

HOUSE BILL No. 1372

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-9-4-17; IC 3-11; IC 3-11.5-4-17.

Synopsis: Various election law matters. Provides that money received from civil penalties collected by a county election board may be used for any purpose relating to implementation of Indiana election law in the county. Increases from 1,200 to 2,000 the maximum number of active voters who may reside in a precinct. Provides that in a county that uses electronic poll books for absentee voting in the office of the circuit court clerk or at a satellite office, a voter is not required to file an absentee ballot application but is required only to sign the absentee ballot affidavit and the electronic poll book. Provides that any voter may submit an absentee ballot application by electronic mail. (Under current law only absent uniformed service voters, overseas voters, and address confidentiality voters are permitted to submit an application by electronic mail.) Requires that an absentee ballot marked and forwarded by a voter who subsequently dies be counted if the absentee ballot would otherwise be entitled to be counted if the voter had not died. Lengthens the period during which a traveling absentee voter board may visit a voter at the voter's place of confinement or residence from 12 days before an election to 19 days before an election.

Effective: July 1, 2015.

Richardson

January 14, 2015, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1372

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 3-9-4-17, AS AMENDED BY P.L.225-2011,
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 17. (a) In addition to any other penalty imposed,
4 a person who does any of the following is subject to a civil penalty
5 under this section:
6 (1) Fails to file with a county election board a report in the
7 manner required under IC 3-9-5.
8 (2) Fails to file a statement of organization required under
9 IC 3-9-1.
10 (3) Is a committee or a member of a committee who disburses or
11 expends money or other property for any political purpose before
12 the money or other property has passed through the hands of the
13 treasurer of the committee.
14 (4) Makes a contribution other than to a committee subject to this
15 article or to a person authorized by law or a committee to receive



- 1 contributions in the committee's behalf.
- 2 (5) Is a corporation or labor organization that exceeds any of the
- 3 limitations on contributions prescribed by IC 3-9-2-4.
- 4 (6) Makes a contribution in the name of another person.
- 5 (7) Accepts a contribution made by one (1) person in the name of
- 6 another person.
- 7 (8) Is not the treasurer of a committee subject to this article, and
- 8 pays any expenses of an election or a caucus except as authorized
- 9 by this article.
- 10 (9) Commingles the funds of a committee with the personal funds
- 11 of an officer, a member, or an associate of the committee.
- 12 (10) Wrongfully uses campaign contributions in violation of
- 13 IC 3-9-3-4.
- 14 (11) Fails to designate a contribution as required by IC 3-9-2-5(c).
- 15 (12) Violates IC 3-9-3-5.
- 16 (13) Serves as a treasurer of a committee in violation of any of the
- 17 following:
- 18 (A) IC 3-9-1-13(1).
- 19 (B) IC 3-9-1-13(2).
- 20 (C) IC 3-9-1-18.
- 21 (14) Violates IC 3-9-3-2.5 by making a communication that
- 22 contains a disclaimer that is not presented in a clear and
- 23 conspicuous manner, as required by IC 3-9-3-2.5(d) and
- 24 IC 3-9-3-2.5(e). This subdivision does not apply to a person
- 25 whose sole act is, in the normal course of business, participating
- 26 in the preparation, printing, distribution, or broadcast of the
- 27 communication containing the disclaimer.
- 28 (b) This subsection applies to a person who is subject to a civil
- 29 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
- 30 statement. If the county election board determines that a person failed
- 31 to file the report or a statement of organization not later than noon five
- 32 (5) days after being given notice under section 14 of this chapter, the
- 33 county election board may assess a civil penalty. The penalty is ten
- 34 dollars (\$10) for each day the report is late after the expiration of the
- 35 five (5) day period, not to exceed one hundred dollars (\$100) plus any
- 36 investigative costs incurred and documented by the board. The civil
- 37 penalty limit under this subsection applies to each report separately.
- 38 (c) This subsection applies to a person who is subject to a civil
- 39 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
- 40 statement. If the county election board determines that a person failed
- 41 to file the report or statement of organization by the deadline prescribed
- 42 under this article, the board shall assess a civil penalty. The penalty is



1 fifty dollars (\$50) for each day the report is late, with the afternoon of
2 the final date for filing the report or statement being calculated as the
3 first day. The civil penalty under this subsection may not exceed one
4 thousand dollars (\$1,000) plus any investigative costs incurred and
5 documented by the board. The civil penalty limit under this subsection
6 applies to each report separately.

