



March 16, 2021

# ENGROSSED HOUSE BILL No. 1365

DIGEST OF HB 1365 (Updated March 15, 2021 2:20 pm - DI 104)

**Citations Affected:** IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13; IC 3-14; IC 20-23; IC 20-26; IC 33-35; IC 36-3.

**Synopsis:** Various elections matters. Repeals obsolete dates and application provisions. Updates statutes setting schedules for upcoming elections. Amends the definition of "de minimis change" and "electronic poll book". Requires the entry of filing information concerning all candidates into the statewide voter registration system. Requires accurate presentation of a candidate's name containing a pronunciation symbol, such as an accent mark. Allows the secretary of state to provide parts and reports from the voter registration system information from the computerized list to law enforcement officials conducting an investigation. Provides that the precinct judge performs the duties of a precinct election sheriff when the position of the election sheriff has been omitted by a county election board or when a county vote center plan does not specify who performs those duties. Provides that, with certain exceptions, an individual must be a citizen of the United States to be permitted in the polls during an election. Gives the  
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**Effective:** Upon passage; July 1, 2021; October 1, 2021.

## Wesco, Manning

(SENATE SPONSORS — FORD JON, WALKER G)

January 14, 2021, read first time and referred to Committee on Elections and Apportionment.

February 2, 2021, amended, reported — Do Pass.

February 4, 2021, read second time, ordered engrossed. Engrossed.

February 8, 2021, read third time, passed. Yeas 82, nays 13.

### SENATE ACTION

February 23, 2021, read first time and referred to Committee on Elections.

March 15, 2021, amended, reported favorably — Do Pass.

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secretary of state the ability to grant exceptions to individuals. Allows the cancellation of the registration of a deceased person based on a notice published by a funeral director or embalmer on the Internet web site of the funeral director or embalmer. Describes the process by which the name of an Indiana resident who has been imprisoned for conviction of a crime in another state is removed from the voter registration list. Provides that a person is disqualified from assuming or being a candidate for an elected office if the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office. Requires retention of electronic poll book information for the same retention period as other election records. Requires ballot proofs to be made available for inspection 74 days before the date of the election by county political party officials and school corporations before the county prints ballots. Provides that an absentee voter board is authorized to use an electronic poll book when visiting a voter with an illness or injury or a voter who is caring for a confined person at a private residence. Specifies procedures for the return of an electronic poll book or a voting system from the polls of the precinct or from the vote centers after the close of the polls on election day (other than the ballots and other paper documents returned by the inspector and judge of the opposite political party). Permits a county election board to authorize the use of absentee ballots by voters when a state disaster emergency is declared or a county disaster emergency is declared within 11 days of an election. Requires that an absentee ballot application requesting that an absentee ballot be sent by mail or by traveling board, and submitted to a county using the statewide voter registration system, must include a telephone number to contact the applicant. Specifies the requirements for the timing and security of the bipartisan initialing of absentee ballots. Specifies the procedure for an absentee board member or the circuit court clerk's office when a voter leaves the clerk's office or satellite office, or declines to return to the booth, without casting an absentee ballot. Requires a voting system to contain features to ensure that unauthorized software has not been installed on the equipment, and to permit the electronic adjudication of voter intent on ballots cast using the voting system. Requires the Voting System Technical Oversight Program to conduct random audits of voting systems and electronic poll books in odd-numbered years. Clarifies standards and procedures concerning determinations made regarding provisional ballots and federal write-in ballots. Repeals the current statute concerning the referral of a disputed ballot to a judge when a recount or contest has not been filed. Extends the deadline for filling a post-primary candidate vacancy from noon on June 30 to noon on July 3 and after July 3 in case of certain successful challenges to a candidate. Amends procedures for candidate filings to fill ballot vacancies in certain cases. Specifies the procedure requiring the reporting of problems experienced with voting systems or electronic poll books. Defines "anomaly". Increases the amount of time a voter has to vote in a primary election from three minutes to five minutes. Increases the time a voter has to vote in a general, municipal, or special election from two minutes to four minutes. Requires the absentee ballot application form to enable the applicant to provide the applicant's electronic mail address. Provides that an applicant's failure to provide an electronic mail address is not a reason for denial of the absentee ballot application. Provides that if an application for an absentee ballot is denied, the county election board must provide the voter in writing with the reasons for the denial of the application. (Under current law, only absent uniformed services voters or overseas voters are required to be provided with notice of denial of an absentee ballot application.) Requires voting systems to be returned to the county election board after the close of the polls on election day. Redefines "ballot label" to

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## Digest Continued

include the digital image of the ballot on the screen of an electronic voting system or the interface of the marking device used with an optical scan voting system. Requires election certification documents to be filed only through the statewide voter registration system. Requires ballots to have precinct numbers or designations. Makes changes to the formatting of nonpartisan judicial offices on the ballot. Adds requirements for testing of voting systems before an election. Adds requirements for disposing of voting system units. Provides that any electronic device used to create a ballot file or program a voting system, or used with election management software, may not be connected to the Internet. Requires a precinct election officer, in the case of a voter who casts a provisional ballot, or an absentee voter board, in the case of a voter who casts an absentee ballot that is treated as a provisional ballot, to provide both orally and in writing an explanation of the steps the voter must take in order to have the voter's ballot counted. Requires the election division to prescribe the form of the explanation. Requires the circuit court clerk to notify a voter who casts a provisional ballot not later than three days after election day concerning: (1) the reasons that the voter's ballot is being treated as a provisional ballot; (2) what actions, if any, that the voter must take in order to have the voter's ballot counted; (3) the deadline by which the voter must act to have the voter's ballot counted; and (4) certain contact information that the provisional voter may use to find out about the provisional voter's ballot. Requires that the notice be sent by first class United States mail or given by another method that the circuit court clerk determines will provide actual notice to the voter. Requires that the notice must be in a form prescribed by the election division. Makes technical changes. Makes conforming amendments.

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March 16, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1365

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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 3-5-2-1.8 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2021]: **Sec. 1.8. "Anomaly" means an action or response by a**  
4 **voting system or electronic poll book that:**

5 (1) **does not conform with the specifications or perform as**  
6 **certified and is critical to the administration of elections;**  
7 (2) **causes a delay or disruption to voting or vote tabulation;**  
8 **or**  
9 (3) **occurs due to a root cause that is unable to be determined**  
10 **within forty-eight (48) hours after initial discovery by the**  
11 **vendor or county.**

12 SECTION 2. IC 3-5-2-5, AS AMENDED BY P.L.221-2005,  
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2021]: **Sec. 5. "Ballot label" means any of the following:**

15 (1) The printed strip or sheet of cardboard or paper, supplied for

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1 use on an electronic voting system, that contains the names of the  
2 candidates and the public questions on the ballot. ~~or~~

3 (2) The material, supplied for use with a ballot card voting  
4 system, that contains those names and questions.

5 **(3) The digital image of the ballot on the screen of an**  
6 **electronic voting system or the interface of the marking device**  
7 **used with an optical scan voting system.**

8 SECTION 3. IC 3-5-2-16.3, AS ADDED BY P.L.76-2014,  
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 UPON PASSAGE]: Sec. 16.3. ~~(a)~~ "De minimis change", with respect  
11 to a certified voting system's **or a certified electronic poll book's**  
12 hardware, **software, technical documentation, or data**, refers to a  
13 change ~~to the hardware, the nature of which~~ will not materially alter the  
14 system's reliability, functionality, capability, or operation. **A change is**  
15 **not a de minimis change if**

16 (b) For a hardware change to qualify as a de minimis change, the  
17 change must:

18 (1) ~~maintain, unaltered, the reliability, functionality, capability,~~  
19 ~~and operability of a system; and~~

20 (2) ~~ensure that when hardware is replaced, the original hardware~~  
21 ~~and the replacement hardware are electronically and mechanically~~  
22 ~~interchangeable and have identical functionality and tolerances.~~

23 (c) ~~The following are not de minimis changes:~~

24 (1) ~~Software and firmware modifications:~~

25 (2) ~~the change has reasonable and identifiable potential to affect~~  
26 ~~the voting system's or electronic poll book's operation and~~  
27 ~~compliance with applicable voting system standards. Indiana~~  
28 ~~law.~~

29 SECTION 4. IC 3-5-2-20.5, AS ADDED BY P.L.64-2014,  
30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 UPON PASSAGE]: Sec. 20.5. "Electronic poll book" means the  
32 combination of mechanical, electromechanical, and electronic  
33 equipment (including the software, firmware, ~~and~~ documentation, ~~and~~  
34 **backend infrastructure and services, including cloud platform**  
35 **services**, required to program, control, and support the equipment) that  
36 is used to access and maintain the electronic poll list.

37 SECTION 5. IC 3-5-2-48, AS AMENDED BY P.L.8-2019,  
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 UPON PASSAGE]: Sec. 48. "State office" refers to ~~the following:~~

40 (1) ~~Before January 11, 2021, the governor, lieutenant governor,~~  
41 ~~secretary of state, auditor of state, treasurer of state,~~  
42 ~~superintendent of public instruction, attorney general, justice of~~



1 the supreme court, judge of the court of appeals, and judge of the  
2 tax court.

3 ~~(2) After January 10, 2021,~~ the governor, lieutenant governor,  
4 secretary of state, auditor of state, treasurer of state, attorney  
5 general, justice of the supreme court, judge of the court of  
6 appeals, and judge of the tax court.

7 SECTION 6. IC 3-5-4-1.3, AS ADDED BY P.L.278-2019,  
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2021]: Sec. 1.3. (a) Not later than the close of one (1) business  
10 day after a person files a declaration of candidacy, a request for  
11 placement on the presidential primary ballot, a certificate of  
12 nomination by a convention, a certificate of nomination by petition, a  
13 certification of candidate selection to fill a ballot vacancy, or a  
14 declaration of intent to be a write-in candidate in the office of the  
15 election division or circuit court clerk, the election division or circuit  
16 court clerk shall send a statement to the candidate by:

- 17 (1) hand delivery;  
18 (2) first class United States mail; or  
19 (3) electronic mail, if an electronic mail address has been  
20 provided by the person;

21 to the mailing address or electronic mail address set forth in the  
22 document filed with the office.

23 (b) The statement must set forth the following:

- 24 (1) That the candidate has filed the document described in  
25 subsection (a).  
26 (2) The name of the candidate.  
27 (3) The office for which the individual is a candidate.  
28 (4) The date on which the document was filed.  
29 (5) That acceptance of the document for filing does not prevent  
30 the filing from being challenged in the manner set forth in this  
31 title.

32 (c) **The circuit court clerk shall enter:**

- 33 **(1) the name and other information provided by each**  
34 **candidate for an elected office or a political party office who**  
35 **files a document described in subsection (a) with the county**  
36 **election board; and**  
37 **(2) the text of a public question certified to the county election**  
38 **board under IC 3-10-9;**

39 **into the election management module of the statewide voter**  
40 **registration system not later than the deadline for estimating the**  
41 **number of ballots required to be printed under IC 3-11-4-10.**

42 SECTION 7. IC 3-5-4-12, AS ADDED BY P.L.135-2020,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 12. (a) ~~Not later than July 1, 2020~~; Each  
3 county shall enter into an agreement with the secretary of state to use  
4 a threat intelligence and enterprise security company designated by the  
5 secretary of state to provide hardware, software, and services to:

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

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

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

15 when the county enters into the agreement. This section expires  
16 January 1, 2023.

17 SECTION 8. IC 3-5-7-5.5 IS ADDED TO THE INDIANA CODE  
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
19 1, 2021]: **Sec. 5.5. (a) The requirements of this section apply only to  
20 a voting system initially certified for marketing and use in Indiana  
21 elections after January 1, 2022.**

22 **(b) If a candidate's legal name designated under this chapter  
23 includes a universally recognized pronunciation symbol, including  
24 an accent, hyphen, tilde, or umlaut, a:**

- 25 (1) ballot;
- 26 (2) voting system screen;
- 27 (3) voting system activation card;
- 28 (4) voting system file; and
- 29 (5) voting system results report;

30 **must display the symbol as part of the candidate's name.**

31 SECTION 9. IC 3-6-3.7-7 IS ADDED TO THE INDIANA CODE  
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
33 UPON PASSAGE]: **Sec. 7. The secretary of state may provide parts  
34 and reports from the voter registration information from the  
35 computerized list, including the registration information described  
36 in IC 3-7-26.4-8, including an individual's voting history, upon  
37 written request to a law enforcement official conducting an  
38 investigation.**

39 SECTION 10. IC 3-6-5-17 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) Each county  
41 election board shall submit a report to the election division after each  
42 primary, special, municipal, and general election describing the





1 activities of the board during the previous year. The board shall include  
2 the following in the report:

3 (1) Information relating to the expenses of office maintenance and  
4 elections within the county or political subdivisions within the  
5 county.

6 (2) A copy of the statement of the county election board  
7 containing the votes cast for each candidate and on each public  
8 question in each precinct at the last election preceding the  
9 submission of the report.

10 (3) Any additional information relating to elections that the  
11 commission prescribes.

12 (b) The report described in subsection (a) must be ~~postmarked, hand~~  
13 ~~delivered, or~~ transmitted to the election division using the  
14 computerized list under IC 3-7-26.3 not later than fourteen (14) days  
15 after each election.

16 (c) The election division shall send a copy of each report to the  
17 office not later than ten (10) days after receiving the report.

18 SECTION 11. IC 3-6-5-17.5, AS AMENDED BY P.L.128-2015,  
19 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2021]: Sec. 17.5. (a) As required by 52 U.S.C. 20302(c), each  
21 county election board shall submit a report to the election division after  
22 each general election setting forth the combined number of absentee  
23 ballots:

24 (1) transmitted by the county election board to absent uniformed  
25 services voters and overseas voters for the election; and

26 (2) returned by absent uniformed services voters and overseas  
27 voters and cast in the election.

28 (b) The report must be:

29 (1) ~~postmarked or hand delivered~~ **transmitted** to the election  
30 division **using the computerized list under IC 3-7-26.3** not later  
31 than fourteen (14) days after the election; and

32 (2) in the form prescribed by the federal Election Assistance  
33 Commission under Section 703(b) of HAVA (52 U.S.C. 20302  
34 (note)).

35 SECTION 12. IC 3-6-6-38 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 38. (a) As used in this  
37 section, "omitted precinct election officer" refers to a precinct election  
38 officer that a precinct is not required to have by a resolution adopted  
39 under this section.

40 (b) Notwithstanding other provisions of this title, a county election  
41 board may adopt a resolution to provide that specified precincts or all  
42 precincts of the county are not required to have any or all of the



- 1 following precinct election officers:
- 2 (1) Sheriffs.
- 3 (2) Poll clerks.
- 4 (c) A resolution adopted under this section must be adopted by
- 5 unanimous vote of the entire membership of the board.
- 6 (d) A resolution adopted under this section must state the following:
- 7 (1) The precincts to which the resolution applies.
- 8 (2) For each precinct identified in the resolution, which precinct
- 9 election officers are omitted precinct election officers.
- 10 (3) For each precinct identified in the resolution, which precinct
- 11 election officers will perform the duties required by this title of
- 12 the omitted precinct election officers.
- 13 (e) Notwithstanding any other law, the precinct election officer
- 14 specified in a resolution adopted under this section shall perform the
- 15 duties of the omitted precinct election officers as stated in the
- 16 resolution.
- 17 (f) A resolution adopted under this section expires December 31
- 18 after the resolution is adopted.
- 19 **(g) If a vacancy exists in the office of the sheriff in a precinct**
- 20 **and:**
- 21 **(1) no resolution designating the precinct election officer to**
- 22 **perform the duties of the sheriff has been adopted under this**
- 23 **section; or**
- 24 **(2) the vote center plan adopted by the county does not specify**
- 25 **which precinct election officer is to perform the duties of the**
- 26 **sheriff;**
- 27 **then the judge of the precinct (or the precinct election officer**
- 28 **designated to perform the duties of the election sheriff under a**
- 29 **county vote center plan) serves as election sheriff until the vacancy**
- 30 **is filled by the county election board.**
- 31 SECTION 13. IC 3-7-26.3-36 IS ADDED TO THE INDIANA
- 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 33 [EFFECTIVE JULY 1, 2021]: **Sec. 36. (a) This section applies when**
- 34 **a voter transfers the voter's registration from one (1) Indiana**
- 35 **county to another Indiana county after an election but before the**
- 36 **county voter registration official adds to the voter's registration**
- 37 **record the information that the voter voted in an election under**
- 38 **IC 3-10-1-31.2.**
- 39 **(b) The computerized list must allow the county voter**
- 40 **registration official of the county where the voter voted in the**
- 41 **election immediately before the voter transferred the voter's**
- 42 **registration to the other Indiana county to add to the voter's**



1 **registration record that the voter voted in the election even if the**  
 2 **voter's registration is canceled in the county.**

3 SECTION 14. IC 3-7-34-3, AS AMENDED BY P.L.81-2005,  
 4 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2021]: Sec. 3. (a) This subsection applies to a registration  
 6 form that is incomplete as a result of the failure of the applicant to  
 7 answer either of the questions set forth in IC 3-7-22-5(3) or  
 8 IC 3-7-22-5(4). If the county voter registration office obtains a written  
 9 statement **made under the penalties for perjury** from the applicant:

10 (1) answering either or both of the questions that were not  
 11 answered on the original form; and

12 (2) not later than the twenty-ninth day before the date of the next  
 13 election following the date the form was filed;

14 the county voter registration office shall process the form under this  
 15 article.

16 (b) This subsection applies to a registration application that is  
 17 incomplete for a reason other than the failure of the applicant to answer  
 18 either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If  
 19 the county voter registration office obtains information under section  
 20 2(b)(1) of this chapter that permits the county voter registration office  
 21 to complete the registration form, the county voter registration office  
 22 shall process the form under this article. If the county voter registration  
 23 office obtains information under section 2(b)(2) of this chapter from  
 24 the voter that permits the county voter registration office to complete  
 25 the registration form, the county voter registration office shall  
 26 document the information and process the form under this article.

27 SECTION 15. IC 3-7-38.2-5.5, AS ADDED BY P.L.141-2020,  
 28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 UPON PASSAGE]: Sec. 5.5. (a) The Indiana data enhancement  
 30 association (IDEA) is established. IDEA shall be administered by the  
 31 NVRA official in accordance with IC 3-7-11-1.

32 (b) ~~Not later than July 1, 2020;~~ The NVRA official shall adopt an  
 33 order for the administration of voter list maintenance programs to be  
 34 performed by IDEA. The NVRA official may amend the order. If the  
 35 NVRA official does not ~~adopt an order by July 1, 2020;~~ or ~~subsequently~~  
 36 amend the order when necessary to perform voter list maintenance  
 37 duties under this chapter, the secretary of state shall adopt or amend the  
 38 order under section 18 of this chapter. The order establishing IDEA,  
 39 and any amendments to the order subsequently issued, shall provide the  
 40 following:

41 (1) The member states of IDEA are not required to pay to Indiana  
 42 any fee for the processing of the data from the member state.

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- 1 (2) The member states of IDEA are not required to engage in any  
 2 activity other than actions necessary to comply with standards for  
 3 voter list maintenance set forth in the order as a condition for  
 4 obtaining data from Indiana or other member states.
- 5 (3) The method for a state to join or withdraw from IDEA.
- 6 (4) The tenure of the membership of each state and duration of the  
 7 order.
- 8 (5) Indiana shall:
- 9 (A) use the confidence factors set forth in subsection (c) to  
 10 determine whether the name of an individual registered in that  
 11 member state appears to be the same as an individual  
 12 registered to vote in Indiana or any other member state; and
- 13 (B) only forward potential matches of the names of individuals  
 14 in a state who meet or exceed the confidence factor threshold  
 15 under subsection (c).
- 16 (6) Any registration data provided to Indiana by another state  
 17 member:
- 18 (A) is confidential under Indiana law;
- 19 (B) must be safely secured by Indiana for the duration of a  
 20 particular instance of a voter list maintenance activity; and
- 21 (C) shall be destroyed immediately following the provision of  
 22 data concerning potential duplicate voter registrations to IDEA  
 23 member states.
- 24 (7) Any other provisions necessary for the proper and effective  
 25 administration of IDEA.
- 26 (c) Not later than thirty (30) days following the receipt of  
 27 information under subsection (b) indicating that a voter of Indiana may  
 28 also be registered to vote in another state, the NVRA official shall  
 29 provide the appropriate county voter registration office with the name  
 30 of and any other information obtained under this subsection concerning  
 31 that voter, if both of the following apply:
- 32 (1) The first name, last name, and date of birth of the Indiana  
 33 voter is identical to the first name, last name, and date of birth of  
 34 the voter registered in the other state.
- 35 (2) A comparison of the records indicates that there is a  
 36 confidence factor that the records are for the same individual  
 37 resulting from the accumulation of at least seventy-five (75)  
 38 points based on the following criteria:
- 39 (A) Full Social Security number: 40 points.
- 40 (B) Last four (4) digits of Social Security number: 10 points.
- 41 (C) Indiana driver's license or identification card number: 50  
 42 points.



- 1 (D) Date of birth: 25 points.  
 2 (E) Last Name: 15 points.  
 3 (F) First Name: 15 points.  
 4 (G) Middle Name: 5 points.  
 5 (H) Suffix: 5 points.  
 6 (I) Street Address 1: 10 points.  
 7 (J) Zip Code (first five (5) digits): 5 points.
- 8 (d) The county voter registration office shall determine whether the  
 9 individual:
- 10 (1) identified in the report provided by the NVRA official under  
 11 subsection (c) is the same individual who is a registered voter of  
 12 the county;  
 13 (2) registered to vote in another state on a date following the date  
 14 that voter registered in Indiana; and  
 15 (3) authorized the cancellation of any previous registration by the  
 16 voter when the voter registered in another state.
- 17 (e) If the county voter registration office determines that the voter  
 18 is described by subsection (d), the county voter registration office shall  
 19 cancel the voter registration of that voter. If the county voter  
 20 registration office determines that the voter is described by subsection  
 21 (d)(1) and (d)(2), but has not authorized the cancellation of any  
 22 previous registration, the county voter registration office shall send an  
 23 address confirmation notice to the Indiana address of the voter.
- 24 (f) The county voter registration office may rely on written  
 25 information provided either directly by a voter registration office in  
 26 another state or forwarded from the election division from the office in  
 27 the other state as follows:
- 28 (1) If this information is provided directly from the other state to  
 29 the Indiana county voter registration official, the out-of-state voter  
 30 registration official must provide a copy of the voter's signed voter  
 31 registration application which indicates the individual authorizes  
 32 cancellation of the individual's previous registration.  
 33 (2) If the election division forwards written notice from another  
 34 state to an Indiana county voter registration official, the county  
 35 should consider this notice as confirmation that the individual is  
 36 registered in another jurisdiction and has requested cancellation  
 37 of the Indiana registration. A copy of the actual voter signature is  
 38 not required to be provided to the county for the voter's status to  
 39 be canceled if the written notice is forwarded by the election  
 40 division.
- 41 County voter registration officials shall review the date the individual  
 42 registered out of state and the date the individual registered in Indiana



1 to confirm which registration is more recent when performing the  
2 officials' analysis under this subsection.

3 SECTION 16. IC 3-7-45-4, AS AMENDED BY P.L.128-2015,  
4 SECTION 138, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in  
6 subsection (c), a county voter registration office shall cancel the  
7 registration of a deceased person after receiving a copy of the deceased  
8 person's death certificate on an expedited basis, as required under 52  
9 U.S.C. 21083. The county voter registration office shall enter the date  
10 and other information regarding the cancellation into the computerized  
11 list under IC 3-7-26.3.

12 (b) Except as provided in subsection (c), a county voter registration  
13 office shall cancel the registration of a deceased person after receiving  
14 a copy of an obituary, notice of estate administration, or other notice of  
15 death of that person published:

16 (1) in a newspaper in which a legal notice may be published under  
17 IC 5-3-1; or

18 (2) on an Internet web site by a person licensed under  
19 IC 25-15.

20 (c) A county voter registration office may require additional written  
21 information before canceling the registration of a person under  
22 subsection (a) or (b) if the information contained in the death certificate  
23 or notice of death is insufficient to identify the person whose  
24 registration is to be canceled. If:

25 (1) additional written information is not given to the county voter  
26 registration office; or

27 (2) the additional written information is insufficient to identify the  
28 person whose registration is to be canceled;

29 the county voter registration office is not required to cancel the person's  
30 registration.

31 SECTION 17. IC 3-7-46-3.5 IS ADDED TO THE INDIANA CODE  
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
33 UPON PASSAGE]: Sec. 3.5. (a) As used in this section,  
34 "correctional department" refers to an agency of the government  
35 of a state other than Indiana that has responsibility for the  
36 imprisonment of individuals who have been convicted of a crime.

37 (b) If the NVRA official receives information from a  
38 correctional department that an Indiana resident is currently  
39 imprisoned by the correctional department for conviction of a  
40 crime, the NVRA official shall notify the county voter registration  
41 office of the Indiana county in which the imprisoned individual is  
42 a resident of the information.



1           **(c) If the information provided under subsection (b) indicates**  
 2 **that the imprisoned individual is disfranchised under section 2 of**  
 3 **this chapter, the county voter registration officer shall:**

4           **(1) remove the name of the individual from the voter**  
 5 **registration records; and**

6           **(2) enter the date and other information regarding the**  
 7 **cancellation into the computerized list under IC 3-7-26.3 on**  
 8 **an expedited basis.**

9           SECTION 18. IC 3-8-1-5, AS AMENDED BY P.L.142-2020,  
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2021]: Sec. 5. (a) This section does not apply to a candidate  
 12 for federal office.

