



March 19, 2019

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# ENGROSSED HOUSE BILL No. 1311

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DIGEST OF HB 1311 (Updated March 18, 2019 1:10 pm - DI 133)

**Citations Affected:** IC 3-11.

**Synopsis:** Absentee ballots. Requires certain applications for an absentee ballot to be received not later than 11:59 p.m. 12 days before the date of an election. (Under current law, these applications must be received not later than 11:59 p.m. eight days before an election.) Provides that if a political party or a political committee provides an individual with an absentee ballot application, the political party or committee must disclose to the individual the name of the political party or committee that is providing the absentee ballot application. Provides that an application for an absentee ballot is an adequate application for an absentee ballot if it is received not earlier than December 1 of the year before any election. (Under current law, this provision applies only to primary elections.)

**Effective:** January 1, 2020.

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## Saunders, Cherry, Manning

(SENATE SPONSOR — WALKER)

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January 14, 2019, read first time and referred to Committee on Elections and Apportionment.

February 7, 2019, amended, reported — Do Pass.

February 12, 2019, read second time, ordered engrossed.

February 13, 2019, engrossed.

February 18, 2019, read third time, passed. Yeas 63, nays 28.

SENATE ACTION

March 4, 2019, read first time and referred to Committee on Elections.

March 18, 2019, reported favorably — Do Pass.

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EH 1311—LS 6781/DI 75





March 19, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1311

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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 3-11-4-2, AS AMENDED BY P.L.169-2015,  
2 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2020]: Sec. 2. (a) A voter who wants to vote by absentee  
4 ballot must apply to the county election board for an official absentee  
5 ballot. Except as provided in subsection (b), the voter must sign the  
6 absentee ballot application.  
7           (b) If a voter with disabilities is unable to sign the absentee ballot  
8 application and the voter has not designated an individual to serve as  
9 attorney in fact for the voter, the voter may designate an individual  
10 eligible to assist the voter under IC 3-11-9-2(a) to sign the application  
11 on behalf of the voter and add the individual's name to the application.  
12 If an individual applies for an absentee ballot as the properly  
13 authorized attorney in fact for a voter, the attorney in fact must attach  
14 a copy of the power of attorney to the application and comply with  
15 subsection (d).  
16           (c) A person may provide an individual with an application for an  
17 absentee ballot with the following information already printed or

**EH 1311—LS 6781/DI 75**



1 otherwise set forth on the application when provided to the individual:

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

6 **If a political party, political action committee, or other committee**  
 7 **provides an individual with an application for an absentee ballot,**  
 8 **the political party or committee must disclose to the individual the**  
 9 **name of the political party or committee that provided the**  
 10 **application to the individual, even if no information is printed or**  
 11 **otherwise set forth on the application as described in this**  
 12 **subsection.**

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

- 16 (1) The address to which the absentee ballot would be mailed, if  
 17 different from the voter registration address of the individual.  
 18 (2) In a primary election, the major political party ballot requested  
 19 by the individual.  
 20 (3) In a primary or general election, the types of absentee ballots  
 21 requested by the individual.  
 22 (4) The reason why the individual is entitled to vote an absentee  
 23 ballot:  
 24 (A) by mail; or  
 25 (B) before an absentee voter board (other than an absentee  
 26 voter board located in the office of the circuit court clerk or a  
 27 satellite office);  
 28 in accordance with IC 3-11-4-18, IC 3-11-10-24, or  
 29 IC 3-11-10-25.  
 30 (5) The voter identification number of the individual.

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

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

- 38 (1) The full name, residence and mailing address, and daytime  
 39 and evening telephone numbers (if any) of the person providing  
 40 the assistance.  
 41 (2) The date this assistance was provided.  
 42 (3) That the person providing the assistance has complied with



