, or stepsister.
 19 (7) A niece or nephew.
 20 (8) An aunt or uncle.
 21 (9) A daughter-in-law or son-in-law.
 22 (10) A mother-in-law or father-in-law. ~~or~~
 23 (11) A first cousin.
 24 (c) Except as provided in subsections (d) through (k), a person who
 25 knowingly or intentionally:
 26 (1) touches another person in a rude, insolent, or angry manner;
 27 or
 28 (2) in a rude, insolent, or angry manner places any bodily fluid or
 29 waste on another person;
 30 commits battery, a Class B misdemeanor.
 31 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
 32 misdemeanor if it:
 33 (1) results in bodily injury to any other person; or
 34 (2) is committed against a member of a foster family home (as
 35 defined in IC 35-31.5-2-139.3) by a person who is not a resident
 36 of the foster family home if the person who committed the offense
 37 is a relative of a person who lived in the foster family home at the
 38 time of the offense.
 39 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
 40 felony if one (1) or more of the following apply:
 41 (1) The offense results in moderate bodily injury to any other
 42 person.



- 1 (2) The offense is committed against a public safety official while
 2 the official is engaged in the official's official duty.
- 3 (3) The offense is committed against a person less than fourteen
 4 (14) years of age and is committed by a person at least eighteen
 5 (18) years of age.
- 6 (4) The offense is committed against a person of any age who has
 7 a mental or physical disability and is committed by a person
 8 having the care of the person with the mental or physical
 9 disability, whether the care is assumed voluntarily or because of
 10 a legal obligation.
- 11 (5) The offense is committed against an endangered adult (as
 12 defined in IC 12-10-3-2).
- 13 (6) The offense:
 14 (A) is committed against a member of a foster family home (as
 15 defined in IC 35-31.5-2-139.3) by a person who is not a
 16 resident of the foster family home if the person who committed
 17 the offense is a relative of a person who lived in the foster
 18 family home at the time of the offense; and
 19 (B) results in bodily injury to the member of the foster family.
- 20 (f) The offense described in subsection (c)(2) is a Level 6 felony if
 21 the person knew or recklessly failed to know that the bodily fluid or
 22 waste placed on another person was infected with hepatitis,
 23 tuberculosis, or human immunodeficiency virus.
- 24 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
 25 felony if one (1) or more of the following apply:
 26 (1) The offense results in serious bodily injury to another person.
 27 (2) The offense is committed with a deadly weapon.
 28 (3) The offense results in bodily injury to a pregnant woman if the
 29 person knew of the pregnancy.
 30 (4) The person has a previous conviction for a battery offense
 31 included in this chapter against the same victim.
 32 (5) The offense results in bodily injury to one (1) or more of the
 33 following:
 34 (A) A public safety official while the official is engaged in the
 35 official's official duties.
 36 (B) A person less than fourteen (14) years of age if the offense
 37 is committed by a person at least eighteen (18) years of age.
 38 (C) A person who has a mental or physical disability if the
 39 offense is committed by an individual having care of the
 40 person with the disability, regardless of whether the care is
 41 assumed voluntarily or because of a legal obligation.
 42 (D) An endangered adult (as defined in IC 12-10-3-2).



- 1 (h) The offense described in subsection (c)(2) is a Level 5 felony if:
 - 2 (1) the person knew or recklessly failed to know that the bodily
 - 3 fluid or waste placed on another person was infected with
 - 4 hepatitis, tuberculosis, or human immunodeficiency virus; and
 - 5 (2) the person placed the bodily fluid or waste on a public ~~safety~~
 - 6 official.
- 7 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
- 8 felony if it results in serious bodily injury to an endangered adult (as
- 9 defined in IC 12-10-3-2).
- 10 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
- 11 felony if it results in serious bodily injury to a person less than fourteen
- 12 (14) years of age if the offense is committed by a person at least
- 13 eighteen (18) years of age.
- 14 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
- 15 felony if it results in the death of one (1) or more of the following:
 - 16 (1) A person less than fourteen (14) years of age if the offense is
 - 17 committed by a person at least eighteen (18) years of age.
 - 18 (2) An endangered adult (as defined in IC 12-10-3-2).