13           (b) As used in this section, "felony" means a conviction for which  
 14 the convicted person might have been imprisoned for more than one (1)  
 15 year.

16           (c) A person is not disqualified under this section for:

17           (1) a felony conviction for which the person has been pardoned;

18           (2) a felony conviction that has been:

19           (A) reversed;

20           (B) vacated;

21           (C) set aside;

22           (D) not entered because the trial court did not accept the  
 23 person's guilty plea; or

24           (E) expunged under IC 35-38-9; or

25           (3) a person's plea of guilty or nolo contendere at a guilty plea  
 26 hearing that is not accepted and entered by a trial court.

27           (d) A person is disqualified from assuming or being a candidate for  
 28 an elected office if:

29           (1) the person gave or offered a bribe, threat, or reward to procure  
 30 the person's election, as provided in Article 2, Section 6 of the  
 31 Constitution of the State of Indiana;

32           (2) the person does not comply with IC 5-8-3 because of a  
 33 conviction for a violation of the federal laws listed in that statute;

34           (3) in a:

35           (A) jury trial, a jury publicly announces a verdict against the  
 36 person for a felony;

37           (B) bench trial, the court publicly announces a verdict against  
 38 the person for a felony; or

39           (C) guilty plea hearing, the person pleads guilty or nolo  
 40 contendere to a felony;

41           (4) the person has been removed from the office the candidate  
 42 seeks under Article 7, Section 11 or Article 7, Section 13 of the



- 1 Constitution of the State of Indiana;  
 2 (5) the person is a member of the United States armed forces on  
 3 active duty and prohibited by the United States Department of  
 4 Defense from being a candidate; ~~or~~  
 5 (6) the person is subject to:  
 6 (A) 5 U.S.C. 1502 (the Little Hatch Act); or  
 7 (B) 5 U.S.C. 7321-7326 (the Hatch Act);  
 8 and would violate either federal statute by becoming or remaining  
 9 the candidate of a political party for nomination or election to an  
 10 elected office or a political party office; ~~or~~  
 11 **(7) the person is a nonjudicial court employee who would**  
 12 **violate Rule 4.6 of the Indiana Code of Judicial Conduct by**  
 13 **being the candidate of a political party for nomination or**  
 14 **election to an elected office or a political party office.**  
 15 (e) The subsequent reduction of a felony to a Class A misdemeanor  
 16 under IC 35 after the:  
 17 (1) jury has announced its verdict against the person for a felony;  
 18 (2) court has announced its verdict against the person for a felony;  
 19 or  
 20 (3) person has pleaded guilty or nolo contendere to a felony;  
 21 does not affect the operation of subsection (d).  
 22 SECTION 19. IC 3-8-7-16 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) This section  
 24 does not apply to the certification of nominees under IC 3-10-4-5.  
 25 (b) The election division shall certify the following to each county  
 26 election board not later than noon seventy-four (74) days before a  
 27 general election:  
 28 (1) The name and place of residence of each person nominated for  
 29 election to:  
 30 (A) an office for which the electorate of the whole state may  
 31 vote;  
 32 (B) the United States House of Representatives;  
 33 (C) a legislative office; or  
 34 (D) a local office for which a declaration of candidacy must be  
 35 filed with the election division under IC 3-8-2.  
 36 (2) The name of each:  
 37 (A) justice of the supreme court;  
 38 (B) judge of the court of appeals; ~~and~~  
 39 (C) judge of the tax court; ~~and~~  
 40 **(D) judge of a circuit or superior court;**  
 41 who is subject to a retention vote by the electorate and who has  
 42 filed a statement under IC 33-24-2, ~~or~~ IC 33-25-2, **IC 33-33-45,**





1            **IC 33-33-49, or IC 33-33-71** indicating that the justice or judge  
 2            wishes to have the question of the justice's or judge's retention  
 3            placed on the ballot.

4            (c) Subject to compliance with section 11 of this chapter, the  
 5            election division shall designate the device under which the list of  
 6            candidates of each political party will be printed and the order in which  
 7            the political party ticket will be arranged under IC 3-10-4-2 and  
 8            IC 3-11-2-6.

9            SECTION 20. IC 3-8-7-24 IS AMENDED TO READ AS  
 10            FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. The election  
 11            division and each circuit court clerk shall preserve all certificates and  
 12            petitions of nomination filed under this article for the period required  
 13            under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

14            SECTION 21. IC 3-10-1-4.6, AS AMENDED BY P.L.74-2017,  
 15            SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16            JULY 1, 2021]: Sec. 4.6. (a) This section applies to precinct  
 17            committeemen elected by the Indiana Republican Party.

18            (b) Precinct committeemen shall be elected on the first Tuesday  
 19            after the first Monday in May ~~2020~~ **2024** and every four (4) years  
 20            thereafter.

21            (c) The rules of the Indiana Republican Party may specify whether  
 22            a precinct committeeman elected under subsection (b) continues to  
 23            serve as a precinct committeeman after the boundaries of the precinct  
 24            are changed by a precinct establishment order issued under  
 25            IC 3-11-1.5.

26            SECTION 22. IC 3-10-1-13, AS AMENDED BY P.L.58-2005,  
 27            SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28            JULY 1, 2021]: Sec. 13. (a) The primary election paper ballots, ballot  
 29            cards, and ballot labels **on an electronic voting system** of each  
 30            political party must be of uniform size and of the same quality paper as  
 31            the paper ballots, ballot cards, and ballot labels used at the general  
 32            election.

33            **(b) The primary election paper ballots, ballot cards, and ballot**  
 34            **labels on an electronic voting system of a political party used in a**  
 35            **precinct must contain the precinct number or designation on the**  
 36            **ballot.**

37            ~~(b)~~ (c) The paper ballots and ballot cards must be distinctively  
 38            marked or be of a different color so that the ballots of each party are  
 39            easily distinguishable.

40            ~~(c)~~ (d) This subsection applies to all voting systems. All the  
 41            candidates representing one (1) party shall be placed on one (1) ticket  
 42            with the name of the party placed at the top or beginning of the ballot



1 in the form prescribed by section 19 of this chapter.

2 SECTION 23. IC 3-10-1-31 IS REPEALED [EFFECTIVE JULY 1,  
3 2021]. Sec. 31. (a) This section applies to election materials for  
4 elections held before January 1, 2004.

5 (b) The inspector of each precinct shall deliver the bags required by  
6 section 30(a) and 30(c) of this chapter in good condition; together with  
7 poll lists; tally sheets; and other forms; to the circuit court clerk when  
8 making returns:

9 (c) Except for unused ballots disposed of under IC 3-11-3-31, the  
10 circuit court clerk shall carefully preserve the ballots and other material  
11 and keep all seals intact for twenty-two (22) months; as required by 52  
12 U.S.C. 20701; after which they may be destroyed unless:

- 13 (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or  
14 (2) 52 U.S.C. 10301;

15 requires the continued preservation of the ballots or other material:

16 (d) This subsection applies before January 1, 2006. Upon delivery  
17 of the poll lists; the county voter registration office may unseal the  
18 envelopes containing the poll lists. For the purposes of:

- 19 (1) a cancellation of registration conducted under IC 3-7-43  
20 through IC 3-7-46;  
21 (2) a transfer of registration conducted under IC 3-7-39;  
22 IC 3-7-40; or IC 3-7-42;  
23 (3) adding the registration of a voter under IC 3-7-48-8; or  
24 (4) recording that a voter subject to IC 3-7-33-4.5 submitted the  
25 documentation required under 52 U.S.C. 21083 and IC 3-11-8 or  
26 IC 3-11-10;

27 the county voter registration office may inspect the poll lists and update  
28 the registration record of the county. The county voter registration  
29 office shall use the poll lists to update the registration record to include  
30 the voter's voter identification number if the voter's voter identification  
31 number is not already included in the registration record. Upon  
32 completion of the inspection; the poll list shall be resealed and  
33 preserved with the ballots and other materials for the time period  
34 prescribed by subsection (e).

35 (e) This subsection applies after December 31, 2005. Upon delivery  
36 of the poll lists; the county voter registration office may unseal the  
37 envelopes containing the poll lists. For purposes of:

- 38 (1) a cancellation of registration conducted under IC 3-7-43  
39 through IC 3-7-46; or  
40 (2) a transfer of registration conducted under IC 3-7-39;  
41 IC 3-7-40; or IC 3-7-42;

42 the county voter registration office may inspect the poll lists and update



1 the registration record of the county. The county voter registration  
 2 office shall use the poll lists to update the registration record to include  
 3 the voter's current voter identification number if the voter's voter  
 4 identification number is not included in the registration record. Upon  
 5 completion of the inspection, the poll list shall be resealed and  
 6 preserved with the ballots and other materials for the time period  
 7 prescribed by subsection (e).

8 (f) After the expiration of the period described in subsection (e), the  
 9 ballots may be destroyed in the manner provided by IC 3-11-3-31 or  
 10 transferred to a state educational institution as provided by  
 11 IC 3-12-2-12.

12 SECTION 24. IC 3-10-1-31.1, AS AMENDED BY P.L.157-2019,  
 13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2021]: Sec. 31.1. (a) This section applies only to election  
 15 materials for elections held after December 31, 2003.

16 (b) (a) The inspector of each precinct shall deliver the bags required  
 17 by section 30(a) and 30(c) of this chapter in good condition, together  
 18 with poll lists, tally sheets, and other forms, to the circuit court clerk  
 19 when making returns.

20 (e) (b) Except for unused ballots disposed of under IC 3-11-3-31 or  
 21 affidavits received by the county election board under IC 3-14-5-2 for  
 22 delivery to the foreman of a grand jury, the circuit court clerk shall seal  
 23 the ballots (including provisional ballots) and other material (including  
 24 election material related to provisional ballots) during the time allowed  
 25 to file a verified petition or cross-petition for a recount of votes or to  
 26 contest the election. Except as provided in subsection (d) (c) and  
 27 notwithstanding any other provision of state law, after the recount or  
 28 contest filing period, the election material, including election material  
 29 related to provisional ballots (except for ballots and provisional ballots,  
 30 which remain confidential) shall be made available for copying and  
 31 inspection under IC 5-14-3. The circuit court clerk shall carefully  
 32 preserve the sealed ballots and other material for twenty-two (22)  
 33 months, as required by 52 U.S.C. 20701, after which the sealed ballots  
 34 and other material are subject to IC 5-15-6 unless an order issued  
 35 under:

36 (1) IC 3-12-6-19 or IC 3-12-11-16; or

37 (2) 52 U.S.C. 10301;

38 requires the continued preservation of the ballots or other material.

39 (d) (c) If a petition for a recount or contest is filed, the material for  
 40 that election remains confidential until completion of the recount or  
 41 contest.

42 (e) (d) Upon delivery of the poll lists, the county voter registration



1 office shall unseal the envelopes containing the poll lists, inspect the  
 2 poll lists, and update the registration records of the county. The county  
 3 voter registration office shall use the poll lists and information on  
 4 affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to  
 5 update the registration record to include the voter's voter identification  
 6 number if the voter's voter identification number is not already  
 7 included in the registration record. Upon completion of the inspection,  
 8 the poll list and affidavits shall be preserved with the ballots and other  
 9 materials in the manner prescribed by subsection ~~(e)~~ **(b)** for the period  
 10 prescribed by subsections ~~(e)~~ **(b)** and ~~(d)~~ **(c)**.

11 ~~(f)~~ **(e)** In addition to the poll lists described in subsection ~~(e)~~ **(d)**,  
 12 the county voter registration office shall use the affidavits described by  
 13 IC 3-10-10-7, IC 3-10-11-4, and IC 3-10-12-3.4 to update the  
 14 registration records of the county as soon as the affidavits are delivered  
 15 to the county voter registration office.

16 ~~(g)~~ **(f)** The county voter registration office shall retain a voter's  
 17 paper registration records associated with the address at which the  
 18 voter is registered to vote until all of the following are satisfied:

- 19 (1) The voter's registration at the address stated in the voter's  
 20 registration application has been canceled.
- 21 (2) The general election immediately following the cancellation  
 22 of the voter's registration under subdivision (1) has occurred.
- 23 (3) Twenty-four (24) months have elapsed following the general  
 24 election described in subdivision (2).

25 ~~(h)~~ **(g)** This subsection does not apply to ballots, including  
 26 provisional ballots. Notwithstanding subsection ~~(e)~~ **(b)**, if a county  
 27 voter registration office determines that the inspection and copying of  
 28 precinct election material would reveal the political parties, candidates,  
 29 and public questions for which an individual cast an absentee ballot,  
 30 the county voter registration office shall keep confidential only that part  
 31 of the election material necessary to protect the secrecy of the voter's  
 32 ballot. In addition, the county voter registration office shall keep  
 33 confidential information contained in material related to provisional  
 34 ballots that identifies an individual, except for the individual's name,  
 35 address, and birth date.

36 ~~(i)~~ **(h)** After the expiration of the period described in subsection ~~(e)~~  
 37 **(b)** or ~~(d)~~ **(c)**, the ballots may be destroyed in the manner provided by  
 38 IC 3-11-3-31 or transferred to a state educational institution as  
 39 provided by IC 3-12-2-12.

40 ~~(j)~~ **(i)** This subsection applies to a detachable recording unit or  
 41 compartment used to record a ballot cast on a direct record electronic  
 42 voting system. After the time allowed to file a verified petition or



1 cross-petition for a recount of votes or to contest the election, the  
 2 circuit court clerk shall transfer the data contained in the unit or  
 3 compartment to a disc or other recording medium. After transferring  
 4 the data, the clerk may clear or erase the unit or compartment. The  
 5 circuit court clerk shall carefully preserve the disc or medium used to  
 6 record the data for twenty-two (22) months, as required by 52 U.S.C.  
 7 20701, after which time the disc or medium may be erased or  
 8 destroyed, subject to IC 5-15-6, unless an order requiring the continued  
 9 preservation of the disc or medium is issued under the following:

10 (1) IC 3-12-6-19.

11 (2) IC 3-12-11-16.

12 (3) 52 U.S.C. 10301.

13 **(j) This subsection applies to a county using an electronic poll**  
 14 **book. After each election, the county shall save all data recorded**  
 15 **on the electronic poll book and any information stored on the**  
 16 **dedicated, private server required under IC 3-11-8-10.3(b)(4). The**  
 17 **circuit court clerk shall carefully preserve the disc or medium used**  
 18 **to record the data for twenty-two (22) months, as required by 52**  
 19 **U.S.C. 20701, after which time the data may be erased or**  
 20 **destroyed, subject to IC 5-15-6, unless an order requiring the**  
 21 **continued preservation of the data is issued under the following:**

22 (1) IC 3-12-6-19.

23 (2) IC 3-12-11-16.

24 (3) 52 U.S.C. 10301.

25 SECTION 25. IC 3-10-1-31.2, AS ADDED BY P.L.225-2011,  
 26 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2021]: Sec. 31.2. (a) This subsection does not apply if a  
 28 recount or contest is being conducted in a county. The county voter  
 29 registration office shall complete the updating of the registration record  
 30 under section 31.1 of this chapter not later than sixty (60) days after  
 31 election day.

32 (b) If a recount or contest is being conducted in a county, the county  
 33 voter registration office shall complete the updating of the registration  
 34 record under section 31.1 of this chapter not later than sixty (60) days  
 35 after the completion of the recount or contest and the issuance of an  
 36 order under IC 3-12-6-22.5, IC 3-12-8-17, IC 3-12-11-18, or  
 37 IC 3-12-12-19.

38 (c) **This subsection applies to a voter who executes an affidavit**  
 39 **under IC 3-10-11 and currently resides in an Indiana county**  
 40 **different from the county where the voter is registered to vote. The**  
 41 **county voter registration official in the county where the voter**  
 42 **voted shall add to the voter's registration record in the**



1 **computerized list established under IC 3-7-26.3 that the voter**  
 2 **voted in the election before transferring the voter's registration to**  
 3 **the county where the voter indicated the voter currently resides on**  
 4 **the affidavit completed under IC 3-10-11.**

5 SECTION 26. IC 3-10-2-3, AS AMENDED BY P.L.201-2017,  
 6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2021]: Sec. 3. Presidential electors and alternate presidential  
 8 electors shall be elected in ~~2020~~ **2024** and every four (4) years  
 9 thereafter at a general election held in accordance with 3 U.S.C. 1.

10 SECTION 27. IC 3-10-2-6, AS AMENDED BY P.L.8-2019,  
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2021]: Sec. 6. The following public officials shall be elected  
 13 in ~~2020~~ **2024** and every four (4) years thereafter:

- 14 (1) Governor.
- 15 (2) Lieutenant governor.
- 16 (3) Attorney general.

17 SECTION 28. IC 3-10-6-2, AS AMENDED BY P.L.74-2017,  
 18 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2021]: Sec. 2. (a) Except as otherwise provided in this  
 20 chapter, a municipal primary election shall be held on the first Tuesday  
 21 after the first Monday in May ~~2019~~ **2023** and every four (4) years  
 22 thereafter.

23 (b) Each political party whose nominee received at least ten percent  
 24 (10%) of the votes cast in the state for secretary of state at the last  
 25 election shall nominate all candidates to be voted for at the municipal  
 26 election to be held in November.

27 SECTION 29. IC 3-10-6-3, AS AMENDED BY P.L.278-2019,  
 28 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2021]: Sec. 3. (a) Notwithstanding section 2 of this chapter,  
 30 in a town that adopted an ordinance under IC 18-3-1-16(b) (before its  
 31 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its  
 32 expiration on January 1, 1988), or section 2.5 of this chapter each  
 33 political party shall, at the primary election in:

- 34 (1) May 2022 and every four (4) years thereafter; and
- 35 (2) May 2023 and every four (4) years thereafter;

36 nominate candidates for the election to be held under section 6(a) of  
 37 this chapter, unless a primary election is not required under section 4  
 38 of this chapter. The primary election shall be conducted under this  
 39 chapter.

40 (b) Notwithstanding section 2 of this chapter, in a town that adopted  
 41 an ordinance under section 2.6 of this chapter each political party shall,  
 42 at the primary election in:

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1           (1) May ~~2020~~ **2024** and every four (4) years thereafter; and  
 2           (2) May 2022 and every four (4) years thereafter;  
 3 nominate candidates for the election to be held under section 6(b) of  
 4 this chapter, unless a primary election is not required under section 4  
 5 of this chapter. The primary election shall be conducted under this  
 6 chapter.  
 7           (c) Notwithstanding section 2 of this chapter, in a town that adopted  
 8 an ordinance under section 2.6 of this chapter each political party shall,  
 9 at the primary election in May ~~2020~~ **2024** and every four (4) years  
 10 thereafter, nominate candidates for the election to be held under section  
 11 6(c) of this chapter, unless a primary election is not required under  
 12 section 4 of this chapter. The primary election shall be held under this  
 13 chapter.  
 14           SECTION 30. IC 3-10-6-5, AS AMENDED BY P.L.74-2017,  
 15 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2021]: Sec. 5. Except as otherwise provided in this chapter,  
 17 a municipal election shall be held on the first Tuesday after the first  
 18 Monday in November ~~2019~~ **2023** and every four (4) years thereafter.  
 19 At the election, public officials shall be elected to each municipal  
 20 office.  
 21           SECTION 31. IC 3-10-6-6, AS AMENDED BY P.L.278-2019,  
 22 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2021]: Sec. 6. (a) Notwithstanding section 5 of this chapter,  
 24 a town that adopted an ordinance under IC 18-3-1-16(b) (before its  
 25 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its  
 26 expiration on January 1, 1988), or section 2.5 of this chapter shall:  
 27           (1) at the general election in November 2022 and every four (4)  
 28 years thereafter; and  
 29           (2) at the municipal election in November ~~2019~~ **2023** and every  
 30 four (4) years thereafter;  
 31 elect town council members for terms of four (4) years to those offices  
 32 whose terms expire at noon January 1 following the election, as  
 33 provided in IC 36-5-2-3. The election shall be conducted under this  
 34 chapter.  
 35           (b) Notwithstanding section 5 of this chapter, a town that adopted  
 36 an ordinance under section 2.6 of this chapter shall:  
 37           (1) at the general election in November ~~2020~~ **2024** and every four  
 38 (4) years thereafter; and  
 39           (2) at the general election in November 2022 and every four (4)  
 40 years thereafter;  
 41 elect town council members for terms of four (4) years to those offices  
 42 whose terms expire at noon January 1 of the following year. The



1 election shall be conducted under this chapter.

2 (c) Notwithstanding section 5 of this chapter, a town that adopted  
3 an ordinance under section 2.6 of this chapter shall, at the general  
4 election in November ~~2020~~ **2024** and every four (4) years thereafter,  
5 elect a town clerk-treasurer and town court judge (if a town court has  
6 been established under IC 33-35-1-1) to those offices whose terms  
7 expire at noon January 1 of the following year. The election shall be  
8 conducted under this chapter.

9 SECTION 32. IC 3-10-7-33 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 33. (a) A town election  
11 board shall canvass the votes from a municipal election in the manner  
12 prescribed by IC 3-12-4.

13 (b) After completion of the canvass, the town election board shall  
14 immediately file the poll lists, ballots, tally sheets, and other election  
15 forms with the circuit court clerk of the county containing the greatest  
16 percentage of population of the town for preservation and voter list  
17 maintenance in accordance with ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

18 SECTION 33. IC 3-11-2-2.1, AS AMENDED BY P.L.164-2006,  
19 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2021]: Sec. 2.1. (a) Each county election board shall have the:

- 21 (1) names of all candidates for election to offices or retention in  
22 offices; and  
23 (2) state and local public questions;

24 in election districts wholly or partially within the county printed on a  
25 ballot as provided in this chapter. The county may print all offices on  
26 a single ballot under this section.

27 (b) **Before a county election board orders the printing of a**  
28 **ballot, the board must provide written notice that proofs of the**  
29 **ballot are available for inspection not later than seventy-four (74)**  
30 **days before the date of the election to each of the following:**

- 31 (1) **The county chairman of each major political party with a**  
32 **candidate's name appearing on the ballot.**  
33 (2) **The county chairman, if any, of any other political party**  
34 **with a candidate's name appearing on the ballot.**  
35 (3) **The superintendent of each school corporation with the**  
36 **name of a candidate for school board office or a local public**  
37 **question concerning the school corporation appearing on the**  
38 **ballot.**

39 **After seventy-four (74) days before the date of the election, the**  
40 **ballot is considered approved and eligible for printing.**

41 SECTION 34. IC 3-11-2-3, AS AMENDED BY P.L.194-2013,  
42 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





1 JULY 1, 2021]: Sec. 3. Each type of ballot must be:

- 2 (1) of uniform size;  
 3 (2) of the same quality and color of paper; ~~and~~  
 4 (3) sufficiently thick that the printing cannot be distinguished  
 5 from the back; ~~and~~  
 6 **(4) printed with the precinct number or designation of the**  
 7 **precinct where the ballot is used.**

8 SECTION 35. IC 3-11-2-14, AS AMENDED BY P.L.190-2011,  
 9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2021]: Sec. 14. (a) The following offices shall be placed on  
 11 the general election ballot in the following order after the offices  
 12 described in section 13 of this chapter:

- 13 (1) Retention of a local judge.  
 14 (2) Local nonpartisan judicial offices.

15 (b) These offices shall be placed in a separate column on the ballot.

16 (c) If the ballot contains a candidate for a local nonpartisan judicial  
 17 office, the ballot must also contain a statement that reads substantially  
 18 as follows: "To vote for a candidate for this office, make a voting mark  
 19 on or in the square to the left of the candidate's name."

20 **(d) If more than one (1) local nonpartisan judicial office is to be**  
 21 **placed on the ballot, the office shall be placed on the ballot in**  
 22 **alphabetical or numerical order, according to the designation given**  
 23 **to the office. If there is more than one (1) candidate for a local**  
 24 **nonpartisan judicial office, the candidates shall be listed in**  
 25 **alphabetical order according to surname.**

26 ~~(d)~~ (e) If more than one (1) question concerning the retention of a  
 27 local judge is to be placed on a ballot, the questions shall be placed on  
 28 the ballot:

- 29 (1) in alphabetical order according to the surname of the local  
 30 judge; and  
 31 (2) identifying the court (including division or room) in which the  
 32 judge serves.

33 SECTION 36. IC 3-11-3-11, AS AMENDED BY P.L.169-2015,  
 34 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2021]: Sec. 11. (a) Except as provided in subsection (b), the  
 36 county election board shall deliver the following to each inspector or  
 37 the inspector's representative:

- 38 (1) The supplies provided for the inspector's precinct by the  
 39 election division.  
 40 (2) The sample ballots, the ballot labels, if any, and all poll lists,  
 41 registration lists, and other supplies considered necessary to  
 42 conduct the election in the inspector's precinct.