7 (d) This subsection applies to a person who is subject to a civil
8 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
9 (a)(10). If the county election board determines that a person is subject
10 to a civil penalty under subsection (a), the board may assess a civil
11 penalty of not more than one thousand dollars (\$1,000), plus any
12 investigative costs incurred and documented by the board.

13 (e) This subsection applies to a person who is subject to a civil
14 penalty under subsection (a)(5). If the county election board determines
15 that a person is subject to a civil penalty under subsection (a)(5), the
16 board may assess a civil penalty of not more than three (3) times the
17 amount of the contribution in excess of the limit prescribed by
18 IC 3-9-2-4, plus any investigative costs incurred and documented by
19 the board.

20 (f) This subsection applies to a person who is subject to a civil
21 penalty under subsection (a)(11). If the county election board
22 determines that a corporation or a labor organization has failed to
23 designate a contribution in violation of IC 3-9-2-5(c), the board shall
24 assess a civil penalty equal to the greater of the following, plus any
25 investigative costs incurred and documented by the board:

26 (1) Two (2) times the amount of the contributions undesignated.

27 (2) One thousand dollars (\$1,000).

28 (g) This subsection applies to a person who is subject to a civil
29 penalty under subsection (a)(12). If the county election board
30 determines, by unanimous vote of the entire membership of the board,
31 that a person has violated IC 3-9-3-5, the board may assess a civil
32 penalty of not more than five hundred dollars (\$500), plus any
33 investigative costs incurred and documented by the board.

34 (h) This subsection applies to a person who is subject to a civil
35 penalty under subsection (a)(13). If the county election board
36 determines, by unanimous vote of the entire membership of the board,
37 that a person has served as the treasurer of a committee in violation of
38 any of the statutes listed in subsection (a)(13), the board may assess a
39 civil penalty of not more than five hundred dollars (\$500), plus any
40 investigative costs incurred and documented by the board.

41 (i) This subsection applies to a person who is subject to a civil
42 penalty under subsection (a)(14). If the board determines that a person



1 is subject to a civil penalty under subsection (a)(14), the board may
 2 assess a civil penalty of not more than one thousand dollars (\$1,000)
 3 for each communication circulated or published (but not for each of the
 4 copies of the communication actually circulated or published), plus any
 5 investigative costs incurred and documented by the election division.

6 (j) All civil penalties collected under this section shall be deposited
 7 with the county treasurer to be deposited by the county treasurer in a
 8 separate account. ~~to be known as the campaign finance enforcement~~
 9 ~~account.~~ The funds in the account are available, with the approval of
 10 the county fiscal body, to augment and supplement the funds
 11 appropriated for the administration of this ~~article.~~ **title in the county.**

12 (k) Money in the ~~campaign finance enforcement~~ account
 13 **established under subsection (j)** does not revert to the county general
 14 fund at the end of a county fiscal year.

15 (l) Proceedings of the county election board under this section are
 16 subject to IC 4-21.5.

17 SECTION 2. IC 3-11-1.5-3 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as
 19 provided in:

- 20 (1) subsection (b);
- 21 (2) subsection (c);
- 22 (3) section 3.2 of this chapter; or
- 23 (4) section 3.5 of this chapter;

24 a county executive shall establish precincts so that a precinct contains
 25 ~~no not~~ more than ~~one two~~ thousand ~~two hundred~~ (~~1,200~~) **(2,000)** active
 26 voters.

27 (b) This subsection applies to a precinct that includes:

- 28 (1) an entire township, but does not cross a township boundary in
 29 violation of section 4 of this chapter;
- 30 (2) an entire city legislative body district, but does not cross the
 31 boundary of a city legislative body district;
- 32 (3) an entire town legislative body district, but does not cross the
 33 boundary of a town legislative body district; or
- 34 (4) one (1) residential structure containing more than ~~one two~~
 35 thousand ~~two hundred~~ (~~1,200~~) **(2,000)** active voters and no other
 36 residential structure containing voters.

37 In changing precincts or establishing new precincts, a county executive
 38 shall arrange a precinct so that it will contain ~~no not~~ more than ~~one two~~
 39 thousand ~~five three~~ hundred (~~1,500~~) **(2,300)** active voters.

40 (c) A county executive is not required to establish precincts so that
 41 a precinct contains not more than ~~one two~~ thousand ~~two hundred~~
 42 (~~1,200~~) **(2,000)** active voters if the precinct:



- 1 (1) was established by the county executive in compliance with
 2 subsection (a) within the preceding forty-eight (48) months; and
 3 (2) contains not more than ~~one two~~ thousand ~~four two~~ hundred
 4 ~~(1,400)~~ **(2,200)** active voters.

