

HOUSE BILL No. 1290

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11.5-4; IC 3-12-1-17.

Synopsis: Absentee voting. Provides that an absentee ballot that is received not later than noon 10 days after election day is considered timely received if the absentee ballot envelope is postmarked not later than the date of the election. (Under current law, an absentee ballot from an overseas voter satisfying the same conditions is considered timely received.)

Effective: January 1, 2021.

Moseley

January 14, 2020, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1290

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 3-11.5-4-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3. A county
3 election board must receive an absentee ballot before noon ~~on ten (10)~~
4 **days after** election day.

5 SECTION 2. IC 3-11.5-4-7 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 7. **(a)** Not later
7 than noon on election day each circuit court clerk, or an agent of the
8 clerk, shall visit the appropriate post office to accept delivery of
9 absentee envelopes.

10 **(b) All ballots received by the circuit court clerk after the period**
11 **in subsection (a) shall be delivered to the county election board to**
12 **be handled under IC 3-12-1-17.**

13 SECTION 3. IC 3-12-1-17, AS AMENDED BY P.L.278-2019,
14 SECTION 139, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JANUARY 1, 2021]: Sec. 17. (a) This section applies
16 only to an absentee ballot sent by mail.

17 ~~(b) Notwithstanding IC 3-11.5-4-7,~~ **As provided in IC 3-11.5-4-3,**



- 1 an absentee ballot received from ~~an overseas~~ a voter is not considered
2 as arriving too late if both of the following apply:
- 3 (1) The absentee ballot envelope is postmarked not later than the
4 date of the election.
 - 5 (2) The absentee ballot is received not later than noon ten (10)
6 days following the election.
- 7 (c) If the postmark on the absentee ballot envelope is unclear, the
8 county election board, by unanimous vote of the entire membership of
9 the board, determines the postmark date. If the board is unable to
10 determine the postmark date, the absentee ballot may not be counted.
- 11 **(d) All absentee ballots arriving timely under this section shall**
12 **be counted using the procedures in IC 3-11.5.**