- 1 (3) The ballots printed under the direction of the county election  
 2 board as follows:  
 3 (A) In those precincts where ballot card voting systems are to  
 4 be used, the number of ballots at least equal to one hundred  
 5 percent (100%) of the number of voters in the inspector's  
 6 precinct, according to the poll list.  
 7 (B) In those precincts where electronic voting systems are to  
 8 be used, the number of ballots that will be required to be  
 9 printed and furnished to the precincts for emergency purposes  
 10 only.  
 11 (C) Provisional ballots in the number considered necessary by  
 12 the county election board.  
 13 (4) Twenty (20) ink pens suitable for printing the names of  
 14 write-in candidates on the ballot or ballot envelope.  
 15 (5) Copies of the voter's bill of rights for posting as required by 52  
 16 U.S.C. 21082.  
 17 (6) Copies of the instructions for a provisional voter required by  
 18 52 U.S.C. 21082 **and IC 3-11.7-2-2**. The county election board  
 19 shall provide at least the number of copies of the instructions as  
 20 the number of provisional ballots provided under subdivision (3).  
 21 (7) Copies of the notice for posting as required by IC 3-7-29-1(f).  
 22 (8) The blank voter registration applications required to be  
 23 provided under IC 3-7-48-7(b).  
 24 (b) This subsection applies to a county that:  
 25 (1) has adopted an order under IC 3-7-29-6(a)(1); or  
 26 (2) is a vote center county under IC 3-11-18.1.  
 27 The county election board shall deliver and install the hardware,  
 28 firmware, and software necessary to use an electronic poll book in each  
 29 precinct or vote center.  
 30 SECTION 37. IC 3-11-4-1, AS AMENDED BY P.L.66-2010,  
 31 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2021]: Sec. 1. (a) A voter who is otherwise qualified to vote  
 33 in person is entitled to vote by absentee ballot. Except as otherwise  
 34 provided in this article, a voter voting by absentee ballot must vote in  
 35 the office of the circuit court clerk (or board of elections and  
 36 registration in a county subject to IC 3-6-5.2) or at a satellite office  
 37 established under IC 3-11-10-26.3.  
 38 (b) A county election board, by unanimous vote of its entire  
 39 membership, may authorize a person who is otherwise qualified to vote  
 40 in person to vote by absentee ballot if the board determines that the  
 41 person has been hospitalized or suffered an injury following the final  
 42 date and hour for applying for an absentee ballot that would prevent the



1 person from voting in person at the polls.

2 (c) ~~The commission;~~ **A county election board or board of**  
 3 **elections and registration,** by unanimous vote of its entire  
 4 membership, may authorize ~~a person~~ **an individual** who is otherwise  
 5 qualified to vote in person **and wishes** to vote by absentee ballot **to file**  
 6 **an application for an absentee ballot** if the ~~commission board~~  
 7 determines that: ~~an~~

8 **(1) during the last eleven (11) days before the election:**

9 **(A) the governor has declared a disaster emergency under**  
 10 **IC 10-14-3-12; or**

11 **(B) the county has declared a local disaster emergency**  
 12 **under IC 10-14-3-29;**

13 **(2) the disaster emergency prevents the person individual** from  
 14 voting in person at a polling place; **and**

15 **(3) an absentee voter board can receive the voter's absentee**  
 16 **ballot not later than 6 p.m. on election day.**

17 (d) The absentee ballots used in subsection (b) or (c) must be the  
 18 same official absentee ballots as described in section ~~12.5~~ **15** of this  
 19 chapter. Taking into consideration the amount of time remaining before  
 20 the election, the commission, **the county election board, or the board**  
 21 **of elections and registration** shall determine whether the absentee  
 22 ballots are transmitted to and from the voter by **any of the following:**

23 **(1) Mail. or personally delivered:**

24 **(2) Personal delivery.**

25 An absentee ballot that is personally delivered shall comply with the  
 26 requirements in sections 19, 20, and 21 of this chapter.

27 SECTION 38. IC 3-11-4-3, AS AMENDED BY P.L.283-2019,  
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2021]: Sec. 3. (a) Except as provided in subsection (c) and  
 30 section 6 of this chapter, an application for an absentee ballot must be  
 31 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2,  
 32 the director of the board of elections and registration) not earlier than  
 33 the date the registration period resumes under IC 3-7-13-10 nor later  
 34 than the following:

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

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

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

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



- 1 (3) Noon on the day before election day if:
- 2 (A) the application is a mailed, transmitted by electronic mail
- 3 or fax, or hand delivered application from a confined voter or
- 4 voter caring for a confined person; and
- 5 (B) the applicant requests that the absentee ballots be
- 6 delivered to the applicant by an absentee voter board under
- 7 IC 3-11-10-25.
- 8 (4) 11:59 p.m. twelve (12) days before election day if the
- 9 application is:
- 10 (A) a mailed application;
- 11 (B) transmitted by electronic mail;
- 12 (C) transmitted by fax; or
- 13 (D) hand delivered;
- 14 from other voters who request to vote by mail under
- 15 IC 3-11-10-24.
- 16 (b) An application for an absentee ballot received by the election
- 17 division by the time and date specified by subsection (a)(2)(B), (a)(3),
- 18 or (a)(4) is considered to have been timely received for purposes of
- 19 processing by the county. The election division shall immediately
- 20 transmit the application to the circuit court clerk, or the director of the
- 21 board of elections and registration, of the county where the applicant
- 22 resides. The election division is not required to complete or file the
- 23 affidavit required under section 2(h) of this chapter whenever the
- 24 election division transmits an application under this subsection.
- 25 (c) ~~This subsection applies to every election held after December~~
- 26 ~~31, 2019.~~ An application for an absentee ballot for the election may not
- 27 be received by the circuit court clerk (or, in a county subject to
- 28 IC 3-6-5.2, the director of the board of elections and registration)
- 29 earlier than December 1 of the year before the election.
- 30 SECTION 39. IC 3-11-4-5.1, AS AMENDED BY P.L.74-2017,
- 31 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2021]: Sec. 5.1. (a) The election division shall prescribe the
- 33 form of an application for an absentee ballot.
- 34 (b) This subsection does not apply to the form for an absentee ballot
- 35 application to be submitted by an absent uniformed services voter or
- 36 overseas voter that contains a standardized oath for those voters. The
- 37 form of the application for an absentee ballot must do all of the
- 38 following:
- 39 (1) Require the applicant to swear to or affirm under the penalties
- 40 of perjury that all of the information set forth on the application
- 41 is true to the best of the applicant's knowledge and belief.
- 42 (2) Require a person who assisted with the completion of the



1 application to swear to or affirm under the penalties of perjury the  
2 statements set forth in section 2(f) of this chapter.

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

6 (4) Set forth the penalties for perjury.

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

9 (1) requests an absentee ballot; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 **If the voter wishes to submit an application under this section in an  
42 electronic format using a module of the statewide voter registration**



1 system, the voter must include a telephone number at which the  
2 voter can be reached to submit the application.

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

7 SECTION 40. IC 3-11-4-17.5, AS AMENDED BY P.L.157-2019,  
8 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2021]: Sec. 17.5. (a) Upon receiving an application for an  
10 absentee ballot, the county election board (or the absentee voter board  
11 in the office of the circuit court clerk) shall determine if:

12 (1) the applicant is a voter of the precinct in which the applicant  
13 resides, according to the records of the county voter registration  
14 office;

15 (2) the information set forth on the application appears to be true;

16 (3) the signature of the voter on the application substantially  
17 conforms with the signature of the voter on the voter registration  
18 record, or that any substantial difference between the signatures  
19 can be accounted for by age or disability of the voter or the  
20 execution of the affidavit by an individual acting under section

21 2(b) of this chapter; and

22 (4) the application has been completed and filed in accordance  
23 with Indiana and federal law.

24 If the members of the absentee voter board are unable to agree about  
25 any of the determinations described in subdivisions (1) through (4), the  
26 issue shall be referred to the county election board for determination.

27 If the application is submitted by a voter wanting to cast an absentee  
28 ballot under IC 3-11-10-26, the voter shall be permitted to cast a  
29 provisional ballot, which the county election board shall retain.

30 (b) If:

31 (1) the applicant is not a voter of the precinct according to the  
32 registration record; or

33 (2) the application as completed and filed:

34 (A) contains a false statement; or

35 (B) does not otherwise comply with Indiana or federal law;

36 as alleged under section 18.5 of this chapter, the county election board  
37 shall deny the application.

38 (c) A voter's failure to provide the information requested under  
39 section 5.1(d) of this chapter does not affect a voter's ability to receive  
40 an absentee ballot. A county election board may not deny an  
41 application because the voter has not provided the information  
42 requested under section 5.1(d) of this chapter as a part of the voter's



1 application for an absentee ballot.

2 (d) ~~This subsection applies to an absentee ballot application~~  
 3 ~~submitted by an absent uniformed services voter or an overseas voter.~~  
 4 ~~In accordance with 52 U.S.C. 20302(d);~~ If the application is denied, the  
 5 county election board shall provide the voter with the reasons for the  
 6 denial of the application. Unless the voter is present when the board  
 7 denies the application, the board shall send a written notice stating the  
 8 reasons for the denial to the voter. The notice must be sent:

9 (1) not later than forty-eight (48) hours after the application is  
 10 denied; and

11 (2) to the voter:

12 (A) at the address at which the voter requested that the  
 13 absentee ballot be mailed;

14 (B) **to the voter's electronic mail address, if the voter has**  
 15 **provided an electronic mail address on the voter's absentee**  
 16 **ballot application; or**

17 (C) **by personal delivery of the notice.**

18 (e) If the county election board determines that the applicant is a  
 19 voter of the precinct under subsection (a), the board shall then  
 20 determine whether:

21 (1) the applicant was required to file any additional  
 22 documentation under IC 3-7-33-4.5; and

23 (2) the applicant has filed this documentation according to the  
 24 records of the county voter registration office.

25 If the applicant has not filed the required documentation, the county  
 26 election board shall approve the application if the application otherwise  
 27 complies with this chapter. The board shall add a notation to the  
 28 application and to the record compiled under section 17 of this chapter  
 29 indicating that the applicant will be required to provide additional  
 30 documentation to the county voter registration office under  
 31 IC 3-7-33-4.5 before the absentee ballot may be counted.

32 (f) If the applicant:

33 (1) is a voter of the precinct according to the registration record;  
 34 and

35 (2) states on the application that the applicant resides at an  
 36 address that is within the same precinct but is not the same  
 37 address shown on the registration record;

38 the county election board shall direct the county voter registration  
 39 office to transfer the applicant's voter registration address to the  
 40 address within the precinct shown on the application. The applicant's  
 41 application for an absentee ballot shall be approved if the applicant is  
 42 otherwise eligible to receive the ballot under this chapter.



1 SECTION 41. IC 3-11-4-19, AS AMENDED BY P.L.157-2019,  
 2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2021]: Sec. 19. (a) Subject to IC 3-5-4-9, a ballot that is  
 4 mailed must bear the circuit court clerk's official seal and signature or  
 5 facsimile signature on the back of the ballot. Before the ballot is  
 6 mailed:

7 (1) the two (2) members of the absentee voter board in the office  
 8 of the circuit court clerk; or

9 (2) the two (2) appointed members of the county election board  
 10 or their designated representatives;

11 shall place their initials in ink on the back of the ballot. The initials  
 12 must be in the persons' ordinary handwriting or printing and without a  
 13 distinguishing mark of any kind. No other initialing of the absentee  
 14 ballot is necessary.

15 (b) An absentee ballot that is voted before an absentee voter board  
 16 under IC 3-11-10-25, IC 3-11-10-26, or IC 3-11-10-26.3, must bear the  
 17 seal, signature, and initials prescribed by IC 3-11-10-27.

18 **(c) An absentee voter board member or county election board**  
 19 **member or the member's representative shall not place the**  
 20 **individual's initials on the absentee ballot:**

21 **(1) until after the voter's application for that ballot has been**  
 22 **approved; or**

23 **(2) more than twenty-four (24) hours before the absentee**  
 24 **ballot is mailed to the voter.**

25 **A ballot initialed under this subsection must be under the control**  
 26 **of two (2) individual members or representatives of opposite**  
 27 **political parties until the ballot is mailed to the voter.**

28 SECTION 42. IC 3-11-8-10.3, AS AMENDED BY P.L.135-2020,  
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2021]: Sec. 10.3. (a) A reference to an electronic poll list in  
 31 a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is  
 32 considered to be a reference to an electronic poll book (as defined by  
 33 IC 3-5-2-20.5), unless otherwise expressly provided in the vote center  
 34 plan.

35 (b) An electronic poll book must satisfy all of the following:

36 (1) An electronic poll book must be programmed so that the  
 37 coordinated action of two (2) election officers who are not  
 38 members of the same political party is necessary to access the  
 39 electronic poll book.

40 (2) An electronic poll book may not be connected to a voting  
 41 system. However, the electronic poll book may be used in  
 42 conjunction with a voting system if both of the following apply:





- 1 (A) The electronic poll book contains a device that must be  
 2 physically removed from the electronic poll book by a person  
 3 and the device is inserted into the voting system, with no  
 4 hardware or software connection existing between the  
 5 electronic poll book and the voting system.
- 6 (B) All data on the device is erased when the device is  
 7 removed from the voting system and before the device is  
 8 reinserted into an electronic poll book.
- 9 (3) An electronic poll book may not permit access to voter  
 10 information other than:
- 11 (A) information provided on the certified list of voters  
 12 prepared under IC 3-7-29-1; or
- 13 (B) information concerning any of the following received or  
 14 issued after the electronic poll list has been downloaded by the  
 15 county election board under IC 3-7-29-6:
- 16 (i) The county's receipt of an absentee ballot from the voter.  
 17 (ii) The county's receipt of additional documentation  
 18 provided by the voter to the county voter registration office.  
 19 (iii) The county's issuance of a certificate of error.
- 20 ~~However, after December 31, 2020,~~ An electronic poll book may  
 21 not display whether a voter's registration record is in active or  
 22 inactive status.
- 23 (4) The information contained on an electronic poll book must be  
 24 secure and placed on a dedicated, private server to secure  
 25 connectivity between a precinct polling place or satellite absentee  
 26 office and the county election board. The electronic poll book  
 27 must have the capability of:
- 28 (A) storing (in external or internal memory) the current local  
 29 version of the electronic poll list; and
- 30 (B) producing a list of audit records that reflect all of the  
 31 idiosyncrasies of the system, including in-process audit  
 32 records that set forth all transactions.
- 33 (5) The electronic poll book must permit a poll clerk to enter  
 34 information regarding an individual who has appeared to vote to  
 35 verify whether the individual is eligible to vote, and if so, whether  
 36 the voter has:
- 37 (A) already received a ballot at the election;  
 38 (B) returned an absentee ballot; or  
 39 (C) submitted any additional documentation required under  
 40 IC 3-7-33-4.5.
- 41 (6) After the voter has been provided with a ballot, the electronic  
 42 poll book must permit a poll clerk to enter information indicating



- 1 that the voter has received a ballot.
- 2 (7) The electronic poll book must transmit the information in
- 3 subdivision (6) to the county server so that:
- 4 (A) the server may transmit the information immediately to
- 5 every other polling place or satellite absentee office in the
- 6 county; or
- 7 (B) the server makes the information immediately available to
- 8 every other polling place or satellite office in the county.
- 9 (8) The electronic poll book must permit reports to be:
- 10 (A) generated by a county election board for a watcher
- 11 appointed under IC 3-6-8 at any time during election day; and
- 12 (B) electronically transmitted by the county election board to
- 13 a political party or independent candidate who has appointed
- 14 a watcher under IC 3-6-8.
- 15 (9) On each day after absentee ballots are cast before an absentee
- 16 voter board in the circuit court clerk's office, a satellite office, or
- 17 a vote center, and after election day, the electronic poll book must
- 18 permit voter history to be quickly and accurately uploaded into
- 19 the computerized list (as defined in IC 3-7-26.3-2).
- 20 (10) The electronic poll book must be able to display an electronic
- 21 image of the signature of a voter taken from:
- 22 (A) the voter's registration application; or
- 23 (B) a more recent signature of a voter from an absentee
- 24 application, poll list, electronic poll book, or registration
- 25 document.
- 26 (11) The electronic poll book must be used with a signature pad,
- 27 tablet, or other signature capturing device that permits the voter
- 28 to make an electronic signature for comparison with the signature
- 29 displayed under subdivision (10). An image of the electronic
- 30 signature made by the voter on the signature pad, tablet, or other
- 31 signature capturing device must be retained and identified as the
- 32 signature of the voter for the period required for retention under
- 33 IC 3-10-1-31.1.
- 34 (12) The electronic poll book must include a bar code capturing
- 35 device that:
- 36 (A) permits a voter who presents an Indiana driver's license or
- 37 a state identification card issued under IC 9-24-16 to scan the
- 38 license or card through the bar code reader or tablet; and
- 39 (B) has the capability to display the voter's registration record
- 40 upon processing the information contained within the bar code
- 41 on the license or card.
- 42 (13) A printer separate from the electronic poll book used in a



- 1 vote center county may be programmed to print on the back of a  
 2 ballot card, immediately before the ballot card is delivered to the  
 3 voter, the printed initials of the poll clerks captured through the  
 4 electronic signature pad or tablet at the time the poll clerks log  
 5 into the electronic poll book system.
- 6 (14) The electronic poll book must be compatible with:  
 7 (A) any hardware attached to the electronic poll book, such as  
 8 signature capturing devices, bar code capturing devices, and  
 9 network cards;  
 10 (B) the statewide voter registration system; and  
 11 (C) any software system used to prepare voter information to  
 12 be included on the electronic poll book.
- 13 (15) The electronic poll book must have the ability to be used in  
 14 conformity with this title for:  
 15 (A) any type of election conducted in Indiana; or  
 16 (B) any combination of elections held concurrently with a  
 17 general election, municipal election, primary election, or  
 18 special election.
- 19 (16) The procedures for setting up, using, and shutting down an  
 20 electronic poll book must be reasonably easy for a precinct  
 21 election officer to learn, understand, and perform. A vendor shall  
 22 provide sufficient training to election officials and poll workers  
 23 to completely familiarize them with the operations essential for  
 24 carrying out election activities. A vendor shall provide an  
 25 assessment of learning goals achieved by the training in  
 26 consultation with VSTOP (as described in IC 3-11-18.1-12).
- 27 (17) The electronic poll book must enable a precinct election  
 28 officer to verify that the electronic poll book:  
 29 (A) has been set up correctly;  
 30 (B) is working correctly so as to verify the eligibility of the  
 31 voter;  
 32 (C) is correctly recording that a voter received a ballot; and  
 33 (D) has been shut down correctly.
- 34 (18) The electronic poll book must include the following  
 35 documentation:  
 36 (A) Plainly worded, complete, and detailed instructions  
 37 sufficient for a precinct election officer to set up, use, and shut  
 38 down the electronic poll book.  
 39 (B) Training materials that:  
 40 (i) may be in written or video form; and  
 41 (ii) must be in a format suitable for use at a polling place,  
 42 such as simple "how to" guides.



- 1 (C) Failsafe data recovery procedures for information included  
 2 in the electronic poll book.  
 3 (D) Usability tests:  
 4 (i) that are conducted by the manufacturer of the electronic  
 5 poll book or an independent testing facility using individuals  
 6 who are representative of the general public;  
 7 (ii) that include the setting up, using, and shutting down of  
 8 the electronic poll book; and  
 9 (iii) that report their results using industry standard reporting  
 10 formats.  
 11 (E) A clear model of the electronic poll book system  
 12 architecture and the following documentation:  
 13 (i) End user documentation.  
 14 (ii) System-level and administrator level documentation.  
 15 (iii) Developer documentation.  
 16 (F) Detailed information concerning:  
 17 (i) electronic poll book consumables; and  
 18 (ii) the vendor's supply chain for those consumables.  
 19 (G) Vendor internal quality assurance procedures and any  
 20 internal or external test data and reports available to the  
 21 vendor concerning the electronic poll book.  
 22 (H) Repair and maintenance policies for the electronic poll  
 23 book.  
 24 (I) As of the date of the vendor's application for approval of  
 25 the electronic poll book by the secretary of state as required by  
 26 IC 3-11-18.1-12, the following:  
 27 (i) A list of customers who are using or have previously used  
 28 the vendor's electronic poll book.  
 29 (ii) A description of any known anomalies involving the  
 30 functioning of the electronic poll book, including how those  
 31 anomalies were resolved.  
 32 (J) Information concerning batteries used in the electronic poll  
 33 book, including the following:  
 34 (i) A list of all batteries to be used in the electronic poll  
 35 book and any peripherals.  
 36 (ii) The expected life span of each battery.  
 37 (iii) A log documenting when each battery was installed or  
 38 subsequently replaced.  
 39 (iv) A schedule for the replacement of each battery not later  
 40 than thirty (30) days before the end of the expected life span  
 41 of each battery.  
 42 (v) Plans to test batteries before each election.



- 1 (vi) Plans for the emergency replacement of batteries that  
 2 fail on election day or during the thirty (30) days before  
 3 election day.
- 4 (19) The electronic poll book and any hardware attached to the  
 5 electronic poll book must be designed to prevent injury or damage  
 6 to any individual or the hardware, including fire and electrical  
 7 hazards.
- 8 (20) The electronic poll book must demonstrate that it correctly  
 9 processes all activity regarding each voter registration record,  
 10 including the use, alteration, storage, receipt, and transmittal of  
 11 information that is part of the record. Compliance with this  
 12 subdivision requires the mapping of the data life cycle of the voter  
 13 registration record as processed by the electronic poll book.
- 14 (21) The electronic poll book must successfully perform in  
 15 accordance with all representations concerning functionality,  
 16 usability, security, accessibility, and sustainability made in the  
 17 vendor's application for approval of the electronic poll book by  
 18 the secretary of state as required by IC 3-11-18.1-12.
- 19 (22) The electronic poll book must have the capacity to transmit  
 20 all information generated by the voter or poll clerk as part of the  
 21 process of casting a ballot, including the time and date stamp  
 22 indicating when the voter signed the electronic poll book, and the  
 23 electronic signature of the voter, for retention on the dedicated  
 24 private server approved by the county election board for the  
 25 period required by Indiana and federal law.
- 26 (23) The electronic poll book must:
- 27 (A) permit a voter to check in and sign the electronic poll book  
 28 even when there is a temporary interruption in connectivity to  
 29 the Internet; and
- 30 (B) provide for the uploading of each signature so that the  
 31 signature may be assigned to the voter's registration record.
- 32 (c) The county election board is responsible for the care and custody  
 33 of all electronic poll books while not in use.
- 34 (d) The county election board is responsible for ensuring that all  
 35 electronic poll books are dedicated devices to be used only for their  
 36 intended purpose and for no other activity. Software that is not needed  
 37 for the essential purpose of running the electronic poll book may not be  
 38 installed on an electronic poll book.
- 39 SECTION 43. IC 3-11-8-15, AS AMENDED BY P.L.194-2013,  
 40 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2021]: Sec. 15. (a) Only the following persons are permitted  
 42 in the polls during an election:



- 1 (1) Members of a precinct election board.  
 2 (2) Poll clerks and assistant poll clerks.  
 3 (3) Election sheriffs.  
 4 (4) Deputy election commissioners.  
 5 (5) Pollbook holders and challengers.  
 6 (6) Watchers.  
 7 (7) Voters for the purposes of voting.  
 8 (8) Minor children accompanying voters as provided under  
 9 IC 3-11-11-8.  
 10 (9) An assistant to a precinct election officer appointed under  
 11 IC 3-6-6-39.  
 12 (10) An individual authorized to assist a voter in accordance with  
 13 IC 3-11-9.  
 14 (11) A member of a county election board, acting on behalf of the  
 15 board.  
 16 (12) A mechanic authorized to act on behalf of a county election  
 17 board to repair a voting system (if the mechanic bears credentials  
 18 signed by each member of the board).  
 19 (13) Either of the following who have been issued credentials  
 20 signed by the members of the county election board:  
 21 (A) The county chairman of a political party.  
 22 (B) The county vice chairman of a political party.  
 23 However, a county chairman or a county vice chairman who is a  
 24 candidate for nomination or election to office at the election may  
 25 not enter the polls under this subdivision.  
 26 (14) The secretary of state, as chief election officer of the state,  
 27 unless the individual serving as secretary of state is a candidate  
 28 for nomination or election to an office at the election.  
 29 **(b) Except for an individual described in subdivision (a)(8) or**  
 30 **(a)(10), an individual must be a citizen of the United States to be**  
 31 **permitted in the polls during an election.**  
 32 **(c) The secretary of state may exempt an individual from the**  
 33 **requirement to be a United States citizen.**  
 34 ~~(b)~~ **(d)** This subsection applies to a simulated election for minors  
 35 conducted with the authorization of the county election board. An  
 36 individual participating in the simulated election may be in the polls for  
 37 the purpose of voting. A person supervising the simulated election may  
 38 be in the polls to perform the supervision.  
 39 ~~(e)~~ **(e)** The inspector of a precinct has authority over all simulated  
 40 election activities conducted under subsection ~~(b)~~ **(d)** and shall ensure  
 41 that the simulated election activities do not interfere with the election  
 42 conducted in that polling place.



1 SECTION 44. IC 3-11-8-25.2, AS AMENDED BY P.L.278-2019,  
 2 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2021]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall  
 4 examine the list provided under IC 3-7-29-1 to determine if the county  
 5 election board has indicated that the voter is required to provide  
 6 additional personal identification under 52 U.S.C. 21083 and  
 7 IC 3-7-33-4.5 before voting in person. If the list indicates that the voter  
 8 is required to present this identification before voting in person, the  
 9 poll clerk shall advise the voter that the voter must present, in addition  
 10 to the proof of identification required by section 25.1(a) of this chapter,  
 11 a piece of identification described in subsection (b) to the poll clerk.