- 1 Indiana laws governing the submission of absentee ballot  
 2 applications.
- 3 (4) That the person has no knowledge or reason to believe that the  
 4 individual submitting the application:
- 5 (A) is ineligible to vote or to cast an absentee ballot; or  
 6 (B) did not properly complete and sign the application.
- 7 When providing assistance to an individual, the person must, in the  
 8 individual's presence and with the individual's consent, provide the  
 9 information listed in subsection (d) if the individual is unable to do so.
- 10 (g) 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. A person who receives a completed  
 14 absentee ballot application from the individual who has applied for the  
 15 absentee ballot shall indicate on the application the date the person  
 16 received the application, and file the application with the appropriate  
 17 county election board not later than:
- 18 (1) noon ten (10) days after the person receives the application;  
 19 or  
 20 (2) the deadline set by Indiana law for filing the application with  
 21 the board;
- 22 whichever occurs first. The election division, a county election board,  
 23 or a board of elections and registration shall forward an absentee ballot  
 24 application to the county election board or board of elections and  
 25 registration of the county where the individual resides.
- 26 (h) This subsection does not apply to an employee of the United  
 27 States Postal Service or a bonded courier company acting in the  
 28 individual's capacity as an employee of the United States Postal Service  
 29 or a bonded courier company, or to the election division, a county  
 30 election board, or a board of elections and registration. A person filing  
 31 an absentee ballot application, other than the person's own absentee  
 32 ballot application, must sign an affidavit at the time of filing the  
 33 application. The affidavit must be in a form prescribed by the election  
 34 division. The form must include the following:
- 35 (1) A statement of the full name, residence and mailing address,  
 36 and daytime and evening telephone numbers (if any) of the person  
 37 submitting the application.
- 38 (2) A statement that the person filing the affidavit has complied  
 39 with Indiana laws governing the submission of absentee ballot  
 40 applications.
- 41 (3) The date (or dates) that the absentee ballot applications  
 42 attached to the affidavit were received.



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

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

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

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

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

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

10 SECTION 2. IC 3-11-4-3, AS AMENDED BY P.L.201-2017,  
11 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JANUARY 1, 2020]: Sec. 3. (a) Except as provided in subsection (c)  
13 and section 6 of this chapter, an application for an absentee ballot must  
14 be received by the circuit court clerk (or, in a county subject to  
15 IC 3-6-5.2, the director of the board of elections and registration) not  
16 earlier than the date the registration period resumes under IC 3-7-13-10  
17 nor later than the following:

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

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

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

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

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

27 (A) the application is a mailed, transmitted by fax, or hand  
28 delivered application from a confined voter or voter caring for  
29 a confined person; and

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

33 (4) 11:59 p.m. ~~on the eighth day~~ **twelve (12) days** before election  
34 day if the application is:

35 (A) a mailed application;

36 (B) transmitted by electronic mail;

37 (C) transmitted by fax; or

38 (D) hand delivered;

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

41 (b) An application for an absentee ballot received by the election  
42 division by the time and date specified by subsection (a)(2)(B), (a)(3),



1 or (a)(4) is considered to have been timely received for purposes of  
2 processing by the county. The election division shall immediately  
3 transmit the application to the circuit court clerk, or the director of the  
4 board of elections and registration, of the county where the applicant  
5 resides. The election division is not required to complete or file the  
6 affidavit required under section 2(h) of this chapter whenever the  
7 election division transmits an application under this subsection.

8 (c) This subsection applies to ~~the primary every~~ election held ~~before~~  
9 ~~the general election conducted in 2018 and every four (4) years~~  
10 ~~thereafter.~~ **after December 31, 2019.** An application for an absentee  
11 ballot for the ~~primary~~ election may not be received by the circuit court  
12 clerk (or, in a county subject to IC 3-6-5.2, the director of the board of  
13 elections and registration) earlier than December 1 of the year before  
14 the ~~primary~~ election.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1311, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-11-4-2, AS AMENDED BY P.L.169-2015, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: 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.

**If a political party, political action committee, or other committee provides an individual with an application for an absentee ballot, the political party or committee must disclose to the individual the name of the political party or committee that provided the application to the individual, even if no information is printed or otherwise set forth on the application as described in this subsection.**

(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) 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) 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 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) 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 sign an affidavit at the time of filing the application. 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) The county election board shall record the date and time of the filing of the affidavit."

Page 2, delete lines 24 through 30, begin a new paragraph and insert:

"(c) This subsection applies to ~~the primary~~ every election held before the general election conducted in 2018 and every four (4) years thereafter. **after December 31, 2019.** An application for an absentee ballot for the primary election may not be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of



elections and registration) earlier than December 1 of the year before the ~~primary~~ election."

Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1311 as introduced.)

WESCO

Committee Vote: yeas 7, nays 3.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1311, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1311 as printed February 8, 2019.)

WALKER, Chairperson

Committee Vote: Yeas 5, Nays 2

