

HOUSE BILL No. 1241

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11-10-23; IC 3-11.5-4-17.

Synopsis: Absentee ballots cast before death. Permits the vote of a person who died after casting a ballot to be counted if the ballot was completed and placed in the mail to or otherwise received by the county election board before the voter became deceased.

Effective: July 1, 2017.

Hamm, Saunders

January 10, 2017, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1241

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 3-11-10-23 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 23. **(a) Except as**
3 **provided in subsection (b), if proof is given to a precinct election**
4 **board that an absentee voter marked and forwarded an absentee ballot**
5 **but died before election day and it is determined the absentee ballot**
6 **was forwarded to the county election board after the voter had**
7 **died, then the inspector shall return the ballot of the deceased voter**
8 **described in this subsection with the other defective ballots to the**
9 **officer issuing the ballots. However, the casting of an absentee ballot**
10 **by a deceased voter does not invalidate an election.**

11 **(b) If proof is given to a precinct election board that an absentee**
12 **voter marked and forwarded an absentee ballot but died before**
13 **election day and it is determined that absentee ballot was**
14 **forwarded to the county election board before the voter had died,**
15 **then the inspector shall prepare the ballot for counting.**

16 SECTION 2. IC 3-11.5-4-17 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 17. (a) If proof is given



1 to the absentee ballot counters that an absentee voter marked and
2 forwarded an absentee ballot but died before election day **and it is**
3 **determined the absentee ballot was forwarded to the county**
4 **election board after the voter had died, then** the ballot of the
5 deceased voter shall be rejected under section 13 of this chapter and
6 retained with the other rejected ballots under section 14 of this chapter.

7 **(b) If proof is given to the absentee ballot counters that an**
8 **absentee voter marked and forwarded an absentee ballot but died**
9 **before election day and it is determined the absentee ballot was**
10 **forwarded to the county election board before the voter had died,**
11 **then the ballot of the deceased voter shall be counted.**

12 ~~(b)~~ (c) The casting of an absentee ballot by a deceased voter
13 **described in subsection (a)** does not invalidate an election.