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

- 17 (1) A current and valid photo identification.
- 18 (2) A current utility bill.
- 19 (3) A current bank statement.
- 20 (4) A current government check.
- 21 (5) A current paycheck.
- 22 (6) A current government document.

23 The document presented by the voter must show the name and  
 24 residence address of the voter.

25 (c) If a voter presents a document under subsection (b), the poll  
 26 clerk shall add a notation to the list indicating the type of document  
 27 presented by the voter. The election division shall prescribe a  
 28 standardized coding system to classify documents presented under this  
 29 subsection for entry into the county voter registration system.

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

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

39 (f) **The circuit court clerk shall provide the notice required by**  
 40 **IC 3-11.7-6-4 to a voter who casts a provisional ballot under this**  
 41 **section.**

42 SECTION 45. IC 3-11-8-30 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. Each inspector shall  
 2 return the poll lists, together with the oaths of the precinct election  
 3 board members, in a sealed envelope separate from all other precinct  
 4 election returns to the circuit court clerk. The clerk shall preserve the  
 5 poll lists for the period required by ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

6 SECTION 46. IC 3-11-10-25, AS AMENDED BY P.L.169-2015,  
 7 SECTION 120, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2021]: Sec. 25. (a) A voter who votes by  
 9 absentee ballot because of:

10 (1) illness or injury; or

11 (2) caring for a confined person at a private residence;

12 and who is within the county on election day may vote before an  
 13 absentee voter board or by mail.

14 (b) If requested by a voter described in subsection (a) or by a voter  
 15 with disabilities whose precinct is not accessible to voters with  
 16 disabilities, an absentee voter board shall visit the voter's place of  
 17 confinement, the residence of the voter with disabilities, or the private  
 18 residence:

19 (1) during the regular office hours of the circuit court clerk;

20 (2) at a time agreed to by the board and the voter;

21 (3) on any of the nineteen (19) days immediately before election  
 22 day; and

23 (4) only once before an election, unless:

24 (A) the confined voter is unavailable at the time of the board's  
 25 first visit due to a medical emergency; or

26 (B) the board, in its discretion, decides to make an additional  
 27 visit.

28 (c) This subsection applies to a voter confined due to illness or  
 29 injury. An absentee voter board may not be denied access to the voter's  
 30 place of confinement if the board is present at the place of confinement  
 31 at a time:

32 (1) agreed to by the board and the voter; and

33 (2) during the regular office hours of the circuit court clerk. A  
 34 person who knowingly violates this subsection commits  
 35 obstruction or interference with an election officer in the  
 36 discharge of the officer's duty, a violation of IC 3-14-3-4.

37 (d) The county election board, by unanimous vote of the board's  
 38 entire membership, may authorize an absentee voter board to visit a  
 39 voter who is confined due to illness or injury and will be outside the  
 40 county on election day in accordance with the procedures set forth in  
 41 subsection (b).

42 (e) As provided by 52 U.S.C. 21081, a voter casting an absentee





- 1 ballot under this section must be:
- 2 (1) permitted to verify in a private and independent manner the
- 3 votes selected by the voter before the ballot is cast and counted;
- 4 (2) provided with the opportunity to change the ballot or correct
- 5 any error in a private and independent manner before the ballot is
- 6 cast and counted, including the opportunity to receive a
- 7 replacement ballot if the voter is otherwise unable to change or
- 8 correct the ballot; and
- 9 (3) notified before the ballot is cast regarding the effect of casting
- 10 multiple votes for the office and provided an opportunity to
- 11 correct the ballot before the ballot is cast and counted.
- 12 (f) As provided by 52 U.S.C. 21081, when an absentee ballot is
- 13 provided under this section, the board must also provide the voter with:
- 14 (1) information concerning the effect of casting multiple votes for
- 15 an office; and
- 16 (2) instructions on how to correct the ballot before the ballot is
- 17 cast and counted, including the issuance of replacement ballots.
- 18 (g) This subsection applies to a voter who applies to vote an
- 19 absentee ballot by mail. The county election board shall include a copy
- 20 of the Absentee Voter's Bill of Rights with any absentee ballot mailed
- 21 to the voter.
- 22 **(h) An absentee voter board visiting a voter under this section**
- 23 **may use an electronic poll book.**
- 24 SECTION 47. IC 3-11-10-26, AS AMENDED BY P.L.278-2019,
- 25 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2021]: Sec. 26. (a) This subsection applies to all counties,
- 27 except for a county to which IC 3-6-5.2 applies. As an alternative to
- 28 voting by mail, a voter is entitled to cast an absentee ballot before an
- 29 absentee voter board at any of the following:
- 30 (1) One (1) location of the office of the circuit court clerk
- 31 designated by the circuit court clerk.
- 32 (2) A satellite office established under section 26.3 of this
- 33 chapter.
- 34 (b) This subsection applies to a county to which IC 3-6-5.2 applies.
- 35 As an alternative to voting by mail, a voter is entitled to cast an
- 36 absentee ballot before an absentee voter board at any of the following:
- 37 (1) The office of the board of elections and registration.
- 38 (2) A satellite office established under section 26.3 of this
- 39 chapter.
- 40 (c) Except for a location designated under subsection (a)(1), a
- 41 location of the office of the circuit court clerk must be established as
- 42 a satellite office under section 26.3 of this chapter in order to be used



1 as a location at which a voter is entitled to cast an absentee ballot  
2 before an absentee voter board under this section.

3 (d) The voter must do the following before being permitted to vote:

4 (1) This subdivision does not apply to a county that uses  
5 electronic poll books for voting under this section. Sign an  
6 application on the form prescribed by the election division under  
7 IC 3-11-4-5.1. The application must be received by the circuit  
8 court clerk not later than the time prescribed by IC 3-11-4-3.

9 (2) This subdivision applies only to a county that uses electronic  
10 poll books for voting under this section and in which the ballot is  
11 cast on an electronic voting system. The voter must do the  
12 following:

13 (A) If the county election board has prescribed an affidavit  
14 under subsection (e) that includes a unique identifier to  
15 comply with section 26.2(c)(3) of this chapter, make and  
16 subscribe to the affidavit.

17 (B) Sign the electronic poll book.

18 (C) Provide proof of identification.

19 (3) This subdivision applies only to a county that uses electronic  
20 poll books for voting under this section and in which the ballot is  
21 cast on an optical scan voting system. The voter must do the  
22 following:

23 (A) Sign the electronic poll book.

24 (B) Provide proof of identification.

25 (C) Sign the affidavit prescribed by section 29 of this chapter.

26 (e) The county election board may:

27 (1) prescribe an affidavit that includes a unique identifier; or

28 (2) establish a procedure to produce a document, label, or  
29 electronic record that is associated with each voter and includes  
30 a unique identifier;

31 to comply with section 26.2(c)(3) of this chapter. After the county  
32 election board approves an affidavit or procedure described in this  
33 subsection and before the affidavit or procedure is used in an election,  
34 the county election board shall file a copy of the affidavit or a brief  
35 description of the procedure with the election division to assist the state  
36 recount commission in conducting proceedings under IC 3-12-11.

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



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

14 (h) The absentee voter board in the office of the circuit court clerk  
 15 must permit voters to cast absentee ballots under this section for at  
 16 least seven (7) hours on each of the two (2) Saturdays preceding  
 17 election day.

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

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

- 26 (1) permitted to verify in a private and independent manner the
- 27 votes selected by the voter before the ballot is cast and counted;
- 28 (2) provided with the opportunity to change the ballot or correct
- 29 any error in a private and independent manner before the ballot is
- 30 cast and counted, including the opportunity to receive a
- 31 replacement ballot if the voter is otherwise unable to change or
- 32 correct the ballot; and
- 33 (3) notified before the ballot is cast regarding the effect of casting
- 34 multiple votes for the office and provided an opportunity to
- 35 correct the ballot before the ballot is cast and counted.

36 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is  
 37 provided under this section, the board must also provide the voter with:

- 38 (1) information concerning the effect of casting multiple votes for
- 39 an office; and
- 40 (2) instructions on how to correct the ballot before the ballot is
- 41 cast and counted, including the issuance of replacement ballots.

42 (l) If:



1 (1) the voter is unable or declines to present the proof of  
2 identification; or

3 (2) a member of the board determines that the proof of  
4 identification provided by the voter does not qualify as proof of  
5 identification under IC 3-5-2-40.5;

6 the voter shall be permitted to cast a provisional ballot.

7 **(m) This subsection applies to a voter who casts an absentee  
8 ballot that is treated as a provisional ballot under subsection (l).  
9 The board shall provide the voter, both orally and in writing, an  
10 explanation of what actions, if any, the voter must take in order to  
11 have the voter's ballot counted. The election division shall  
12 prescribe the form of the explanation required by this subsection.  
13 The circuit court clerk shall also provide the notice required by  
14 IC 3-11.7-6-4 to the voter.**

15 ~~(m)~~ **(n)** A voter casting an absentee ballot under this section is  
16 entitled to cast the voter's ballot in accordance with IC 3-11-9.

17 ~~(m)~~ **(o)** In a primary election, a voter casting an absentee ballot under  
18 this chapter may not change the voter's choice of the voter's political  
19 party after the voter has been mailed or otherwise provided with a  
20 primary ballot containing the candidates of that party.

21 SECTION 48. IC 3-11-10-26.1 IS ADDED TO THE INDIANA  
22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2021]: **Sec. 26.1. (a) This section applies to a  
24 person who is provided an absentee ballot under section 26, 26.2,  
25 or 26.3 of this chapter.**

26 **(b) If a voter leaves the booth without casting a ballot, an  
27 absentee voter board member or the circuit court clerk's office  
28 shall:**

29 **(1) attempt to advise the voter not to leave the clerk's office or  
30 satellite office because the voter's ballot has not been cast; and**

31 **(2) permit the voter to return to the booth to complete the  
32 process of casting the voter's ballot.**

33 **(c) This subsection applies to a voter who has been provided a  
34 paper absentee ballot or optical scan ballot card absentee ballot. If  
35 the voter has left the clerk's office or satellite office, or declines to  
36 return to the booth, the absentee voter board members shall do the  
37 following:**

38 **(1) Enter into the booth and place the voter's ballot inside the  
39 envelope provided or fold the ballot as described in  
40 IC 3-11-13-18(b)(1).**

41 **(2) Transfer or deposit the envelope or folded ballot to the  
42 location where previously cast absentee ballots have been**



1 secured.

2 **(3) Promptly complete a form prescribed under IC 3-5-4-8**  
3 **containing the following information:**

4 **(A) The name of the voter who left the clerk's office or**  
5 **satellite office without completing the process of casting a**  
6 **ballot if the voter's name is known.**

7 **(B) The approximate time that the voter left the clerk's**  
8 **office or satellite office.**

9 **(C) Whether the voter was advised that the voter could**  
10 **return to the booth to complete the casting of the ballot.**

11 **(D) A statement made under the penalties for perjury**  
12 **indicating that:**

13 **(i) the absentee voter board members jointly transferred**  
14 **or deposited the envelope or folded ballot in the location**  
15 **where previously cast absentee ballots had been secured;**  
16 **and**

17 **(ii) the absentee voter board members (and any other**  
18 **person) did not make any alterations to the choices made**  
19 **by the voter.**

20 **The form must be signed by both members of the absentee**  
21 **voter board.**

22 **(d) This subsection applies to a voter who has been provided an**  
23 **electronic voting system to cast an absentee ballot. If the voter has**  
24 **left the clerk's office or satellite office, or declines to return to the**  
25 **booth, the absentee voter board members shall:**

26 **(1) enter into the booth;**

27 **(2) complete the process of casting the ballot for the voter;**  
28 **and**

29 **(3) complete the form described in subsection (c)(3).**

30 **(e) After the voter's ballot has been transferred or deposited**  
31 **under subsection (c) or cast under subsection (d), the absentee**  
32 **voter board shall indicate on the electronic poll book or in the**  
33 **statewide voter registration system that the voter has cast an**  
34 **absentee ballot.**

35 SECTION 49. IC 3-11-10-27, AS AMENDED BY P.L.157-2019,  
36 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2021]: Sec. 27. (a) This section does not apply to a ballot  
38 mailed to a voter under this chapter.

39 (b) Subject to IC 3-5-4-9, before a ballot is voted under section 25  
40 of this chapter before an absentee voter board, it must bear the circuit  
41 court clerk's official seal and signature or facsimile signature and be  
42 initialed by the absentee voter board visiting the voter under section



- 1 25(b) of this chapter (except in a county subject to subsection ~~(d)~~: **(e)**).
- 2 (c) Subject to IC 3-5-4-9, before a ballot is:
- 3 (1) voted under section 26 or 26.3 of this chapter; or
- 4 (2) placed in a secrecy envelope if it has been marked using a
- 5 marking device for an optical scan ballot;
- 6 the ballot must bear the circuit court clerk's official seal and signature
- 7 or facsimile signature and be initialed by **both absentee voter board**
- 8 **members, or subject to subsection (e)**, the county election board or
- 9 the board's designated representatives under IC 3-11-4-19.
- 10 **(d) An absentee voter board member or county election board**
- 11 **member or the member's representative shall not place the**
- 12 **individual's initials on the absentee ballot:**
- 13 **(1) until after the voter's application for that ballot has been**
- 14 **approved; or**
- 15 **(2) more than twenty-four (24) hours before the absentee**
- 16 **ballot is provided to the voter.**
- 17 **A ballot initialed under this subsection must be under the control**
- 18 **of two (2) individual members or representatives of opposite**
- 19 **political parties until the ballot is provided to the voter.**
- 20 ~~(d)~~ **(e)** A county election board may adopt a resolution providing
- 21 that the absentee ballots to be voted before an absentee voter board
- 22 visiting the voter under section 25(b) of this chapter must be initialed
- 23 by the county election board or the board's representatives under
- 24 IC 3-11-4-19 and not by the absentee voter board visiting the voter. A
- 25 resolution adopted under this subsection remains in effect until
- 26 rescinded by the county election board. The election board may not
- 27 rescind the resolution during the final sixty (60) days before an
- 28 election.
- 29 ~~(e)~~ **(f)** The initials must be:
- 30 (1) in ink on the back of the ballot, in the person's ordinary
- 31 handwriting or printing, and without a distinguishing mark of any
- 32 kind; or
- 33 (2) in a vote center county using an electronic poll list:
- 34 (A) printed on the back of the ballot by a printer separate from
- 35 the electronic poll list, immediately before the ballot is
- 36 delivered to the voter; and
- 37 (B) the initials of the county election board or the board's
- 38 representatives captured through the electronic signature pad
- 39 or tablet at the time the county election board or the board's
- 40 representatives log into the electronic poll book system.
- 41 ~~(f)~~ **(g)** A resolution adopted under subsection ~~(d)~~ **(e)** may also
- 42 provide that a precinct designation is not required to be preprinted on



1 absentee ballots printed immediately before the ballot is delivered to  
 2 a voter, but may be added in the same manner as the initials of the  
 3 county election board or the board's representatives under IC 3-11-4-19  
 4 are added under subsection ~~(e)~~: **(f)**.

5 ~~(g)~~ **(h)** No other initialing of the absentee ballot is necessary.

6 SECTION 50. IC 3-11-11-10.5 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. (a) At a primary  
 8 election, a voter may not remain in the voting booth longer than ~~three~~  
 9 ~~(3)~~ **five (5)** minutes.

10 (b) At a general, municipal, or special election, a voter may not  
 11 remain in the voting booth longer than ~~two (2)~~ **four (4)** minutes.

12 (c) If a voter refuses to leave the voting booth after the lapse of the  
 13 time provided under subsection (a) or (b), the precinct election board,  
 14 or the election sheriff or sheriffs upon the order of the board, shall  
 15 immediately remove the voter from the booth.

16 SECTION 51. IC 3-11-11-18 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. A voter who by  
 18 accident or mistake spoils, defaces, or mutilates the voter's ballot may,  
 19 by returning the ballot to the poll clerks or assistant poll clerks and  
 20 satisfying them that the spoiling, defacing, or mutilation was not  
 21 intentional, receive another ballot. The poll clerks or assistant poll  
 22 clerks shall make a record of the fact on the poll list, and the ballot  
 23 shall then be marked "VOID" by the precinct election board in the  
 24 presence of the voter and returned with the other election materials as  
 25 required by ~~IC 3-10-1-31 or~~ IC 3-10-1-31.1.

26 SECTION 52. IC 3-11-13-11, AS AMENDED BY P.L.141-2020,  
 27 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2021]: Sec. 11. (a) The ballot information, whether placed on  
 29 the ballot card or on the marking device, must be in the order of  
 30 arrangement provided for ballots under this section.

31 (b) Each county election board shall have the names of all  
 32 candidates for all elected offices, political party offices, and public  
 33 questions printed on a ballot card as provided in this chapter. The  
 34 county may:

- 35 (1) print all offices and questions on a single ballot card; and
- 36 (2) include a ballot variation code to ensure that the proper  
 37 version of a ballot is used within a precinct.

38 (c) Each type of ballot card must be of uniform size and of the same  
 39 quality and color of paper (except as permitted under IC 3-10-1-17).

40 (d) The nominees of a political party or an independent candidate  
 41 or independent ticket (described in IC 3-11-2-6) nominated by  
 42 petitioners shall be listed on the ballot with the name and device set



1 forth on the certification or petition. The circle containing the device  
 2 may be of any size that permits a voter to readily identify the device.  
 3 IC 3-11-2-5 applies if the certification or petition does not include a  
 4 name or device, or if the same device is selected by two (2) or more  
 5 parties or petitioners.

6 (e) The offices and public questions on the general election ballot  
 7 must be placed on the ballot in the order listed in IC 3-11-2-12,  
 8 IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),  
 9 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), ~~and~~  
 10 IC 3-11-2-14(d), **and IC 3-11-2-14(e)**. The offices and public questions  
 11 may be listed in a continuous column either vertically or horizontally  
 12 and on a number of separate pages.

13 (f) The name of each office must be printed in a uniform size in bold  
 14 type. A statement reading substantially as follows must be placed  
 15 immediately below the name of the office and above the name of the  
 16 first candidate:

17 (1) "Vote for one (1) only.", if only one (1) candidate is to be  
 18 elected to the office.

19 (2) "Vote for not more than (insert the number of candidates to be  
 20 elected) candidate(s) for this office. To vote for any candidate for  
 21 this office, you must make a voting mark for each candidate you  
 22 wish to vote for. A straight party vote will not count as a vote for  
 23 any candidate for this office.", if more than one (1) candidate is to  
 24 be elected to the office.

25 (g) Below the name of the office and the statement required by  
 26 subsection (f), the names of the candidates for each office must be  
 27 grouped together in the following order:

28 (1) The major political party whose candidate received the highest  
 29 number of votes in the county for secretary of state at the last  
 30 election is listed first.

31 (2) The major political party whose candidate received the second  
 32 highest number of votes in the county for secretary of state is  
 33 listed second.

34 (3) All other political parties listed in the order that the parties'  
 35 candidates for secretary of state finished in the last election are  
 36 listed after the party listed in subdivision (2).

37 (4) If a political party did not have a candidate for secretary of  
 38 state in the last election or a nominee is an independent candidate  
 39 or independent ticket (described in IC 3-11-2-6), the party or  
 40 candidate is listed after the parties described in subdivisions (1),  
 41 (2), and (3).

42 (5) If more than one (1) political party or independent candidate





- 1 or ticket described in subdivision (4) qualifies to be on the ballot,  
 2 the parties, candidates, or tickets are listed in the order in which  
 3 the party filed its petition of nomination under IC 3-8-6-12.  
 4 (6) A space for write-in voting is placed after the candidates listed  
 5 in subdivisions (1) through (5), if required by law.  
 6 (7) The name of a write-in candidate may not be listed on the  
 7 ballot.  
 8 (h) The names of the candidates grouped in the order established by  
 9 subsection (g) must be printed in type with uniform capital letters and  
 10 have a uniform space between each name. The name of the candidate's  
 11 political party, or the word "Independent" if the:  
 12 (1) candidate; or  
 13 (2) ticket of candidates for:  
 14 (A) President and Vice President of the United States; or  
 15 (B) governor and lieutenant governor;  
 16 is independent, must be placed immediately below or beside the name  
 17 of the candidate and must be printed in a uniform size and type.  
 18 (i) All the candidates of the same political party for election to  
 19 at-large seats on the fiscal or legislative body of a political subdivision  
 20 must be grouped together:  
 21 (1) under the name of the office that the candidates are seeking;  
 22 (2) in the order established by subsection (g); and  
 23 (3) within the political party, in alphabetical order according to  
 24 surname.  
 25 A statement reading substantially as follows must be placed  
 26 immediately below the name of the office and above the name of the  
 27 first candidate: "Vote for not more than (insert the number of  
 28 candidates to be elected) candidate(s) of ANY party for this office."  
 29 (j) Candidates for election to at-large seats on the governing body  
 30 of a school corporation must be grouped:  
 31 (1) under the name of the office that the candidates are seeking;  
 32 and  
 33 (2) in alphabetical order according to surname.  
 34 A statement reading substantially as follows must be placed  
 35 immediately below the name of the office and above the name of the  
 36 first candidate: "Vote for not more than (insert the number of  
 37 candidates to be elected) candidate(s) for this office."  
 38 (k) The following information must be placed at the top of the ballot  
 39 before the first public question is listed:  
 40 (1) The cautionary statement described in IC 3-11-2-7.  
 41 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),  
 42 and IC 3-11-2-10(e).



1 (l) The ballot must include a single connectable arrow, circle, oval,  
 2 or square, or a voting position for voting a straight party or an  
 3 independent ticket (described in IC 3-11-2-6) by one (1) mark as  
 4 required by section 14 of this chapter, and the single connectable  
 5 arrow, circle, oval, or square, or the voting position for casting a  
 6 straight party or an independent ticket ballot must be identified by:

7 (1) the name of the political party or independent ticket  
 8 (described in IC 3-11-2-6); and

9 (2) immediately below or beside the political party's or  
 10 independent ticket's name, the device of that party or ticket  
 11 (described in IC 3-11-2-5).

12 The name and device of each political party or independent ticket must  
 13 be of uniform size and type and arranged in the order established by  
 14 subsection (g) for listing candidates under each office. The instructions  
 15 described in IC 3-11-2-10(c) for voting a straight party ticket and the  
 16 statement concerning presidential electors required under IC 3-10-4-3  
 17 must be placed on the ballot label. The instructions for voting a straight  
 18 party ticket must include the statement: "If you do not wish to vote a  
 19 straight party ticket, do not make a mark in this section and proceed to  
 20 voting the ballot by office."

21 (m) A public question must be in the form described in  
 22 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable  
 23 arrow, a circle, or an oval may be used instead of a square. Except as  
 24 expressly authorized or required by statute, a county election board  
 25 may not print a ballot card that contains language concerning the public  
 26 question other than the language authorized by a statute.

27 (n) The requirements in this section:

28 (1) do not replace; and

29 (2) are in addition to;

30 any other requirements in this title that apply to optical scan ballots.

31 (o) The procedure described in IC 3-11-2-16 must be used when a  
 32 ballot does not comply with the requirements imposed by this title or  
 33 contains another error or omission that might result in confusion or  
 34 mistakes by voters.

35 (p) This subsection applies to an optical scan ballot that does not  
 36 list:

37 (1) the names of political parties or candidates; or

38 (2) the text of public questions;

39 on the face of the ballot. The ballot must be prepared in accordance  
 40 with this section, except that the ballot must include a numbered circle  
 41 or oval to refer to each political party, candidate, or public question.

42 SECTION 53. IC 3-11-13-19, AS AMENDED BY P.L.169-2015,



1 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2021]: Sec. 19. **(a) Each circuit court clerk**  
 3 **shall have printed on each ballot used in a precinct the precinct**  
 4 **number or designation.**

5 ~~(a)~~ **(b)** Except as provided in subsections ~~(b)~~ **and (c) and (d)**, each  
 6 circuit court clerk shall print or stamp the precinct number or  
 7 designation and a line for each poll clerk's initials on both a ballot card  
 8 and the ballot card's secrecy envelope before the election.

9 ~~(b)~~ **(c)** In a vote center county using an electronic poll list, the  
 10 circuit court clerk shall not print or stamp the poll clerk's initials  
 11 required by subsection ~~(a)~~ **(b)** if the printed initials of the poll clerks  
 12 captured through the electronic signature pad or tablet at the time the  
 13 poll clerks log into the electronic poll book system are printed by a  
 14 printer separate from the electronic poll list on the back of each ballot  
 15 card immediately before the ballot card is delivered to the voter.

16 ~~(c)~~ **(d)** In a vote center county using an electronic poll book, the  
 17 circuit court clerk may print or stamp the precinct number or  
 18 designation:

19 (1) before the election as provided by subsection ~~(a)~~; **(b)**; or

20 (2) at the time the ballot card is printed immediately before the  
 21 ballot card is delivered to a voter as provided by subsection ~~(b)~~;

22 **(c).**

23 SECTION 54. IC 3-11-13-24, AS AMENDED BY P.L.169-2015,  
 24 SECTION 128, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2021]: Sec. 24. (a) This subsection applies to  
 26 a ballot card voting system. The test required by section 22 of this  
 27 chapter must:

28 (1) be conducted by processing a preaudited group of ballot cards  
 29 marked so as to record a predetermined number of valid votes for  
 30 each candidate and on each public question; ~~and~~

31 (2) include for each office one (1) or more ballot cards that have  
 32 votes in excess of the number allowed by law in order to test the  
 33 ability of the automatic tabulating machines to reject the votes;

34 **and**

35 **(3) include at least one (1) ballot from three (3) different**  
 36 **precincts where an election will be conducted.**

37 (b) This subsection applies to a voting system that includes features  
 38 of a ballot card voting system and a direct record electronic voting  
 39 system. The test required by section 22 of this chapter must:

40 (1) be conducted by the entry of:

41 (A) a preaudited group of ballots; and

42 (B) at least ten (10) ballots cast by using the headphone or a



- 1 sip/puff device;  
 2 so as to record a predetermined number of valid votes for each  
 3 candidate and on each public question; and  
 4 (2) include at least one (1) ballot for each office and public  
 5 question that has votes in excess of the number allowed by law in  
 6 order to test the ability of the voting system to reject the  
 7 overvotes.
- 8 SECTION 55. IC 3-11-13-24.5 IS ADDED TO THE INDIANA  
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2021]: **Sec. 24.5. Immediately following the**  
 11 **completion of the test required by section 22 of this chapter, the**  
 12 **county election board shall enter the vote totals from the voting**  
 13 **system tabulator tested under this chapter into the component of**  
 14 **the voting system used by the county election board to tabulate and**  
 15 **canvass the election results under IC 3-12-4. The board shall**  
 16 **determine whether the component of the voting system properly**  
 17 **tabulates and determines:**
- 18 (1) **the votes cast in each of the precincts; and**  
 19 (2) **the total for each candidate and public question on the**  
 20 **ballots tested under this chapter.**
- 21 SECTION 56. IC 3-11-13-32.5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 32.5. (a) At a primary  
 23 election, a voter may not remain in the voting booth or compartment  
 24 longer than ~~three (3)~~ **five (5)** minutes.
- 25 (b) At a general, municipal, or special election, a voter may not  
 26 remain in the voting booth or compartment longer than ~~two (2)~~ **four (4)**  
 27 minutes.
- 28 (c) If a voter refuses to leave a voting booth or compartment after  
 29 the lapse of the time provided under subsection (a) or (b), the precinct  
 30 election board, or the election sheriff or sheriffs upon the order of the  
 31 board, shall immediately remove the voter from the booth or  
 32 compartment.
- 33 SECTION 57. IC 3-11-14-3.5, AS AMENDED BY P.L.141-2020,  
 34 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2021]: Sec. 3.5. (a) Each county election board shall have the  
 36 names of all candidates for all elected offices, political party offices,  
 37 and public questions printed on ballot labels for use in an electronic  
 38 voting system as provided in this chapter.
- 39 (b) The county may  
 40 (1) ~~print~~ **print** all offices and public questions on a single ballot label.  
 41 **and**  
 42 (2) ~~include a ballot variation code to ensure that the proper~~



1 version of a ballot label is used within a precinct.

2 **(c) The county shall include a ballot variation code to ensure**  
 3 **that the proper version of a ballot label is used within a precinct.**

4 ~~(c)~~ **(d)** Each type of ballot label must be of uniform size and of the  
 5 same quality and color of paper (except as permitted under  
 6 IC 3-10-1-17).

7 ~~(d)~~ **(e)** The nominees of a political party or an independent  
 8 candidate or independent ticket (described in IC 3-11-2-6) nominated  
 9 by petitioners must be listed on the ballot label with the name and  
 10 device set forth on the certification or petition. The circle containing  
 11 the device may be of any size that permits a voter to readily identify the  
 12 device. IC 3-11-2-5 applies if the certification or petition does not  
 13 include a name or device, or if the same device is selected by two (2)  
 14 or more parties or petitioners.

15 ~~(e)~~ **(f)** The ballot labels must list the offices and public questions on  
 16 the general election ballot in the order listed in IC 3-11-2-12,  
 17 IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),  
 18 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), ~~and~~  
 19 IC 3-11-2-14(d), **and IC 3-11-2-14(e)**. Each office and public question  
 20 may have a separate screen, or the offices and public questions may be  
 21 listed in a continuous column either vertically or horizontally.

22 ~~(f)~~ **(g)** The name of each office must be printed in a uniform size in  
 23 bold type. A statement reading substantially as follows must be placed  
 24 immediately below the name of the office and above the name of the  
 25 first candidate:

26 (1) "Vote for one (1) only.", if only one (1) candidate is to be  
 27 elected to the office.

28 (2) "Vote for not more than (insert the number of candidates to be  
 29 elected) candidate(s) for this office. To vote for any candidate for  
 30 this office, you must make a voting mark for each candidate you  
 31 wish to vote for. A straight party vote will not count as a vote for  
 32 any candidate for this office.", if more than one (1) candidate is to  
 33 be elected to the office.

34 ~~(g)~~ **(h)** Below the name of the office and the statement required by  
 35 subsection ~~(f)~~; **(g)**, the names of the candidates for each office must be  
 36 grouped together in the following order:

37 (1) The major political party whose candidate received the highest  
 38 number of votes in the county for secretary of state at the last  
 39 election is listed first.

40 (2) The major political party whose candidate received the second  
 41 highest number of votes in the county for secretary of state is  
 42 listed second.



- 1 (3) All other political parties listed in the order that the parties'  
 2 candidates for secretary of state finished in the last election are  
 3 listed after the party listed in subdivision (2).  
 4 (4) If a political party did not have a candidate for secretary of  
 5 state in the last election or a nominee is an independent candidate  
 6 or independent ticket (described in IC 3-11-2-6), the party or  
 7 candidate is listed after the parties described in subdivisions (1),  
 8 (2), and (3).  
 9 (5) If more than one (1) political party or independent candidate  
 10 or ticket described in subdivision (4) qualifies to be on the ballot,  
 11 the parties, candidates, or tickets are listed in the order in which  
 12 the party filed its petition of nomination under IC 3-8-6-12.  
 13 (6) A space for write-in voting is placed after the candidates listed  
 14 in subdivisions (1) through (5), if required by law. A space for  
 15 write-in voting for an office is not required if there are no  
 16 declared write-in candidates for that office. However, procedures  
 17 must be implemented to permit write-in voting for candidates for  
 18 federal offices.  
 19 (7) The name of a write-in candidate may not be listed on the  
 20 ballot.
- 21 ~~(h)~~ (i) The names of the candidates grouped in the order established  
 22 by subsection ~~(g)~~ (h) must be printed in type with uniform capital  
 23 letters and have a uniform space between each name. The name of the  
 24 candidate's political party, or the word "Independent", if the:  
 25 (1) candidate; or  
 26 (2) ticket of candidates for:  
 27 (A) President and Vice President of the United States; or  
 28 (B) governor and lieutenant governor;  
 29 is independent, must be placed immediately below or beside the name  
 30 of the candidate and must be printed in uniform size and type.
- 31 ~~(i)~~ (j) All the candidates of the same political party for election to  
 32 at-large seats on the fiscal or legislative body of a political subdivision  
 33 must be grouped together:  
 34 (1) under the name of the office that the candidates are seeking;  
 35 (2) in the party order established by subsection ~~(g)~~; (h); and  
 36 (3) within the political party, in alphabetical order according to  
 37 surname.
- 38 A statement reading substantially as follows must be placed  
 39 immediately below the name of the office and above the name of the  
 40 first candidate: "Vote for not more than (insert the number of  
 41 candidates to be elected) candidate(s) of ANY party for this office."  
 42 ~~(j)~~ (k) Candidates for election to at-large seats on the governing



- 1 body of a school corporation must be grouped:  
 2 (1) under the name of the office that the candidates are seeking;  
 3 and  
 4 (2) in alphabetical order according to surname.
- 5 A statement reading substantially as follows must be placed  
 6 immediately below the name of the office and above the name of the  
 7 first candidate: "Vote for not more than (insert the number of  
 8 candidates to be elected) candidate(s) for this office."
- 9 ~~(k)~~ **(l)** The cautionary statement described in IC 3-11-2-7 must be  
 10 placed at the top or beginning of the ballot label before the first public  
 11 question is listed.
- 12 ~~(j)~~ **(m)** The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),  
 13 and IC 3-11-2-10(e) may be:  
 14 (1) placed on the ballot label; or  
 15 (2) posted in a location within the voting booth that permits the  
 16 voter to easily read the instructions.
- 17 ~~(m)~~ **(n)** The ballot label must include a touch sensitive point or  
 18 button for voting a straight political party or independent ticket  
 19 (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive  
 20 point or button must be identified by:  
 21 (1) the name of the political party or independent ticket; and  
 22 (2) immediately below or beside the political party's or  
 23 independent ticket's name, the device of that party or ticket  
 24 (described in IC 3-11-2-5).
- 25 The name and device of each party or ticket must be of uniform size  
 26 and type, and arranged in the order established by subsection ~~(g)~~ **(h)** for  
 27 listing candidates under each office. The instructions described in  
 28 IC 3-11-2-10(c) for voting a straight party ticket and the statement  
 29 concerning presidential electors required under IC 3-10-4-3 must be  
 30 placed on the ballot label. The instructions for voting a straight party  
 31 ticket must include the statement: "If you do not wish to vote a straight  
 32 party ticket, press "NEXT" (or replace "NEXT" with the term used by  
 33 that voting system to permit a voter to skip a ballot screen) to continue  
 34 voting."
- 35 ~~(n)~~ **(o)** A public question must be in the form described in  
 36 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive  
 37 point or button must be used instead of a square. Except as expressly  
 38 authorized or required by statute, a county election board may not print  
 39 a ballot label that contains language concerning the public question  
 40 other than the language authorized by a statute.
- 41 ~~(o)~~ **(p)** The requirements in this section:  
 42 (1) do not replace; and



1 (2) are in addition to;  
 2 any other requirements in this title that apply to ballots for electronic  
 3 voting systems.

4 ~~(p)~~ **(q)** The procedure described in IC 3-11-2-16 must be used when  
 5 a ballot label does not comply with the requirements imposed by this  
 6 title or contains another error or omission that might result in confusion  
 7 or mistakes by voters.

8 SECTION 58. IC 3-11-14-26 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. At a primary  
 10 election, a voter may not remain in the voting booth longer than ~~three~~  
 11 ~~(3)~~ **five (5)** minutes.

12 SECTION 59. IC 3-11-14-27 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. At a general,  
 14 municipal, or special election, a voter may not remain in the voting  
 15 booth longer than ~~two (2)~~ **four (4)** minutes.

16 SECTION 60. IC 3-11-14.5-5, AS ADDED BY P.L.221-2005,  
 17 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2021]: Sec. 5. **(a)** The test required by this chapter must  
 19 include the following:

- 20 (1) The visual inspection of the voting system and ballot labels.
- 21 (2) The manual entry of a preaudited group of ballots marked so  
 22 as to record a predetermined number of valid votes for each  
 23 candidate and on each public question.
- 24 (3) At least one (1) ballot for each office that has votes in excess  
 25 of the number allowed by law in order to test the ability of the  
 26 electronic voting system to reject the overvotes.

27 **(b) The test required by this chapter must include the entry of  
 28 a preaudited group of at least one (1) ballot from three (3) different  
 29 precincts where an election will be conducted to:**

- 30 **(1) test the functionality of the system components used by a  
 31 voter with disabilities to independently and privately cast a  
 32 ballot; and**
- 33 **(2) record a predetermined number of valid votes for each  
 34 candidate and on each public question.**

35 SECTION 61. IC 3-11-15-13.3, AS AMENDED BY P.L.71-2019,  
 36 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 OCTOBER 1, 2021]: Sec. 13.3. (a) To be approved by the commission  
 38 for use in Indiana, a voting system must meet one (1) of the following:

- 39 (1) The Voting System Standards adopted by the Federal Election  
 40 Commission on April 30, 2002.
- 41 (2) The Voluntary Voting System Guidelines adopted by the  
 42 United States Election Assistance Commission on December 13,





1           2005.  
 2           (3) The Voluntary Voting System Guidelines adopted by the  
 3           United States Election Assistance Commission, as amended on  
 4           March 31, 2015.

5           (b) Except as provided in subsection (c), a county may continue to  
 6           use an optical scan ballot card voting system or an electronic voting  
 7           system whose approval or certification expired on or before October 1,  
 8           ~~2017~~, **2021**, if the voting system:

- 9           (1) was:  
 10           (A) approved by the commission for use in elections in Indiana  
 11           before October 1, ~~2017~~; **2021**; and  
 12           (B) purchased or leased by the county before October 1, ~~2017~~;  
 13           **2021**; and  
 14           (2) otherwise complies with the applicable provisions of HAVA  
 15           and this article.

16          However, a voting system vendor may not market, sell, lease, or install  
 17          a voting system described in this subsection.

18          (c) A county may not continue to use an electronic voting system  
 19          after December 31, 2029, unless the:

- 20           (1) system includes a voter verifiable paper audit trail; and  
 21           (2) certification of that system by the commission has not expired.

22          (d) As provided by 52 U.S.C. 21081, to be used in an election in  
 23          Indiana, a voting system must be accessible for individuals with  
 24          disabilities, including nonvisual accessibility for the blind and visually  
 25          impaired, in a manner that provides the same opportunity for access  
 26          and participation (including privacy and independence) as for other  
 27          voters.

28          (e) As provided by 52 U.S.C. 21081, an election board conducting  
 29          an election satisfies the requirements of subsection (d) if the election  
 30          board provides at least one (1) electronic voting system or other voting  
 31          system equipped for individuals with disabilities at each polling place.

32          (f) If a voter who is otherwise qualified to cast a ballot in a precinct  
 33          chooses to cast the voter's ballot on the voting system provided under  
 34          subsection (e), the voter must be allowed to cast the voter's ballot on  
 35          that voting system, whether or not the voter is an individual with  
 36          disabilities.

37          SECTION 62. IC 3-11-15-13.8 IS ADDED TO THE INDIANA  
 38          CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39          [EFFECTIVE JULY 1, 2021]: **Sec. 13.8. A voting system certified for**  
 40          **use under this chapter may include features to permit the use of**  
 41          **electronic adjudication of ballots to review voter intent so long as:**

- 42           (1) the adjudication is conducted in compliance with Indiana



1 law; and

2 **(2) the software is a part of the electronic management system**  
 3 **(EMS) certified by the commission as part of the voting**  
 4 **system.**

5 SECTION 63. IC 3-11-15-13.9 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2021]: **Sec. 13.9. A voting system must have**  
 8 **a validation method approved by the commission as part of the**  
 9 **certification of the voting system to ensure that the software is**  
 10 **tested and that no uncertified software is present on the voting**  
 11 **system. A vendor shall provide the instructions for use of the**  
 12 **validation method to the entity designated under IC 3-11-16 to**  
 13 **permit the entity to perform this validation before the voting**  
 14 **system is certified under this chapter and at any time during the**  
 15 **term of the certification of the voting system.**

16 SECTION 64. IC 3-11-15-59, AS ADDED BY P.L.100-2018,  
 17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2021]: Sec. 59. (a) Whenever a county wishes to dispose of a  
 19 voting system unit or an electronic poll book unit, the county election  
 20 board must first file a plan with the election division. The plan must  
 21 state **all of the following:**

22 (1) The serial number of each unit to be disposed of by the  
 23 county.

24 (2) The method to be used for disposal of the equipment,  
 25 including sale, transfer, or destruction of the equipment and **the**  
 26 **details about how the equipment will be disposed of.**

27 (3) That the disposal will occur in compliance with federal and  
 28 state laws requiring the retention of election materials until the  
 29 expiration of the period specified by those laws.

30 **(4) The details regarding the person that will dispose of the**  
 31 **equipment.**

32 (b) If the election division approves the proposed plan, the election  
 33 division shall notify:

34 (1) the county election board, which may then dispose of the  
 35 equipment; and

36 (2) the voting system technical oversight program (VSTOP)  
 37 (established by IC 3-11-16-2).

38 **(c) A county may not dispose of a voting system unit or an**  
 39 **electronic poll book unit by selling, transferring, or otherwise**  
 40 **surrendering ownership to a person to which a voting system**  
 41 **vendor is prohibited to sell, lease, or transfer possession of a voting**  
 42 **system under section 60 of this chapter, except to the vendor from**



1 **whom the county acquired the voting system unit or electronic poll**  
 2 **book.**

3 **(d) A plan filed with the election division under this section is**  
 4 **confidential.**

5 SECTION 65. IC 3-11-15-61 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2021]: **Sec. 61. (a) This section does not apply**  
 8 **to an electronic poll book.**

9 **(b) A computer or electronic device used:**

10 **(1) to create the layout of a ballot for an election;**

11 **(2) to program a voting system, electronic voting system, or**  
 12 **ballot card voting system; or**

13 **(3) with election management software certified for use as**  
 14 **part of a voting system;**

15 **may not be connected to the Internet or any network that connects**  
 16 **to another computer or electronic device.**

17 SECTION 66. IC 3-11-16-4, AS AMENDED BY P.L.71-2019,  
 18 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2021]: Sec. 4. The person or entity designated under this  
 20 chapter to conduct the program shall do the following:

21 (1) Develop and propose procedures and standards for the  
 22 certification, acquisition, functioning, training, and security for  
 23 voting systems and electronic poll books used to conduct  
 24 elections in Indiana.

25 (2) Compile and maintain an inventory of all voting systems and  
 26 electronic poll books used to conduct elections in Indiana. The  
 27 inventory must:

28 (A) include unique serial numbers to identify each voting  
 29 system unit and electronic poll book; and

30 (B) indicate the location where each voting system unit or  
 31 electronic poll book is ordinarily stored.

32 (3) Review reports concerning voting systems and electronic poll  
 33 books prepared by independent laboratories and submitted by  
 34 applicants for voting system and electronic poll book certification.

35 (4) Recommend to the commission whether an application for  
 36 voting system certification should be approved and, if so, whether  
 37 the approval should be subject to any restrictions or conditions to  
 38 ensure compliance with Indiana law.

39 (5) Perform any additional testing of a voting system or electronic  
 40 poll book necessary to determine whether the voting system or  
 41 electronic poll book complies with state law.

42 (6) **In each odd-numbered year perform random audits of voting**



- 1 systems and electronic poll books used to conduct Indiana  
 2 elections and prepare reports indicating whether the voting  
 3 systems and electronic poll books have been certified,  
 4 programmed, and used in compliance with Indiana law.  
 5 (7) Review contracts, leases, purchase orders, and amendments to  
 6 those documents concerning the acquisition or maintenance of  
 7 voting systems and electronic poll books.  
 8 (8) Assist with the development of quantity purchase agreements  
 9 and other contracts for the lease or purchase of voting systems,  
 10 electronic poll books, or devices to secure and monitor facilities  
 11 where voting systems and electronic poll books are stored.  
 12 (9) Determine when a voting system or electronic poll book used  
 13 by a county has reached the end of the voting system's or  
 14 electronic poll book's expected period of satisfactory  
 15 performance, and notify each county using the voting system or  
 16 the electronic poll book of this determination.  
 17 (10) Develop and propose procedures and standards for the  
 18 certification, acquisition, functioning, training, and security for  
 19 electronic poll books used to conduct elections in Indiana.  
 20 (11) Perform any other duties related to the approval or use of  
 21 voting systems or electronic poll books as provided in:  
 22 (A) state law; or  
 23 (B) the contract described in section 3 of this chapter.
- 24 SECTION 67. IC 3-11-17-2, AS AMENDED BY P.L.157-2019,  
 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2021]: Sec. 2. In addition to any other penalty imposed, a  
 27 vendor who knowingly, recklessly, or negligently:  
 28 (1) markets, sells, leases, installs, implements, or permits the use  
 29 of a voting system or an electronic poll book in an election  
 30 conducted in Indiana in violation of this title; or  
 31 (2) violates section **7(b)** or 8 of this chapter;  
 32 is subject to a civil penalty under this chapter.
- 33 SECTION 68. IC 3-11-17-7, AS AMENDED BY P.L.71-2019,  
 34 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2021]: Sec. 7. (a) A county election board shall file a report  
 36 with the secretary of state **and the election division** not later than  
 37 forty-eight (48) hours after receiving notice from a federal, state, or  
 38 local government agency that:  
 39 (1) a voting system or electronic poll book has been improperly  
 40 obtained or altered in a manner that violates Indiana law; or  
 41 (2) the data concerning the county maintained in the statewide  
 42 voter registration system has been accessed or altered by a person



- 1 in violation of Indiana law.
- 2 (b) A vendor of a voting system or electronic poll book shall file a  
3 report with the secretary of state ~~and VSTOP~~ **and the election division**  
4 not later than forty-eight (48) hours after discovering that an anomaly  
5 or problem has occurred in a voting system or electronic poll book due  
6 to technical or human error. However, if the anomaly or problem is  
7 discovered **not later than twenty-eight (28) days before** ~~on~~ election  
8 day, the vendor must file a report not later than ~~three (3)~~ **two (2)** hours  
9 after discovering the anomaly or problem.
- 10 (c) **The secretary of state and the co-directors of the election**  
11 **division may designate a person to aggregate, analyze, make**  
12 **recommendations, and subsequently report anomalies as requested**  
13 **by the secretary and the co-directors of the election division.**
- 14 (d) The report described in subsection (b) must state all of the  
15 following:
- 16 (1) The nature of the anomaly or problem.
  - 17 (2) ~~The number of counties, precincts, or vote centers~~ **county,**  
18 **precinct, vote center, satellite office, or in-person absentee**  
19 **voting location** affected.
  - 20 (3) The vendor's preliminary plan to resolve the anomaly or  
21 problem by preventing any impediment to voters casting ballots,  
22 or to the accuracy and integrity of the election process.
  - 23 (4) **The date and time an anomaly was first experienced or**  
24 **discovered.**
  - 25 (5) **The name and contact information for the individual**  
26 **discovering or experiencing the anomaly.**
  - 27 (6) **The date and time the vendor first became aware of the**  
28 **anomaly.**
  - 29 (7) **The name and contact information of the vendor**  
30 **representative submitting the report.**
  - 31 (8) **Whether the anomaly involved a voting system, an**  
32 **electronic poll book, or a peripheral component of either a**  
33 **voting system or electronic poll book.**
  - 34 (9) **The system type, make, model, hardware, firmware, and**  
35 **software version involved, as applicable.**
  - 36 (10) **A detailed description of the anomaly and its effect on**  
37 **election administration.**
  - 38 (11) **Any findings related to how and where the current or**  
39 **previously reported anomaly originated.**
  - 40 (12) **Details of any responsive actions, such as investigation,**  
41 **analysis, determinations, and corrective action implemented**  
42 **or recommended, taken to address the anomaly and its effects.**



1 (e) After initially reported or otherwise known to a vendor, the  
2 vendor shall report the anomaly using the secretary of state  
3 anomaly reporting platform in the form and manner directed by  
4 the secretary of state and the election division not later than the  
5 deadline specified in subsection (b).

6 (f) An anomaly caused solely by operator error is not required  
7 to be reported unless a deficiency in user instructions or training  
8 is a contributing factor. The burden of showing an anomaly was  
9 the result of operator error and not a deficiency of user  
10 instructions or training rests with the system vendor.

11 (g) A vendor must report, not later than fourteen (14) days after  
12 discovery, an anomaly occurring outside Indiana involving the  
13 same election system type, make, model, or component certified for  
14 use in Indiana.

15 (h) A voting system vendor shall report an anomaly involving a  
16 voting system to the commission and the United States Election  
17 Assistance Commission and file a copy with the secretary of state  
18 and the election division documenting receipt of the report.

19 (i) Each voting system and electronic poll book vendor shall:

20 (1) file with the secretary of state and the election division a  
21 statement setting forth the name and contact information for  
22 the vendor that will be reporting anomalies; and

23 (2) amend this filing not later than seven (7) days after the  
24 change occurs.

25 (j) The reporting process shall be completed using the secretary  
26 of state anomaly reporting platform as follows:

27 (1) The secretary of state and the election division will request  
28 of each voting system and electronic poll book vendor the  
29 name and contact information for the vendor representative  
30 who will be reporting anomalies.

31 (2) The secretary of state anomaly reporting platform will be  
32 made available to each vendor in an online format. Separate  
33 reporting locations in the secretary of state anomaly reporting  
34 platform will be provided to each vendor.

35 (3) Each vendor will report each anomaly in the online  
36 location provided.

37 (4) The person designated under IC 3-11-16 by the state to  
38 administer the program will have complete access to the  
39 information submitted through the secretary of state anomaly  
40 reporting platform.

41 (5) The secretary of state and the election division shall send  
42 an acknowledgment by electronic mail to the vendor upon



1 receiving the anomaly notification.

2 (k) A vendor must take reasonable measures to ensure a  
3 reported anomaly does not reoccur and retain documentation of  
4 any investigation, analysis, determinations, and corrective actions  
5 implemented or recommended for at least two (2) years after the  
6 anomaly is reported. Not later than noon fourteen (14) days after  
7 reporting the anomaly, a vendor shall file a corrective plan with  
8 the secretary of state and the election division.

9 SECTION 69. IC 3-11-17-9 IS ADDED TO THE INDIANA CODE  
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2021]: **Sec. 9. An anomaly report is confidential except at the  
12 discretion of the secretary of state and the election division under  
13 IC 5-14-3-4(b)(10).**

14 SECTION 70. IC 3-11-18.1-5, AS AMENDED BY P.L.278-2019,  
15 SECTION 116, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in  
17 subsections (b) and (c), a plan must provide a vote center for use by  
18 voters residing within the county for use in a primary election, general  
19 election, special election, municipal primary, or municipal election  
20 conducted on or after the effective date of the county election board's  
21 order.

22 (b) A plan may provide that a vote center will not be used in a  
23 municipal election conducted in ~~2019~~ **2023** and every four (4) years  
24 thereafter for some or all of the towns:

- 25 (1) located within the county; and  
26 (2) having a population of less than three thousand five hundred  
27 (3,500).

28 (c) This section does not apply in a town that has established a town  
29 election board under IC 3-10-7-5.7 while the resolution established  
30 under IC 3-10-7-5.7 is in effect.

31 SECTION 71. IC 3-11-18.1-12, AS AMENDED BY P.L.135-2020,  
32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 UPON PASSAGE]: Sec. 12. (a) Notwithstanding section 1 of this  
34 chapter, this section applies to an electronic poll book to be used in:

- 35 (1) a precinct polling place, office of the circuit court clerk, or a  
36 satellite office in accordance with IC 3-7-29-6; or  
37 (2) a vote center under this chapter.

38 (b) Notwithstanding any other law, the electronic poll book used  
39 must satisfy all of the following:

- 40 (1) The electronic poll book must comply with IC 3-11-8-10.3.  
41 (2) The electronic poll book must be approved by the secretary of  
42 state in accordance with this section.



1 (3) Except with prior written authorization by the VSTOP, the  
 2 electronic poll book must have been delivered to the county  
 3 election board not less than sixty (60) days before an election at  
 4 which the electronic poll book is used.

5 (c) A person who wishes to market, sell, lease, or provide an  
 6 electronic poll book for use in an election in Indiana must first file an  
 7 application for certification with the election division on a form  
 8 prescribed by the secretary of state. Except as provided in subsection  
 9 (i), a person may not market, sell, lease, or provide an electronic poll  
 10 book for use in an election in Indiana until the secretary of state has  
 11 approved the application for certification under this section. The  
 12 application must state that the vendor has complied, and will continue  
 13 to comply, with subsection (d) following certification of the electronic  
 14 poll book. Each application for certification of an electronic poll book  
 15 must be accompanied by a fee of one thousand five hundred dollars  
 16 (\$1,500). All fees collected under this section shall be deposited with  
 17 the treasurer of state in the voting system technical oversight program  
 18 account established by IC 3-11-17-6.

19 (d) The person seeking certification of an electronic poll book shall  
 20 conduct a background check at least once each year on each individual  
 21 employed or contracted by the vendor who has access to the electronic  
 22 poll book to determine if the individual has been convicted of a felony.  
 23 An individual described by this subsection who has been convicted of  
 24 a felony may not have access to an electronic poll book in the  
 25 individual's capacity as an employee or contractor of the vendor.

26 (e) The secretary of state shall refer the application to the person or  
 27 entity conducting the VSTOP.

28 (f) The VSTOP shall examine the electronic poll book with its  
 29 accompanying documentation and file a report with the secretary of  
 30 state indicating all of the following:

- 31 (1) Whether the electronic poll book would operate in compliance  
 32 with this title.  
 33 (2) Whether VSTOP has reviewed tests conducted by an approved  
 34 voting system testing laboratory.  
 35 (3) Whether VSTOP has conducted a field test.  
 36 (4) Whether the electronic poll book complies with additional  
 37 requirements for the electronic poll book application for  
 38 certification and acceptance testing, as described in the Indiana  
 39 Electronic Poll Book Certification Test Protocol approved by the  
 40 secretary of state (as in effect January 1, ~~2020~~: **2021**).  
 41 (5) Any recommendations regarding the acquisition or use of the  
 42 electronic poll book.





- 1 (6) Whether documentation of the escrow of the electronic poll  
 2 book's software, firmware, source codes, and executable images  
 3 with an escrow agent approved by the election division has been  
 4 received by VSTOP.
- 5 (7) Whether VSTOP recommends that the secretary of state  
 6 approve the electronic poll book under this section, including any  
 7 recommended restrictions that should be placed on the secretary  
 8 of state's approval.
- 9 (g) After the report required by subsection (f) is filed, the secretary  
 10 of state may approve the application for certification permitting the  
 11 electronic poll book to be used in an election in Indiana.
- 12 (h) A certification under this section expires on December 31 of the  
 13 year following the date of its issuance, unless earlier revoked by the  
 14 secretary of state upon a written finding of good cause for the  
 15 revocation, **including a violation of IC 3-11-17-7(b)**.
- 16 (i) A person may display or demonstrate an electronic poll book that  
 17 has not been certified under this section if the person complies with all  
 18 the following requirements:
- 19 (1) The display or demonstration occurs at a conference of  
 20 election officials sponsored by:
- 21 (A) a state agency; or  
 22 (B) an association of circuit court clerks or voter registration  
 23 officers.
- 24 (2) The person files a notice with the election division at least  
 25 seven (7) days before the scheduled starting date of a conference  
 26 referred to in subdivision (1) setting forth the following:
- 27 (A) The name of the person and each representative scheduled  
 28 to display or demonstrate the electronic poll book.  
 29 (B) The address and telephone number of the person.  
 30 (C) The model name of the electronic poll book.  
 31 (D) The name and manufacturer of the electronic poll book.  
 32 (E) The date and location of the display or demonstration of  
 33 the electronic poll book.
- 34 (3) The person displays the electronic poll book with a notice that:  
 35 (A) is at least 16 point type size;  
 36 (B) is posted on the surface of the electronic poll book; and  
 37 (C) states that the electronic poll book is "Not Approved for  
 38 Use in Indiana".
- 39 (4) The person ensures that each communication concerning the  
 40 electronic poll book that is available or made at a conference  
 41 referred to in subdivision (1) includes a statement that the  
 42 electronic poll book is "Not Approved for Use in Indiana". A



1 printed communication must include the statement in a type size  
 2 that is at least as large as the largest type size used in the  
 3 communication.

4 SECTION 72. IC 3-11.5-5-23 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 23. The circuit court  
 6 clerk shall preserve the receptacle containing the envelope or bag in the  
 7 clerk's office for the period required under ~~IC 3-10-1-31~~ or  
 8 IC 3-10-1-31.1.

9 SECTION 73. IC 3-11.5-5-25 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25. When permitted  
 11 under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1, the clerk and a county election  
 12 board member of the opposite political party shall remove the envelope  
 13 or bag from the receptacle and destroy the envelope or bag.

14 SECTION 74. IC 3-11.5-5-26, AS AMENDED BY P.L.2-2007,  
 15 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2021]: Sec. 26. A county election board may contract with a  
 17 state educational institution to dispose of the ballots. The contract must  
 18 provide that:

- 19 (1) the ballots will be used by the state educational institution to  
 20 conduct election research; and  
 21 (2) the state educational institution may not receive any ballots  
 22 under this subsection until the period for retention under  
 23 ~~IC 3-10-1-31~~ or IC 3-10-1-31.1 has expired.

24 SECTION 75. IC 3-11.5-6-26 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. The circuit court  
 26 clerk shall preserve the receptacle containing the envelope or bag in the  
 27 clerk's office for the period required under ~~IC 3-10-1-31~~ or  
 28 IC 3-10-1-31.1.

29 SECTION 76. IC 3-11.5-6-28 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. When permitted  
 31 under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1, the clerk and a county election  
 32 board member of the opposite political party shall remove the envelope  
 33 or bag from the receptacle and destroy the envelope or bag.

34 SECTION 77. IC 3-11.5-6-29, AS AMENDED BY P.L.2-2007,  
 35 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2021]: Sec. 29. A county election board may contract with a  
 37 state educational institution to dispose of the ballots. The contract must  
 38 provide that:

- 39 (1) the ballots will be used by the state educational institution to  
 40 conduct election research; and  
 41 (2) the state educational institution may not receive any ballots  
 42 under this subsection until the period for retention under



- 1           ~~IC 3-10-1-31~~ or IC 3-10-1-31.1 has expired.
- 2           SECTION 78. IC 3-11.7-2-2, AS AMENDED BY P.L.157-2019,
- 3           SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4           JULY 1, 2021]: Sec. 2. (a) A provisional voter shall do the following:
- 5                 (1) Execute the affidavit described in IC 3-10-1-9 or
- 6                 IC 3-11-8-23.
- 7                 (2) Sign the poll list.
- 8                 (3) Mark the ballot in the presence of no other person, unless the
- 9                 voter requests help in marking a ballot under IC 3-11-9.
- 10                (4) Fold each ballot separately.
- 11                (5) Fold each ballot so as to conceal the marking.
- 12                (6) Enclose each ballot, with the seal and signature of the circuit
- 13                court clerk on the outside, together with any unused ballot, in the
- 14                envelope provided by the county election board under
- 15                IC 3-11.7-1-8.
- 16                (7) Securely seal the envelope.
- 17           (b) A provisional voter may mark a ballot with a pen or a lead
- 18           pencil.
- 19           (c) This subsection applies to a provisional voter described in
- 20           section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52
- 21           U.S.C. 21082, a precinct election officer shall give the provisional
- 22           voter a copy of the written instructions prescribed by the county
- 23           election board under IC 3-11.7-6-3 after the voter returns the envelope
- 24           containing the provisional voter's ballots.
- 25           **(d) This subsection applies to a provisional voter described in**
- 26           **section 1(a) or 1(b) of this chapter. In addition to the written**
- 27           **instructions required by subsection (c), a precinct election officer**
- 28           **shall provide the provisional voter, both orally and in writing, an**
- 29           **explanation of what actions, if any, the provisional voter must take**
- 30           **in order to have the provisional voter's ballot counted. The election**
- 31           **division shall prescribe the form of the explanation required by this**
- 32           **subsection. The circuit court clerk shall also provide the notice**
- 33           **required by IC 3-11.7-6-4 to the provisional voter.**
- 34           SECTION 79. IC 3-11.7-5-1.7, AS AMENDED BY P.L.141-2020,
- 35           SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36           JULY 1, 2021]: Sec. 1.7. (a) This section does not apply to a
- 37           provisional ballot cast by a voter for any of the following reasons:
- 38                 (1) The provisional ballot was cast by the voter under a court
- 39                 order extending the hours that the polls were open.
- 40                 (2) The provisional ballot was cast by a voter who is not on the
- 41                 poll list who indicates that the voter applied to register at a voter
- 42                 registration agency.



1 (3) The provisional ballot was cast by the voter after the voter was  
 2 challenged solely due to the voter being unable or declining to  
 3 provide proof of identification.

4 (4) The provisional ballot was cast by the voter after the voter was  
 5 challenged solely due to the voter's failure to provide additional  
 6 documentation.

7 (b) If the only evidence before the county election board on the  
 8 question of counting of the provisional ballot cast by the voter is:

9 (1) the affidavit of the voter who cast the provisional ballot; and

10 (2) the affidavit of a challenger challenging the voter who cast the  
 11 provisional ballot;

12 the provisional ballot shall be counted **if the individual is a registered**  
 13 **voter of that precinct.**

14 SECTION 80. IC 3-11.7-5-24 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. The circuit court  
 16 clerk shall preserve the receptacle containing the envelope or bag in the  
 17 clerk's office for the period required under ~~IC 3-10-1-31~~ or  
 18 IC 3-10-1-31.1.

19 SECTION 81. IC 3-11.7-5-26 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. When permitted  
 21 under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1, the clerk and a county election  
 22 board member of the opposite political party shall remove the envelope  
 23 or bag from the receptacle and destroy the envelope or bag.

24 SECTION 82. IC 3-11.7-5-27, AS AMENDED BY P.L.2-2007,  
 25 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2021]: Sec. 27. A county election board may contract with a  
 27 state educational institution to dispose of the ballots. The contract must  
 28 provide that:

29 (1) the ballots will be used by the state educational institution to  
 30 conduct election research; and

31 (2) the state educational institution may not receive any ballots  
 32 under this section until the period for retention under  
 33 ~~IC 3-10-1-31~~ or IC 3-10-1-31.1 has expired.

34 SECTION 83. IC 3-11.7-6-4 IS ADDED TO THE INDIANA CODE  
 35 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 36 1, 2021]: **Sec. 4. (a) Not later than three (3) calendar days after**  
 37 **election day, the circuit court clerk shall provide a notice**  
 38 **containing the following information to each voter who casts a**  
 39 **provisional ballot:**

40 (1) **The reason or reasons that the voter's ballot is being**  
 41 **treated as a provisional ballot.**

42 (2) **A description of what actions, if any, the provisional voter**



1           **must take in order to have the provisional voter's ballot**  
 2           **counted under this article.**

3           **(3) The deadlines by which the provisional voter is required**  
 4           **to take any actions described in subdivision (2) in order to**  
 5           **have the provisional voter's ballot counted under this article.**

6           **(4) The following information that will enable the provisional**  
 7           **voter to inquire about the provisional voter's ballot:**

8               **(A) The name of the office that the provisional voter may**  
 9               **contact.**

10              **(B) The address of the office described in clause (A).**

11              **(C) The telephone number at the office described in clause**  
 12              **(A) that the voter may use to contact the office about the**  
 13              **voter's provisional ballot.**

14              **(D) Any other information the circuit court clerk considers**  
 15              **useful to provide assistance to the provisional voter in**  
 16              **inquiring about the provisional ballot.**

17           **(b) The notice required by subsection (a) must be:**

18               **(1) sent by first class United States mail; or**

19               **(2) given by another method the circuit court clerk determines**  
 20               **will provide actual notice to the voter.**

21           **(c) The notice required by subsection (a) must be in a form**  
 22           **prescribed by the election division.**

23           SECTION 84. IC 3-12-1-1.7 IS AMENDED TO READ AS  
 24           FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.7. (a) The following  
 25           provisions govern the counting of write-in votes:

26               (1) Except as provided in subsection (b), only votes cast for  
 27               declared write-in candidates shall be counted and certified.

28               (2) The name of a candidate, written on the space reserved for  
 29               write-in voting, is not considered a distinguishing mark that  
 30               would invalidate a ballot under section 3 of this chapter.  
 31               However, the name or office of a candidate written in a place on  
 32               the ballot other than the place reserved for write-in voting may  
 33               not be counted for that office.

34               (3) A write-in vote for an office is void if the voter attempts to  
 35               cast the vote by a means other than printing the name of the  
 36               candidate in ink or lead pencil. The use of stickers, labels, rubber  
 37               stamps, or other similar device is not permitted.

38               (4) An abbreviation, a misspelling, or other minor variation in the  
 39               form of the name of a candidate or an office shall be disregarded  
 40               in determining the validity of the ballot if the intention of the  
 41               voter can be ascertained.

42               (5) Write-in votes for each write-in candidate shall be counted



1 separately using the tally sheets provided by the county election  
2 board.

3 **(6) This subdivision applies to a voter who casts a ballot for:**

4 **(A) an individual who is a candidate for President of the**  
5 **United States;**

6 **(B) an individual who is a candidate for Vice President of**  
7 **the United States; or**

8 **(C) both individuals who are candidates for President of**  
9 **the United States and Vice President of the United States.**

10 **A ballot cast as described in this subdivision is considered to**  
11 **be cast for the presidential electors and alternate presidential**  
12 **electors pledged to support the ticket of candidates for**  
13 **President and Vice President printed on the regular official**  
14 **ballot.**

15 **(7) This subdivision applies to a voter who casts a ballot for:**

16 **(A) an individual who is a candidate for governor;**

17 **(B) an individual who is a candidate for lieutenant**  
18 **governor; or**

19 **(C) both individuals who are candidates for governor and**  
20 **lieutenant governor.**

21 **A ballot cast as described in this subdivision is considered to**  
22 **be cast for both individuals who are candidates for governor**  
23 **and lieutenant governor of Indiana who are printed on the**  
24 **regular official ballot.**

25 (b) This subsection does not apply to an office for which more than  
26 one (1) individual may be nominated or elected within the same  
27 election district. A write-in vote cast for an individual whose name  
28 appears on the ballot as a candidate for that office shall be counted as  
29 a vote for the candidate.

30 SECTION 85. IC 3-12-1-19, AS AMENDED BY P.L.278-2019,  
31 SECTION 140, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) **The provisions of section**  
33 **1.7 of this chapter concerning write-in votes apply to this section.**  
34 This section applies to a federal write-in absentee ballot cast in a  
35 general election, municipal election, or special election as provided in  
36 IC 3-11-4-12.5(b)(2) by an absent uniformed services voter or overseas  
37 voter.

38 (b) If a voter designates a candidate by writing in the name of a  
39 political party on the ballot, the voter's vote shall be counted for all  
40 candidates of that political party on the ballot.

41 (c) If a voter writes an abbreviation, misspelling, or other minor  
42 variation instead of the correct name of a candidate or a political party,



1 the voter's vote shall be counted if the intent of the voter can be  
2 determined.

3 (d) This subsection applies to a voter who casts a ballot for:

4 (1) an individual who is a candidate for President of the United  
5 States;

6 (2) an individual who is a candidate for Vice President of the  
7 United States; or

8 (3) both individuals who are candidates for President of the  
9 United States and Vice President of the United States.

10 A ballot cast as described in this subsection is considered to be cast for  
11 the presidential electors and alternate presidential electors pledged to  
12 support the ticket of candidates for President and Vice President  
13 printed on the regular official ballot.

14 (e) This subsection applies to a voter who casts a ballot for:

15 (1) an individual who is a candidate for governor;

16 (2) an individual who is a candidate for lieutenant governor;

17 (3) both individuals who are candidates for governor and  
18 lieutenant governor.

19 A ballot cast as described in this subsection is considered to be cast for  
20 both individuals who are candidates for governor and lieutenant  
21 governor of Indiana who are printed on the regular official ballot.

22 (f) (d) If a voter votes for a candidate on a ballot described by this  
23 section, but does not indicate the office for which the candidate has  
24 been nominated, the voter's vote for that candidate is void.

25 SECTION 86. IC 3-12-2-12, AS AMENDED BY P.L.2-2007,  
26 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2021]: Sec. 12. (a) The circuit court clerk shall preserve the  
28 receptacle containing the envelope or bag in the clerk's office for the  
29 period required under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1. However, if the  
30 election is contested, then the clerk shall preserve the receptacle  
31 containing the envelope or bag as long as the contest is undetermined.  
32 During those periods the clerk shall keep the receptacle securely  
33 locked, subject only to an order of the court trying a contest.

34 (b) When permitted under ~~IC 3-10-1-31~~ or IC 3-10-1-31.1, the clerk  
35 and county election board member of the opposite political party shall  
36 remove the envelope or bag from the receptacle and destroy the  
37 envelope or bag.

38 (c) A county election board may contract with a state educational  
39 institution to dispose of ballots. The contract must provide that:

40 (1) the ballots will be used by the state educational institution to  
41 conduct election research; and

42 (2) the state educational institution may not receive any ballots



- 1 under this subsection until the period for retention under  
 2 ~~IC 3-10-1-31~~ or IC 3-10-1-31.1 has expired.
- 3 SECTION 87. IC 3-12-3-1.2 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.2. This section  
 5 applies to a precinct where votes have been cast on a ballot card system  
 6 that is designed to allow the counting and tabulation of votes by the  
 7 precinct election board. ~~Except as provided in section 14 of this~~  
 8 ~~chapter~~, If the polls for more than one (1) precinct are located in the  
 9 same room, the inspector of a precinct using the room may not begin  
 10 the vote counting procedure until all the polls in the room are officially  
 11 closed and no more persons are waiting in line to vote.
- 12 SECTION 88. IC 3-12-3-2.2 IS ADDED TO THE INDIANA CODE  
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 14 1, 2021]: **Sec. 2.2. (a) This section does not apply to an electronic  
 15 poll book or voting system subject to an impoundment order issued  
 16 by a court or a recount commission until the impoundment order  
 17 is rescinded.**
- 18 **(b) This subsection applies to an electronic poll book. The  
 19 inspector and judge of the opposite political party shall  
 20 immediately deliver all electronic poll books from a precinct  
 21 polling location or vote center to the county election board with the  
 22 other election material under section 2(b) of this chapter. The  
 23 county election board shall secure the electronic poll books in  
 24 accordance with the requirements of IC 3-11-15-46.**
- 25 **(c) This subsection applies to a voting system. At any time after  
 26 the polls close on election day:**
- 27 **(1) the county election board;**  
 28 **(2) teams consisting of at least two (2) individuals that:**  
 29 **(A) are designated by the county election board;**  
 30 **(B) are affiliated with a political party entitled to nominate  
 31 an individual to serve as an appointed member of the  
 32 county election board; and**  
 33 **(C) have at least two (2) individuals on the team who are  
 34 not members of the same political party; or**  
 35 **(3) a commercial delivery entity operating under a contract  
 36 with the county election board;**
- 37 **shall return all voting systems from the polls for the precinct or  
 38 from the vote centers to a storage facility to be secured under  
 39 IC 3-11-15-46.**
- 40 **(d) The county election board may not:**  
 41 **(1) designate any individual to serve on a team if the  
 42 individual is:**





- 1 (A) imprisoned;  
 2 (B) subject to lawful detention;  
 3 (C) on probation;  
 4 (D) on parole;  
 5 (E) subject to home detention; or  
 6 (F) placed in a community corrections program; or  
 7 (2) permit a commercial delivery entity to allow any  
 8 individual who is:  
 9 (A) imprisoned;  
 10 (B) subject to lawful detention;  
 11 (C) on probation;  
 12 (D) on parole;  
 13 (E) subject to home detention; or  
 14 (F) placed in a community corrections program;  
 15 to have access to or return a voting system.  
 16 (e) If a county election board uses the teams or a commercial  
 17 delivery entity described in subsection (c), the board shall require  
 18 that:  
 19 (1) two (2) members of each team who are not members of the  
 20 same political party; or  
 21 (2) the commercial delivery entity;  
 22 execute a certificate setting forth the information set forth in  
 23 subsection (f).  
 24 (f) The certificate required in subsection (e) must be signed by  
 25 the two (2) members of each team described in subsection (c) or by  
 26 an individual authorized to act on behalf of the commercial  
 27 delivery entity described in subsection (c). The certificate must  
 28 include the following:  
 29 (1) That the voting systems remained in the custody and  
 30 control of each individual during the period beginning when  
 31 the voting systems were received from the county election  
 32 board and ending when the voting systems were returned to  
 33 the location designated for securing voting systems under  
 34 IC 3-11-15-46.  
 35 (2) That no individual other than a team member or an  
 36 individual acting on behalf of the commercial delivery entity  
 37 had access to any voting system.  
 38 (3) That an individual documented receipt of the voting  
 39 system at the location when the system was returned.  
 40 (4) The:  
 41 (A) written name and signature of the individual; and  
 42 (B) date that the voting system was delivered to the



- 1                    **custody of that individual.**
- 2                    **(g) Immediately upon any return of a voting system, the**
- 3                    **completed certificate must be filed with the county election board.**
- 4                    SECTION 89. IC 3-12-3-5, AS AMENDED BY P.L.194-2013,
- 5                    SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6                    JULY 1, 2021]: Sec. 5. (a) If a ballot card is damaged or defective so
- 7                    that it cannot properly be counted by the automatic tabulating
- 8                    machines, then a remake team composed of one (1) person from each
- 9                    of the major political parties of the county shall have the card prepared
- 10                    for processing so as to record accurately the intention of the voter
- 11                    insofar as it can be ascertained.
- 12                    (b) If the ballot card voting system is designed to allow the counting
- 13                    and tabulation of votes by the precinct election board, the members of
- 14                    the remake team must be members of the precinct election board in
- 15                    which the ballot was cast. If a county provides for the counting and
- 16                    tabulation of ballot card voting systems in a central location, the
- 17                    members of the remake team shall be appointed by the county election
- 18                    board.
- 19                    (c) If necessary, a true, duplicate copy shall be made of the damaged
- 20                    ballot card in the presence of witnesses and substituted for the damaged
- 21                    card. Similarly, a duplicate ballot card shall be made of a defective
- 22                    card, not including the uncounted votes.
- 23                    (d) This subsection applies to an absent uniformed services voter or
- 24                    overseas voter permitted to transmit an absentee ballot by fax or
- 25                    electronic mail under IC 3-11-4-6. To facilitate the transmittal and
- 26                    return of the voter's absentee ballot by fax or electronic mail, the county
- 27                    election board may provide the voter with a paper ballot rather than a
- 28                    ballot card. The paper ballot must conform with the requirements for
- 29                    paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns
- 30                    the ballot by fax or electronic mail, a remake team appointed by the
- 31                    county election board under this section shall prepare a ballot card for
- 32                    processing that accurately records the intention of the voter as
- 33                    indicated on the paper ballot. The ballot card created under this
- 34                    subsection must **include the initials of each member of the remake**
- 35                    **team and** be marked and counted as a duplicate ballot under sections
- 36                    6 through 7 of this chapter.
- 37                    (e) If an automatic tabulating machine fails during the counting and
- 38                    tabulation of votes following the close of the polls, the county election
- 39                    board shall immediately arrange for the repair and proper functioning
- 40                    of the system. The county election board may, by unanimous vote of its
- 41                    entire membership, authorize the counting and tabulation of votes for
- 42                    this election on an automatic tabulating machine approved for use in



- 1 Indiana by the commission:
- 2 (1) until the repair and retesting of the malfunctioning machine;
- 3 and
- 4 (2) whether or not the machine was tested under IC 3-11-13-22.
- 5 SECTION 90. IC 3-12-3-10 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) After the voting
- 7 totals have been taken and certified by a precinct election board under
- 8 section 2(c) of this chapter, the inspector shall:
- 9 (1) seal each automatic tabulating machine used in the precinct;
- 10 (2) place all ballot cards that have been counted in the container
- 11 provided for that purpose; and
- 12 (3) seal the container into which the ballot cards have been
- 13 placed;
- 14 in the presence of the precinct election board. The automatic tabulating
- 15 machine may not be moved from the polls after the polls are closed
- 16 until collected.
- 17 (b) The inspector and judge of the opposite political party shall
- 18 deliver:
- 19 (1) the certification of the vote totals and one (1) copy of the
- 20 certificate prepared under section 2(c) of this chapter for the
- 21 circuit court clerk;
- 22 (2) the certificate of the vote totals prepared under section 2(c) of
- 23 this chapter for the news media;
- 24 (3) the container in which ballot cards have been placed under
- 25 subsection (a); and
- 26 (4) the unused, uncounted, and defective ballot cards and returns;
- 27 to the circuit court clerk.
- 28 (c) The inspector and judge of the opposite political party shall
- 29 deliver the certificates and the list of voters to the county election board
- 30 by midnight on election day. However, if:
- 31 (1) a ballot card voting system failed;
- 32 (2) the failure of the system was reported as required by this title;
- 33 (3) paper ballots were used in place of the system; and
- 34 (4) the use of the paper ballots caused a substantial delay in the
- 35 vote counting process;
- 36 then the certificates, the list of voters, and the tally papers shall be
- 37 delivered as soon as possible.
- 38 (d) Upon delivery of the container to the circuit court clerk under
- 39 subsection (c), the inspector shall take and subscribe an oath before the
- 40 clerk stating that the inspector:
- 41 (1) closed and sealed the container in the presence of the judges
- 42 and poll clerks;



- 1 (2) securely kept the ballot cards in the container;  
 2 (3) did not permit any person to open the container or to otherwise  
 3 touch or tamper with the ballot cards; and  
 4 (4) has no knowledge of any other person opening the container.  
 5 (e) Each oath taken under subsection (d) shall be filed in the circuit  
 6 court clerk's office with other election papers.  
 7 (f) Upon completion of the counting of the votes by a precinct  
 8 election board under section 2(c) of this chapter or at a central location,  
 9 all ballot cards shall be arranged by precincts and kept by the circuit  
 10 court clerk for the period required by ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.  
 11 The clerk shall determine the final disposition of all voted ballot cards.  
 12 SECTION 91. IC 3-12-3-14 IS REPEALED [EFFECTIVE JULY 1,  
 13 2021]. ~~Sec. 14. (a) The precinct election board may count absentee~~  
 14 ~~ballots before the polls have closed.~~  
 15 (b) ~~If the precinct election board counts absentee ballots under this~~  
 16 ~~section, a member of the precinct election board may not, before the~~  
 17 ~~polls have closed, provide any person other than a member of the~~  
 18 ~~precinct election board with information concerning the number of~~  
 19 ~~votes:~~  
 20 (1) ~~a candidate received for an office; or~~  
 21 (2) ~~cast to approve or reject a public question;~~  
 22 ~~on absentee ballots counted under this section.~~  
 23 SECTION 92. IC 3-12-3.5-1.5 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. ~~Except as provided~~  
 25 ~~in section 7 of this chapter, If the polls for more than one (1) precinct~~  
 26 ~~are located in the same room, the inspector of a precinct using the room~~  
 27 ~~may not begin the vote counting procedure until all the polls in the~~  
 28 ~~room are officially closed and no more persons are waiting in line to~~  
 29 ~~vote.~~  
 30 SECTION 93. IC 3-12-3.5-4.5 IS ADDED TO THE INDIANA  
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2021]: **Sec. 4.5. (a) This section does not**  
 33 **apply to an electronic poll book or voting system subject to an**  
 34 **impoundment order issued by a court or a recount commission**  
 35 **until the impoundment order is rescinded.**  
 36 (b) **This subsection applies to an electronic poll book. The**  
 37 **inspector and judge of the opposite political party shall**  
 38 **immediately deliver all electronic poll books from a precinct**  
 39 **polling location or vote center to the county election board with the**  
 40 **other election material described in IC 3-12-3-2(b). The county**  
 41 **election board shall secure the electronic poll books in accordance**  
 42 **with the requirements of IC 3-11-15-46.**



1           (c) This subsection applies to a voting system. At any time after  
2 the polls close on election day:

3           (1) the county election board;

4           (2) teams consisting of at least two (2) individuals that:

5               (A) are designated by the county election board;

6               (B) are affiliated with a political party entitled to nominate  
7 an individual to serve as an appointed member of the  
8 county election board; and

9               (C) have at least two (2) individuals on the team who are  
10 not members of the same political party; or

11           (3) a commercial delivery entity operating under a contract  
12 with the county election board;

13 shall return all voting systems from the polls for the precinct or  
14 from the vote centers to a storage facility to be secured under  
15 IC 3-11-15-46.

16           (d) The county election board may not:

17           (1) designate any individual to serve on a team if the  
18 individual is:

19               (A) imprisoned;

20               (B) subject to lawful detention;

21               (C) on probation;

22               (D) on parole;

23               (E) subject to home detention; or

24               (F) placed in a community corrections program; or

25           (2) permit a commercial delivery entity to allow any  
26 individual who is:

27               (A) imprisoned;

28               (B) subject to lawful detention;

29               (C) on probation;

30               (D) on parole;

31               (E) subject to home detention; or

32               (F) placed in a community corrections program;

33 to have access to or return a voting system.

34           (e) If a county election board uses the teams or a commercial  
35 delivery entity described in subsection (c), the board shall require  
36 that:

37           (1) two (2) members of each team who are not members of the  
38 same political party; or

39           (2) the commercial delivery entity;

40 execute a certificate setting forth the information set forth in  
41 subsection (f).

42           (f) The certificate required in subsection (e) must be signed by



1 the two (2) members of each team described in subsection (c) or by  
 2 an individual authorized to act on behalf of the commercial  
 3 delivery entity described in subsection (c). The certificate must  
 4 include the following:

5 (1) That the voting systems remained in the custody and  
 6 control of each individual during the period beginning when  
 7 the voting systems were received from the county election  
 8 board and ending when the voting systems were returned to  
 9 the location designated for securing voting systems under  
 10 IC 3-11-15-46.

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

14 (3) That an individual documented receipt of the voting  
 15 system at the location when the system was returned.

16 (4) The:

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

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

20 (g) Immediately upon any return of a voting system, the  
 21 completed certificate must be filed with the county election board.

22 SECTION 94. IC 3-12-3.5-7 IS REPEALED [EFFECTIVE JULY  
 23 1, 2021]. Sec. 7: (a) The precinct election board may count absentee  
 24 ballots before the polls have closed:

25 (b) If the precinct election board counts absentee ballots under this  
 26 section; a member of the precinct election board may not, before the  
 27 polls have closed; provide any person other than a member of the  
 28 precinct election board with information concerning the number of  
 29 votes:

30 (1) a candidate received for an office; or

31 (2) cast to approve or reject a public question;

32 on absentee ballots counted under this section:

33 SECTION 95. IC 3-12-4-13 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. After the county  
 35 election board has tabulated the vote:

36 (1) the canvass sheets used by the board; and

37 (2) the certificates, poll lists, and tally papers returned by each  
 38 inspector in the county;

39 shall be delivered to the circuit court clerk. The clerk shall file and  
 40 preserve all the material in the clerk's office as provided in  
 41 ~~IC 3-10-1-31~~ or IC 3-10-1-31.1.

42 SECTION 96. IC 3-12-4-16 IS REPEALED [EFFECTIVE JULY 1,



1 2021]. Sec. 16: If there is a disagreement between the members of a  
 2 county election board as to how the vote of a precinct should be  
 3 counted, the board shall:

- 4 (1) immediately report the matter in dispute to the judge of the  
 5 circuit court, superior court, or probate court; and  
 6 (2) provide the judge with a written brief stating the grounds of  
 7 the disagreement and all papers concerning the matter.

8 SECTION 97. IC 3-12-4-17 IS REPEALED [EFFECTIVE JULY 1,  
 9 2021]. Sec. 17: The judge of the circuit court, superior court, or probate  
 10 court shall summarily determine a dispute presented under section 16  
 11 of this chapter and direct the county election board how to count the  
 12 vote. The judge's determination is final with respect to the action of the  
 13 board.

14 SECTION 98. IC 3-12-13-6, AS ADDED BY P.L.34-2019,  
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2021]: Sec. 6. (a) The secretary of state may waive the  
 17 requirement of section 5 of this chapter, after a written request by a  
 18 county election board.

19 (b) The secretary of state may waive the requirement of section 5 of  
 20 this chapter only if the county election board shows that the technology  
 21 in use by the county will not enable the county election board to satisfy  
 22 the requirements for a risk-limiting audit for an election. ~~held after~~  
 23 ~~December 31, 2020.~~

24 SECTION 99. IC 3-13-1-2 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. A candidate vacancy  
 26 that exists on a primary election ballot may not be filled for the primary  
 27 election. The resulting vacancy on the following general or municipal  
 28 election ballot may be filled in the manner prescribed by this chapter  
 29 ~~but only~~ if it is filled by **not later than the noon June 30 before**  
 30 **election day: July 3 certification deadline under section 15(c) of this**  
 31 **chapter.**

32 SECTION 100. IC 3-13-1-7 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Except as  
 34 provided in subsection (b), action to fill a candidate vacancy must be  
 35 taken:

- 36 (1) not later than noon ~~June 30~~ **July 3** after the primary election  
 37 if the vacancy exists on a general or municipal election ballot; and  
 38 (2) within thirty (30) days after the occurrence of the vacancy, if  
 39 the vacancy exists on a special election ballot, subject to section  
 40 2 of this chapter.

41 (b) This subsection applies to a candidate vacancy that exists before  
 42 the thirtieth day before a general, municipal, or special election and



1 that is due to any of the following:

- 2 (1) The death of a candidate.  
 3 (2) The withdrawal of a candidate.  
 4 (3) The disqualification of a candidate under IC 3-8-1-5.  
 5 (4) A court order issued under IC 3-8-7-29(d).  
 6 **(5) The successful challenge of a candidate nominated by a**  
 7 **state, county, or town convention of a political party.**  
 8 **(6) The successful challenge of candidate under IC 3-8-8.**  
 9 **(7) The successful challenge of a candidate under sections 16.5**  
 10 **and 20.5 of this chapter.**

11 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this  
 12 chapter for reasons permitted under this subsection must be taken  
 13 within thirty (30) days after the occurrence of the vacancy.

14 SECTION 101. IC 3-13-1-10.5, AS AMENDED BY P.L.169-2015,  
 15 SECTION 153, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2021]: Sec. 10.5. **(a) This section applies only**  
 17 **to a meeting of a caucus required under this chapter. This section**  
 18 **does not apply to the filling of a vacancy by the county chairman**  
 19 **or a committee acting under section 6(b)(2) of this chapter.**

20 ~~(a)~~ **(b)** A person who wishes to be a candidate for appointment to fill  
 21 a candidate vacancy under this chapter must file a declaration of  
 22 candidacy on a form prescribed by the election division with:

- 23 (1) the chairman of the caucus ~~or committee~~ conducting a meeting  
 24 under this chapter; and  
 25 (2) the official who is required to receive a certificate of candidate  
 26 selection following the caucus under section 15 of this chapter;

27 at least seventy-two (72) hours before the time fixed for the caucus ~~or~~  
 28 ~~committee~~ meeting.

29 ~~(b)~~ **(c)** A candidate's declaration of candidacy must include a  
 30 statement that the candidate requests the name on the candidate's voter  
 31 registration record be the same as the name the candidate uses on the  
 32 declaration of candidacy. If there is a difference between the name on  
 33 the candidate's declaration of candidacy and the name on the  
 34 candidate's voter registration record, the officer with whom the  
 35 declaration of candidacy is filed shall forward the information to the  
 36 voter registration officer of the appropriate county as required by  
 37 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
 38 shall change the name on the candidate's voter registration record to be  
 39 the same as the name on the candidate's declaration of candidacy.

40 ~~(c)~~ **(d)** A candidate's declaration of candidacy must contain the  
 41 following statements:

- 42 (1) This subdivision applies to a candidate filing a declaration of





1 candidacy for a state office, legislative office, local office of judge  
 2 of a circuit, superior, probate, or small claims court, or local  
 3 office of prosecuting attorney of a judicial circuit. A statement  
 4 that the candidate has attached either of the following to the  
 5 declaration:

6 (A) A copy of a statement of economic interests, file stamped  
 7 by the office required to receive the statement of economic  
 8 interests.

9 (B) A receipt or photocopy of a receipt showing that a  
 10 statement of economic interests has been filed.

11 This requirement does not apply to a candidate for a federal  
 12 office.

13 (2) This subdivision applies to a candidate filing a declaration of  
 14 candidacy for a local office not described in subdivision (1) or  
 15 school board office. A statement that the candidate understands  
 16 that if the candidate is selected to fill the candidate vacancy, the  
 17 candidate is required to file a statement of economic interests  
 18 under IC 3-8-9-5.

19 (3) A statement that the candidate understands that if the  
 20 candidate is elected to the office, the candidate may be required  
 21 to obtain and file an individual surety bond before serving in the  
 22 office. This requirement does not apply to a candidate for a  
 23 federal office or legislative office.

24 (4) A statement that the candidate understands that if the  
 25 candidate is elected to the office, the candidate may be required  
 26 to successfully complete training or have attained certification  
 27 related to service in an elected office. This requirement does not  
 28 apply to a candidate for a federal office, state office, or legislative  
 29 office.

30 (5) A statement that the candidate:

31 (A) is aware of the provisions of IC 3-9 regarding campaign  
 32 finance and the reporting of campaign contributions and  
 33 expenditures; and

34 (B) agrees to comply with the provisions of IC 3-9.

35 This requirement does not apply to a candidate for a federal  
 36 office.

37 The candidate must separately initial each of the statements required  
 38 by this subsection.

39 SECTION 102. IC 3-14-4-10, AS AMENDED BY P.L.158-2013,  
 40 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2021]: Sec. 10. A person who knowingly violates:

42 (1) IC 3-11.5-5;

**EH 1365—LS 7073/DI 131**



- 1 (2) IC 3-11.5-6; **or**  
 2 (3) IC 3-12-2-1;  
 3 ~~(4) IC 3-12-3-14; or~~  
 4 ~~(5) IC 3-12-3.5-7;~~

5 by providing any other person with information concerning the number  
 6 of votes a candidate received for an office or cast to approve or reject  
 7 a public question on absentee ballots counted under IC 3-11.5-5,  
 8 IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a Level  
 9 6 felony.

10 SECTION 103. IC 20-23-4-30, AS AMENDED BY P.L.219-2013,  
 11 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2021]: Sec. 30. (a) This section applies to each school  
 13 corporation.

14 (b) If a tie vote occurs among any of the candidates, the tie vote  
 15 shall be resolved under IC 3-12-9-4.

16 (c) If after the first governing body takes office, **fewer candidates**  
 17 **have been elected to the school board than there were members to**  
 18 **be elected, the governing body shall determine not later than noon**  
 19 **December 31 following the election which incumbent member or**  
 20 **members continue to hold office under Article 15, Section 3 of the**  
 21 **Constitution of the State of Indiana until a successor is elected and**  
 22 **qualified. However, if there is a vacancy on the governing body, for**  
 23 **any reason, including the failure of the sufficient number of petitions**  
 24 **for candidates being filed,** whether the vacating member was elected  
 25 or appointed, the remaining members of the governing body, whether  
 26 or not a majority of the governing body, shall by a majority vote fill the  
 27 vacancy by appointing a person from within the boundaries of the  
 28 community school corporation to serve for the term or balance of the  
 29 term. An individual appointed under this subsection must possess the  
 30 qualifications provided for a regularly elected or appointed governing  
 31 body member filling the office. If:

- 32 (1) a tie vote occurs among the members of the governing body  
 33 under this subsection or IC 3-12-9-4; or  
 34 (2) the governing body fails to act within thirty (30) days after any  
 35 vacancy occurs;

36 the judge of the circuit court in the county where the majority of  
 37 registered voters of the school corporation reside shall make the  
 38 appointment.

39 (d) A vacancy in the governing body occurs if a member ceases to  
 40 be a resident of any community school corporation. A vacancy does not  
 41 occur when the member moves from a district of the school corporation  
 42 from which the member was elected or appointed if the member



1 continues to be a resident of the school corporation.

2 (e) At the first general election in which members of the governing  
3 body are elected:

4 (1) a simple majority of the candidates elected as members of the  
5 governing body who receive the greatest number of votes shall be  
6 elected for four (4) year terms; and

7 (2) the balance of the candidates elected as members of the  
8 governing body receiving the next greatest number of votes shall  
9 be elected for two (2) year terms.

10 Thereafter, all school board members shall be elected for four (4) year  
11 terms.

12 (f) Elected governing body members take office and assume their  
13 duties on the date set in the school corporation's organization plan. The  
14 date set in the organization plan for an elected member of the  
15 governing body to take office may not be more than fourteen (14)  
16 months after the date of the member's election. If the school  
17 corporation's organization plan does not set a date for an elected  
18 member of the governing body to take office, the member takes office  
19 January 1 immediately after the member's election.

20 SECTION 104. IC 20-23-12-9, AS AMENDED BY P.L.278-2019,  
21 SECTION 171, IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2021]: Sec. 9. The members are elected as  
23 follows:

24 (1) Three (3) of the members elected under section 3(b) of this  
25 chapter are elected at the general election to be held in 2020 and  
26 every four (4) years thereafter.

27 (2) Three (3) of the members elected under section 3(b) of this  
28 chapter are elected at the general election to be held in 2022 and  
29 every four (4) years thereafter.

30 (3) The at-large member elected under section 3(c) of this chapter  
31 is elected at the general election to be held in ~~2020~~ **2024** and  
32 every four (4) years thereafter.

33 SECTION 105. IC 20-23-14-9, AS AMENDED BY P.L.278-2019,  
34 SECTION 172, IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2021]: Sec. 9. The members are elected as  
36 follows:

37 (1) Three (3) of the members are elected at the general election to  
38 be held in ~~2020~~ **2024** and every four (4) years thereafter.

39 (2) Two (2) of the members are elected at the general election to  
40 be held in 2022 and every four (4) years thereafter.

41 SECTION 106. IC 20-23-17-8, AS AMENDED BY P.L.74-2017,  
42 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 8. (a) This subsection applies to a member of the  
 2 governing body elected at the 2016 general election. The successors of  
 3 a member elected at the 2016 general election shall:

- 4 (1) be elected at the ~~2020~~ **2024** general election and every four (4)  
 5 years thereafter as provided in section 3(a)(1) of this chapter; and  
 6 (2) take office as provided in section 4 of this chapter.

7 (b) This subsection applies to the appointed member of the  
 8 governing body whose term expires December 31, 2017. The  
 9 successors of this member shall be appointed by the city legislative  
 10 body as provided in section 3(a)(3) of this chapter and take office as  
 11 provided in section 4 of this chapter.

12 (c) This subsection applies to the member of the governing body  
 13 elected at the 2014 general election. The successors of a member  
 14 elected at the 2014 general election shall:

- 15 (1) be elected at the ~~2018~~ **2022** general election and every four (4)  
 16 years thereafter as provided in section 3(a)(1) of this chapter; and  
 17 (2) take office as provided in section 4 of this chapter.

18 (d) This subsection applies to the appointed member of the  
 19 governing body whose term expires December 31, 2018. The  
 20 successors of this member shall be appointed by the city executive as  
 21 provided in section 3(a)(2) of this chapter and take office as provided  
 22 in section 4 of this chapter.

23 SECTION 107. IC 20-23-17.2-3.1, AS AMENDED BY  
 24 P.L.278-2019, SECTION 173, IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.1. (a) The governing  
 26 body of the school corporation consists of five (5) members, elected as  
 27 provided in this chapter.

28 (b) Three (3) members shall be elected as follows:

- 29 (1) From districts established as provided in section 4.1 of this  
 30 chapter.  
 31 (2) On a nonpartisan basis.  
 32 (3) At the general election held in the county in 2022 and every  
 33 four (4) years thereafter.

34 (c) Two (2) members shall be elected as follows:

- 35 (1) At large by all the voters of the school corporation.  
 36 (2) On a nonpartisan basis.  
 37 (3) At the general election held in the county in ~~2020~~ **2024** and  
 38 every four (4) years thereafter.

39 (d) The term of office of a member of the governing body:

- 40 (1) is four (4) years; and  
 41 (2) begins January 1 after the election of members of the  
 42 governing body.



1 (e) Upon assuming office and in conducting the business of the  
 2 governing body, a member shall represent the interests of the entire  
 3 school corporation.

4 SECTION 108. IC 20-26-4-4, AS AMENDED BY P.L.233-2015,  
 5 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2021]: Sec. 4. **If fewer candidates have been elected to the  
 7 school board than there were members to be elected, the governing  
 8 body shall determine not later than noon December 31 following  
 9 the election which incumbent member or members continue to hold  
 10 office under Article 15, Section 3 of the Constitution of the State of  
 11 Indiana until a successor is elected and qualified. However, if a  
 12 vacancy in the membership of a governing body occurs, for any reason  
 13 (including the failure of a sufficient number of petitions for candidates  
 14 for governing body membership being filed for an election and whether  
 15 the vacancy was of an elected or appointed member, the remaining  
 16 members of the governing body shall by majority vote fill the vacancy  
 17 by appointing a person from within the boundaries of the school  
 18 corporation, with the residence and other qualifications provided for a  
 19 regularly elected or appointed board member filling the membership,  
 20 to serve for the term or the balance of the term. However, this  
 21 subsection does not apply to a vacancy:**

22 (1) of a member who serves on a governing body in an ex officio  
 23 capacity; or

24 (2) a vacancy in an appointed board membership if a plan,  
 25 resolution, or law under which the school corporation operates  
 26 specifically provides for filling vacancies by the appointing  
 27 authority.

28 SECTION 109. IC 33-35-1-1, AS AMENDED BY P.L.278-2019,  
 29 SECTION 176, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) During 2022 and every fourth  
 31 year after that, a second or third class city or a town may by ordinance  
 32 establish or abolish a city or town court. An ordinance to establish a  
 33 city or town court must be adopted not less than one (1) year before the  
 34 judge's term would begin under section 3 of this chapter.

35 (b) The judge for a court established under subsection (a) shall be  
 36 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in  
 37 November ~~2019~~ **2023** and every four (4) years thereafter.

38 (c) A court established under subsection (a) comes into existence on  
 39 January 1 of the year following the year in which a judge is elected to  
 40 serve in that court.

41 (d) A city or town court in existence on January 1, 1986, may  
 42 continue in operation until it is abolished by ordinance.



1 (e) A city or town that establishes or abolishes a court under this  
2 section shall give notice of its action to the following:

3 (1) The office of judicial administration under IC 33-24-6.

4 (2) The secretary of state.

5 (3) The circuit court clerk of the county in which the greatest  
6 population of the city or town resides.

7 SECTION 110. IC 36-3-4-2, AS AMENDED BY P.L.266-2013,  
8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2021]: Sec. 2. (a) A city-county council, which is the  
10 legislative body of both the consolidated city and the county, shall be  
11 elected under IC 3-10-6 by the voters of the county. The city-county  
12 council consists of ~~the following members:~~

13 ~~(1) Before January 1, 2016, twenty-nine (29) members:~~

14 ~~(2) After December 31, 2015, twenty-five (25) members.~~

15 (b) To be eligible to serve as a member of the legislative body, a  
16 person must meet the qualifications prescribed by IC 3-8-1-25.

17 (c) A member of the legislative body must reside within:

18 (1) the county as provided in Article 6, Section 6 of the  
19 Constitution of the State of Indiana; and

20 (2) the district from which the member was elected.

21 (d) A vacancy in the legislative body occurs whenever a member:

22 (1) dies, resigns, or is removed from office;

23 (2) ceases to be a resident of the district from which the member  
24 was elected; or

25 (3) is incapacitated to the extent that the member is unable to  
26 perform the member's duties for more than six (6) months.

27 (e) The vacancy shall be filled under IC 3-13-8.

28 (f) The term of office of a member of the legislative body is four (4)  
29 years, beginning at noon on January 1 after election and continuing  
30 until a successor is elected and qualified.

31 SECTION 111. **An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1365, 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 lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-5, AS AMENDED BY P.L.221-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. "Ballot label" means **any of the following**:

- (1) The printed strip or sheet of cardboard or paper, supplied for use on an electronic voting system, that contains the names of the candidates and the public questions on the ballot. ~~or~~
- (2) The material, supplied for use with a ballot card voting system, that contains those names and questions.
- (3) **The digital image of the ballot on the screen of an electronic voting system or the interface of the marking device used with an optical scan voting system."**

Page 4, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 9. IC 3-6-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) Each county election board shall submit a report to the election division after each primary, special, municipal, and general election describing the activities of the board during the previous year. The board shall include the following in the report:

- (1) Information relating to the expenses of office maintenance and elections within the county or political subdivisions within the county.
- (2) A copy of the statement of the county election board containing the votes cast for each candidate and on each public question in each precinct at the last election preceding the submission of the report.
- (3) Any additional information relating to elections that the commission prescribes.

(b) The report described in subsection (a) must be ~~postmarked, hand delivered, or~~ transmitted to the election division using the computerized list under IC 3-7-26.3 not later than fourteen (14) days after each election.

(c) The election division shall send a copy of each report to the office not later than ten (10) days after receiving the report.

SECTION 10. IC 3-6-5-17.5, AS AMENDED BY P.L.128-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2021]: Sec. 17.5. (a) As required by 52 U.S.C. 20302(c), each county election board shall submit a report to the election division after each general election setting forth the combined number of absentee ballots:

- (1) transmitted by the county election board to absent uniformed services voters and overseas voters for the election; and
- (2) returned by absent uniformed services voters and overseas voters and cast in the election.

(b) The report must be:

- (1) ~~postmarked or hand delivered~~ **transmitted** to the election division **using the computerized list under IC 3-7-26.3** not later than fourteen (14) days after the election; and
- (2) in the form prescribed by the federal Election Assistance Commission under Section 703(b) of HAVA (52 U.S.C. 20302 (note))."

Page 4, delete lines 14 through 30.

Page 5, delete lines 27 through 39, begin a new paragraph and insert:

"SECTION 11. IC 3-6-8-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.5. A watcher appointed under this chapter must be a registered voter of ~~the county:~~ **Indiana.**

SECTION 12. IC 3-6-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) An attorney-in-fact designated under section 2 of this chapter shall file with the circuit court clerk the names of the voters of the county or municipality who are to act as watchers in the precincts designated in the written statement.

(b) The attorney-in-fact may certify watchers from voters of the county or municipality without regard to precinct boundary lines.

(c) A watcher designated under this section:

- (1) may not be a candidate to be voted for at the election, except as an unopposed candidate for precinct committeeman or state convention delegate; and
- (2) must be a registered voter of ~~the county:~~ **Indiana.**

SECTION 13. IC 3-7-26.3-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 36. (a) This section applies when a voter transfers the voter's registration from one (1) Indiana county to another Indiana county after an election but before the county voter registration official adds to the voter's registration record the information that the voter voted in an election under**





**IC 3-10-1-31.2.**

**(b) The computerized list must allow the county voter registration official of the county where the voter voted in the election immediately before the voter transferred the voter's registration to the other Indiana county to add to the voter's registration record that the voter voted in the election even if the voter's registration is canceled in the county."**

Page 8, delete lines 40 through 42, begin a new paragraph and insert:

**"SECTION 19. IC 3-7-46-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) As used in this section, "correctional department" refers to an agency of the government of a state other than Indiana that has responsibility for the imprisonment of individuals who have been convicted of a crime.**

**(b) If the NVRA official receives information from a correctional department that an Indiana resident is currently imprisoned by the correctional department for conviction of a crime, the NVRA official shall notify the county voter registration office of the Indiana county in which the imprisoned individual is a resident of the information.**

**(c) If the information provided under subsection (b) indicates that the imprisoned individual is disfranchised under section 2 of this chapter, the county voter registration officer shall:**

- (1) remove the name of the individual from the voter registration records; and**
- (2) enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3 on an expedited basis."**

Page 9, delete lines 1 through 10.

Page 11, between lines 27 and 28, begin a new paragraph and insert:

**"SECTION 24. IC 3-10-1-13, AS AMENDED BY P.L.58-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) The primary election paper ballots, ballot cards, and ballot labels **on an electronic voting system** of each political party must be of uniform size and of the same quality paper as the paper ballots, ballot cards, and ballot labels used at the general election.**

**(b) The primary election paper ballots, ballot cards, and ballot labels on an electronic voting system of a political party used in a precinct must contain the precinct number or designation on the ballot.**



~~(b)~~ (c) The paper ballots and ballot cards must be distinctively marked or be of a different color so that the ballots of each party are easily distinguishable.

~~(c)~~ (d) This subsection applies to all voting systems. All the candidates representing one (1) party shall be placed on one (1) ticket with the name of the party placed at the top or beginning of the ballot in the form prescribed by section 19 of this chapter."

Page 15, between lines 8 and 9, begin a new paragraph and insert:  
"SECTION 27. IC 3-10-1-31.2, AS ADDED BY P.L.225-2011, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.

(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after the completion of the recount or contest and the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17, IC 3-12-11-18, or IC 3-12-12-19.

**(c) This subsection applies to a voter who executes an affidavit under IC 3-10-11 and currently resides in an Indiana county different from the county where the voter is registered to vote. The county voter registration official in the county where the voter voted shall add to the voter's registration record in the computerized list established under IC 3-7-26.3 that the voter voted in the election before transferring the voter's registration to the county where the voter indicated the voter currently resides on the affidavit completed under IC 3-10-11."**

Page 17, line 33, delete "a date specified in" and insert "**seventy-four (74) days before the date of the election**".

Page 17, line 34, delete "the notice".

Page 17, after line 42, begin a new line blocked left and insert:  
**"After seventy-four (74) days before the date of the election, the ballot is considered approved and eligible for printing.**

SECTION 36. IC 3-11-2-3, AS AMENDED BY P.L.194-2013, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. Each type of ballot must be:

- (1) of uniform size;
- (2) of the same quality and color of paper; ~~and~~
- (3) sufficiently thick that the printing cannot be distinguished



from the back; and

**(4) printed with the precinct number or designation of the precinct where the ballot is used.**

SECTION 37. IC 3-11-2-14, AS AMENDED BY P.L.190-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The following offices shall be placed on the general election ballot in the following order after the offices described in section 13 of this chapter:

(1) Retention of a local judge.

(2) Local nonpartisan judicial offices.

(b) These offices shall be placed in a separate column on the ballot.

(c) If the ballot contains a candidate for a local nonpartisan judicial office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."

**(d) If more than one (1) local nonpartisan judicial office is to be placed on the ballot, the office shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the office. If there is more than one (1) candidate for a local nonpartisan judicial office, the candidates shall be listed in alphabetical order according to surname.**

~~(d)~~ (e) If more than one (1) question concerning the retention of a local judge is to be placed on a ballot, the questions shall be placed on the ballot:

(1) in alphabetical order according to the surname of the local judge; and

(2) identifying the court (including division or room) in which the judge serves.

SECTION 38. IC 3-11-3-11, AS AMENDED BY P.L.169-2015, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

(2) The sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred



percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 52 U.S.C. 21082.

(6) Copies of the instructions for a provisional voter required by 52 U.S.C. 21082 **and IC 3-11.7-2-2**. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

(1) has adopted an order under IC 3-7-29-6(a)(1); or

(2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll book in each precinct or vote center."

Page 18, delete lines 15 through 31, begin a new paragraph and insert:

"(c) ~~The commission;~~ **A county election board or board of elections and registration**, by unanimous vote of its entire membership, may authorize ~~a person~~ **an individual** who is otherwise qualified to vote in person **and wishes** to vote by absentee ballot **to file an application for an absentee ballot** if the ~~commission board~~ determines that: ~~an~~

**(1) during the last eleven (11) days before the election:**

**(A) the governor has declared a disaster emergency under IC 10-14-3-12; or**

**(B) the county has declared a local disaster emergency under IC 10-14-3-29;**

**(2) the disaster emergency prevents the person individual from voting in person at a polling place; and**

**(3) an absentee voter board can receive the voter's absentee ballot not later than 6 p.m. on election day.**



(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section ~~12.5~~ **15** of this chapter. Taking into consideration the amount of time remaining before the election, the commission, **the county election board, or the board of elections and registration** shall determine whether the absentee ballots are transmitted to and from the voter by **any of the following:**

- ~~(1) Mail. or personally delivered.~~
- (2) Personal delivery.**

An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter."

Page 21, between lines 7 and 8, begin a new paragraph and insert:

**"(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.**

SECTION 43. IC 3-11-4-17.5, AS AMENDED BY P.L.157-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true;
- (3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual acting under section 2(b) of this chapter; and
- (4) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (4), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast a provisional ballot, which the county election board shall retain.

(b) If:

- (1) the applicant is not a voter of the precinct according to the registration record; or
- (2) the application as completed and filed:



(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law; as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) A voter's failure to provide the information requested under section 5.1(d) of this chapter does not affect a voter's ability to receive an absentee ballot. A county election board may not deny an application because the voter has not provided the information requested under section 5.1(d) of this chapter as a part of the voter's application for an absentee ballot.

(d) ~~This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 52 U.S.C. 20302(d),~~ If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter:

**(A) at the address at which the voter requested that the absentee ballot be mailed;**

**(B) to the voter's electronic mail address, if the voter has provided an electronic mail address on the voter's absentee ballot application; or**

**(C) by personal delivery of the notice.**

(e) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(f) If the applicant:

(1) is a voter of the precinct according to the registration record;



and

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter."

Page 29, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 47. IC 3-11-8-15, AS AMENDED BY P.L.194-2013, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders and challengers.
- (6) Watchers.
- (7) Voters for the purposes of voting.
- (8) Minor children accompanying voters as provided under IC 3-11-11-8.
- (9) An assistant to a precinct election officer appointed under IC 3-6-6-39.
- (10) An individual authorized to assist a voter in accordance with IC 3-11-9.
- (11) A member of a county election board, acting on behalf of the board.
- (12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).
- (13) Either of the following who have been issued credentials signed by the members of the county election board:
  - (A) The county chairman of a political party.
  - (B) The county vice chairman of a political party.

However, a county chairman or a county vice chairman who is a candidate for nomination or election to office at the election may not enter the polls under this subdivision.
- (14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.



**(b) Except for an individual described in subdivision (a)(8) or (a)(10), an individual must be a citizen of the United States to be permitted in the polls during an election.**

**(c) The secretary of state may exempt an individual from the requirement to be a United States citizen.**

~~(b)~~ **(d)** This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

~~(c)~~ **(e)** The inspector of a precinct has authority over all simulated election activities conducted under subsection ~~(b)~~ **(d)** and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 48. IC 3-11-8-25.2, AS AMENDED BY P.L.278-2019, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 52 U.S.C. 21083 and IC 3-7-33-4.5 before voting in person. If the list indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

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

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

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

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this





subsection for entry into the county voter registration system.

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

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

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

Page 29, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 50. IC 3-11-10-25, AS AMENDED BY P.L.169-2015, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25. (a) A voter who votes by absentee ballot because of:

- (1) illness or injury; or
- (2) caring for a confined person at a private residence;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

- (1) during the regular office hours of the circuit court clerk;
- (2) at a time agreed to by the board and the voter;
- (3) on any of the nineteen (19) days immediately before election day; and
- (4) only once before an election, unless:
  - (A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or
  - (B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

- (1) agreed to by the board and the voter; and
- (2) during the regular office hours of the circuit court clerk. A



person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

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

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by 52 U.S.C. 21081, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

**(h) An absentee voter board visiting a voter under this section may use an electronic poll book.**

SECTION 51. IC 3-11-10-26, AS AMENDED BY P.L.278-2019, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

- (1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.
- (2) A satellite office established under section 26.3 of this chapter.



(b) This subsection applies to a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

- (1) The office of the board of elections and registration.
- (2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(d) The voter must do the following before being permitted to vote:

(1) This subdivision does not apply to a county that uses electronic poll books for voting under this section. Sign an application on the form prescribed by the election division under IC 3-11-4-5.1. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(2) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an electronic voting system. The voter must do the following:

(A) If the county election board has prescribed an affidavit under subsection (e) that includes a unique identifier to comply with section 26.2(c)(3) of this chapter, make and subscribe to the affidavit.

(B) Sign the electronic poll book.

(C) Provide proof of identification.

(3) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an optical scan voting system. The voter must do the following:

(A) Sign the electronic poll book.

(B) Provide proof of identification.

(C) Sign the affidavit prescribed by section 29 of this chapter.

(e) The county election board may:

(1) prescribe an affidavit that includes a unique identifier; or

(2) establish a procedure to produce a document, label, or electronic record that is associated with each voter and includes a unique identifier;

to comply with section 26.2(c)(3) of this chapter. After the county election board approves an affidavit or procedure described in this subsection and before the affidavit or procedure is used in an election,



the county election board shall file a copy of the affidavit or a brief description of the procedure with the election division to assist the state recount commission in conducting proceedings under IC 3-12-11.

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

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

(h) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

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

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

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting



multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(k) As provided by 52 U.S.C. 21081, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(l) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast a provisional ballot.

**(m) This subsection applies to a voter who casts an absentee ballot that is treated as a provisional ballot under subsection (l). The board shall provide the voter, both orally and in writing, an explanation of what actions, if any, the voter must take in order to have the voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the voter.**

~~(m)~~ (n) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

~~(m)~~ (o) In a primary election, a voter casting an absentee ballot under this chapter may not change the voter's choice of the voter's political party after the voter has been mailed or otherwise provided with a primary ballot containing the candidates of that party."

Page 31, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 53. IC 3-11-11-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. (a) At a primary election, a voter may not remain in the voting booth longer than ~~three~~ ~~(3)~~ **five (5)** minutes.

(b) At a general, municipal, or special election, a voter may not remain in the voting booth longer than ~~two (2)~~ **four (4)** minutes.

(c) If a voter refuses to leave the voting booth after the lapse of the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth."

Page 32, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 58. IC 3-11-13-11, AS AMENDED BY P.L.141-2020,



SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), ~~and~~ IC 3-11-2-14(d), **and IC 3-11-2-14(e)**. The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be



grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.
- (2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.
- (3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).
- (4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).
- (5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.
- (6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.
- (7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

- (1) candidate; or
- (2) ticket of candidates for:
  - (A) President and Vice President of the United States; or
  - (B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the



first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 must be placed on the ballot label. The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, do not make a mark in this section and proceed to voting the ballot by office."

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.





(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of political parties or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

SECTION 59. IC 3-11-13-19, AS AMENDED BY P.L.169-2015, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. **(a) Each circuit court clerk shall have printed on each ballot used in a precinct the precinct number or designation.**

~~(a)~~ **(b)** Except as provided in subsections ~~(b)~~ and ~~(c)~~ and ~~(d)~~, each circuit court clerk shall print or stamp the precinct number or designation and a line for each poll clerk's initials on both a ballot card and the ballot card's secrecy envelope before the election.

~~(b)~~ **(c)** In a vote center county using an electronic poll list, the circuit court clerk shall not print or stamp the poll clerk's initials required by subsection ~~(a)~~ **(b)** if the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system are printed by a printer separate from the electronic poll list on the back of each ballot card immediately before the ballot card is delivered to the voter.

~~(c)~~ **(d)** In a vote center county using an electronic poll book, the circuit court clerk may print or stamp the precinct number or designation:

- (1) before the election as provided by subsection ~~(a)~~; ~~(b)~~; or
- (2) at the time the ballot card is printed immediately before the ballot card is delivered to a voter as provided by subsection ~~(b)~~; ~~(c)~~.

SECTION 60. IC 3-11-13-24, AS AMENDED BY P.L.169-2015, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. (a) This subsection applies to a ballot card voting system. The test required by section 22 of this



chapter must:

(1) be conducted by processing a preaudited group of ballot cards marked so as to record a predetermined number of valid votes for each candidate and on each public question; ~~and~~

(2) include for each office one (1) or more ballot cards that have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating machines to reject the votes; **and**

**(3) include at least one (1) ballot from three (3) different precincts where an election will be conducted.**

(b) This subsection applies to a voting system that includes features of a ballot card voting system and a direct record electronic voting system. The test required by section 22 of this chapter must:

(1) be conducted by the entry of:

(A) a preaudited group of ballots; and

(B) at least ten (10) ballots cast by using the headphone or a sip/puff device;

so as to record a predetermined number of valid votes for each candidate and on each public question; and

(2) include at least one (1) ballot for each office and public question that has votes in excess of the number allowed by law in order to test the ability of the voting system to reject the overvotes.

SECTION 61. IC 3-11-13-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 24.5. Immediately following the completion of the test required by section 22 of this chapter, the county election board shall enter the vote totals from the voting system tabulator tested under this chapter into the component of the voting system used by the county election board to tabulate and canvass the election results under IC 3-12-4. The board shall determine whether the component of the voting system properly tabulates and determines:**

**(1) the votes cast in each of the precincts; and**

**(2) the total for each candidate and public question on the ballots tested under this chapter.**

SECTION 62. IC 3-11-13-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 32.5. (a) At a primary election, a voter may not remain in the voting booth or compartment longer than ~~three (3)~~ **five (5)** minutes.

(b) At a general, municipal, or special election, a voter may not remain in the voting booth or compartment longer than ~~two (2)~~ **four (4)**

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minutes.

(c) If a voter refuses to leave a voting booth or compartment after the lapse of the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth or compartment.

SECTION 63. IC 3-11-14-3.5, AS AMENDED BY P.L.141-2020, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may

(+) print all offices and public questions on a single ballot label.  
and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

**(c) The county shall include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.**

(e) (d) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) (e) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) (f) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) (g) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be



elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

~~(g)~~ **(h)** Below the name of the office and the statement required by subsection ~~(f)~~, **(g)**, the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

~~(h)~~ **(i)** The names of the candidates grouped in the order established by subsection ~~(g)~~ **(h)** must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

- (1) candidate; or
- (2) ticket of candidates for:



(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(†) **(j)** All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the party order established by subsection ~~(g)~~; **(h)**; and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(†) **(k)** Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(†) **(l)** The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(†) **(m)** The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

- (1) placed on the ballot label; or
- (2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(†) **(n)** The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection ~~(g)~~ **(h)** for



listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 must be placed on the ballot label. The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, press "NEXT" (or replace "NEXT" with the term used by that voting system to permit a voter to skip a ballot screen) to continue voting."

~~(n)~~ **(o)** A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

~~(o)~~ **(p)** The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

~~(p)~~ **(q)** The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 64. IC 3-11-14-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26. At a primary election, a voter may not remain in the voting booth longer than ~~three~~ **(3) five (5)** minutes.

SECTION 65. IC 3-11-14-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. At a general, municipal, or special election, a voter may not remain in the voting booth longer than ~~two~~ **(2) four (4)** minutes.

SECTION 66. IC 3-11-14.5-5, AS ADDED BY P.L.221-2005, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. **(a)** The test required by this chapter must include the following:

- (1) The visual inspection of the voting system and ballot labels.
- (2) The manual entry of a preaudited group of ballots marked so as to record a predetermined number of valid votes for each candidate and on each public question.
- (3) At least one (1) ballot for each office that has votes in excess of the number allowed by law in order to test the ability of the electronic voting system to reject the overvotes.



**(b) The test required by this chapter must include the entry of a preaudited group of at least one (1) ballot from three (3) different precincts where an election will be conducted to:**

**(1) test the functionality of the system components used by a voter with disabilities to independently and privately cast a ballot; and**

**(2) record a predetermined number of valid votes for each candidate and on each public question."**

Page 33, between lines 31 and 32, begin a new paragraph and insert: "SECTION 78. IC 3-11-15-59, AS ADDED BY P.L.100-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 59. (a) Whenever a county wishes to dispose of a voting system unit or an electronic poll book unit, the county election board must first file a plan with the election division. The plan must state **all of the following:**

(1) The serial number of each unit to be disposed of by the county.

(2) The method to be used for disposal of the equipment, including sale, transfer, or destruction of the equipment and **the details about how the equipment will be disposed of.**

(3) That the disposal will occur in compliance with federal and state laws requiring the retention of election materials until the expiration of the period specified by those laws.

**(4) The details regarding the person that will dispose of the equipment.**

(b) If the election division approves the proposed plan, the election division shall notify:

(1) the county election board, which may then dispose of the equipment; and

(2) the voting system technical oversight program (VSTOP) (established by IC 3-11-16-2).

**(c) A county may not dispose of a voting system unit or an electronic poll book unit by selling, transferring, or otherwise surrendering ownership to a person to which a voting system vendor is prohibited to sell, lease, or transfer possession of a voting system under section 60 of this chapter.**

**(d) A plan filed with the election division under this section is confidential.**

SECTION 79. IC 3-11-15-61 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 61. (a) This section does not apply to an electronic poll book.**



**(b) A computer or electronic device used:**

- (1) to create the layout of a ballot for an election;**
- (2) to program a voting system, electronic voting system, or ballot card voting system; or**
- (3) with election management software certified for use as part of a voting system;**

**may not be connected to the Internet or any network that connects to another computer or electronic device."**

Page 41, between lines 13 and 14, begin a new paragraph and insert:  
 "SECTION 82. IC 3-11.7-2-2, AS AMENDED BY P.L.157-2019, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A provisional voter shall do the following:

- (1) Execute the affidavit described in IC 3-10-1-9 or IC 3-11-8-23.
- (2) Sign the poll list.
- (3) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.
- (4) Fold each ballot separately.
- (5) Fold each ballot so as to conceal the marking.
- (6) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.
- (7) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52 U.S.C. 21082, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

**(d) This subsection applies to a provisional voter described in section 1(a) or 1(b) of this chapter. In addition to the written instructions required by subsection (c), a precinct election officer shall provide the provisional voter, both orally and in writing, an explanation of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the provisional voter."**

Page 42, between lines 13 and 14, begin a new paragraph and insert:





"SECTION 84. IC 3-11.7-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4. (a) Not later than three (3) calendar days after election day, the circuit court clerk shall provide a notice containing the following information to each voter who casts a provisional ballot:**

**(1) The reason or reasons that the voter's ballot is being treated as a provisional ballot.**

**(2) A description of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted under this article.**

**(3) The deadlines by which the provisional voter is required to take any actions described in subdivision (2) in order to have the provisional voter's ballot counted under this article.**

**(4) The following information that will enable the provisional voter to inquire about the provisional voter's ballot:**

**(A) The name of the office that the provisional voter may contact.**

**(B) The address of the office described in clause (A).**

**(C) The telephone number at the office described in clause (A) that the voter may use to contact the office about the voter's provisional ballot.**

**(D) Any other information the circuit court clerk considers useful to provide assistance to the provisional voter in inquiring about the provisional ballot.**

**(b) The notice required by subsection (a) must be:**

**(1) sent by first class United States mail; or**

**(2) given by another method the circuit court clerk determines will provide actual notice to the voter.**

**(c) The notice required by subsection (a) must be in a form prescribed by the election division."**

Page 45, line 16, after "after" insert "**the polls close on**".

Page 49, line 34, after "after" insert "**the polls close on**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1365 as introduced.)

WESCO

Committee Vote: yeas 9, nays 4.

**EH 1365—LS 7073/DI 131**



## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1365, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, delete lines 17 through 24, begin a new paragraph and insert:

"SECTION 8. IC 3-5-7-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 5.5. (a) The requirements of this section apply only to a voting system initially certified for marketing and use in Indiana elections after January 1, 2022.**

**(b) If a candidate's legal name designated under this chapter includes a universally recognized pronunciation symbol, including an accent, hyphen, tilde, or umlaut, a:**

- (1) ballot;**
- (2) voting system screen;**
- (3) voting system activation card;**
- (4) voting system file; and**
- (5) voting system results report;**

**must display the symbol as part of the candidate's name.**

SECTION 9. IC 3-6-3.7-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 7. The secretary of state may provide parts and reports from the voter registration information from the computerized list, including the registration information described in IC 3-7-26.4-8, including an individual's voting history, upon written request to a law enforcement official conducting an investigation."**

Page 6, delete lines 17 through 33.

Page 10, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 17. IC 3-7-45-4, AS AMENDED BY P.L.128-2015, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under 52 U.S.C. 21083. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.**

**(b) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving**

**EH 1365—LS 7073/DI 131**



a copy of an obituary, notice of estate administration, or other notice of death of that person published:

- (1) in a newspaper in which a legal notice may be published under IC 5-3-1; or
- (2) on an Internet web site by a person licensed under IC 25-15.

(c) A county voter registration office may require additional written information before canceling the registration of a person under subsection (a) or (b) if the information contained in the death certificate or notice of death is insufficient to identify the person whose registration is to be canceled. If:

- (1) additional written information is not given to the county voter registration office; or
- (2) the additional written information is insufficient to identify the person whose registration is to be canceled;

the county voter registration office is not required to cancel the person's registration."

Page 28, delete lines 3 through 42.

Delete page 29.

Page 30, delete lines 1 through 6.

Page 50, line 39, strike "and".

Page 50, line 40, delete "." and insert ", and IC 3-11-2-14(e)".

Page 56, line 21, delete "." and insert ", except to the vendor from whom the county acquired the voting system unit or electronic poll book."

Page 58, line 13, after "state" insert "and the election division".

Page 58, line 21, after "VSTOP" insert "and the election division".

Page 58, line 28, after "state" insert "and the co-directors of the election division".

Page 58, line 30, delete "." and insert "and the co-directors of the election division."

Page 59, line 21, after "state" insert "and the election division".

Page 59, line 33, after "to" insert "the commission and".

Page 59, line 34, after "state" insert "and the election division".

Page 59, line 37, after "state" insert "and the election division".

Page 60, line 2, after "state" insert "and the election division".

Page 60, line 16, after "state" insert "and the election division".

Page 60, line 25, delete "." and insert "and the election division."

Page 60, line 29, after "state" insert "and the election division".

Page 77, between lines 23 and 24, begin a new line block indented and insert:

"(6) The successful challenge of candidate under IC 3-8-8.



**(7) The successful challenge of a candidate under sections 16.5 and 20.5 of this chapter."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1365 as printed February 2, 2021.)

FORD JON, Chairperson

Committee Vote: Yeas 7, Nays 0.