5 SECTION 3. IC 3-11-4-1.5 IS ADDED TO THE INDIANA CODE
 6 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2015]: **Sec. 1.5. The provisions of this chapter relating to an
 8 absentee ballot application do not apply to a voter who votes:**

- 9 **(1) in person under IC 3-11-10-26 or IC 3-11-10-26.3; and**
 10 **(2) in a county using an electronic poll book.**

11 SECTION 4. IC 3-11-4-3, AS AMENDED BY P.L.219-2013,
 12 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2015]: Sec. 3. (a) Except as provided in section 6 of this
 14 chapter, an application for an absentee ballot must be received by the
 15 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of
 16 the board of elections and registration) not earlier than the date the
 17 registration period resumes under IC 3-7-13-10 nor later than the
 18 following:

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

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

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

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

- 27 (3) Noon on the day before election day if:

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

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

- 34 (4) 11:59 p.m. on the eighth day before election day if the
 35 application **is:**

36 (A) ~~is~~ a mailed application;

37 **(B) transmitted by electronic mail;**

38 ~~(B) was (C)~~ transmitted by fax; or

39 ~~(C) was (D)~~ hand delivered;

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

- 42 (b) An application for an absentee ballot received by the election



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

9 SECTION 5. IC 3-11-4-4, AS AMENDED BY P.L.219-2013,
 10 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2015]: Sec. 4. (a) Applications may be made on application
 12 forms approved by the commission by any of the following means:

- 13 (1) In person.
- 14 (2) By fax transmission.
- 15 (3) By mail (including United States mail or bonded courier).
- 16 (4) By electronic mail with a digital image of the application and
 17 signature of the applicant. ~~if transmitted by an absent uniformed
 18 services voter or an overseas voter acting under section 6 of this
 19 chapter.~~

20 (b) Application forms shall:

- 21 (1) be furnished to a central committee of the county at the
 22 request of the central committee;
- 23 (2) be:
 - 24 (A) mailed;
 - 25 (B) transmitted by fax; or
 - 26 (C) transmitted by electronic mail with a digital image of the
 27 application;
 upon request, to a voter applying by mail, by telephone, by
 28 electronic mail, or by fax; and
- 29 (3) be delivered to a voter in person who applies at the circuit
 30 court clerk's office.

31 (c) A county election board shall accept an application for an
 32 absentee ballot transmitted by fax even though the application is
 33 delivered to the county election board by a person other than the person
 34 submitting the application.

35 (d) When an application is received under subsection (a)(4), the
 36 circuit court clerk's office (or, in a county subject to IC 3-6-5.2 or
 37 IC 3-6-5.4, the office of the board of elections and registration) shall
 38 send an electronic mail receipt acknowledging receipt of the voter's
 39 application.
 40

41 SECTION 6. IC 3-11-4-5.7, AS ADDED BY P.L.66-2010,
 42 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 5.7. (a) As used in this section, "MOVE" refers to
 2 the Military and Overseas Voter Empowerment Act (~~Sections 577~~
 3 ~~through 589 of the National Defense Authorization Act for Fiscal Year~~
 4 ~~2010~~). (P.L. 111-84, Division A, Title V, Subtitle H (Section 575 et
 5 seq.)).

6 **(b) As used in this section, "voter" refers only to either of the**
 7 **following:**

8 **(1) An absent uniformed services voter.**

9 **(2) An overseas voter.**

10 ~~(b)~~ (c) Except as expressly provided by law, the state delegates its
 11 responsibilities to carry out the requirements of MOVE to each county
 12 election board (or board of elections and registration established under
 13 IC 3-6-5.2 or IC 3-6-5.4).

14 ~~(c)~~ (d) To implement ~~42 U.S.C. 1973ff-1~~, **52 U.S.C. 20302**,
 15 electronic mail, fax, and web publication are designated as means of
 16 communication for ~~an absent uniformed services voter or an overseas~~
 17 ~~a voter~~ to request a voter registration application and an absentee ballot
 18 application from the election division, a county election board, or a
 19 county voter registration office.

20 ~~(d)~~ (e) An office described in subsection ~~(c)~~ (d) that receives an
 21 electronic mail or fax from a voter shall provide an absentee ballot
 22 application or a voter registration application by electronic mail or fax
 23 to the voter if:

24 (1) requested by the voter; and

25 (2) the voter provides an electronic mail address or a fax number
 26 that permits the office to send an application not later than the end
 27 of the first business day after the office receives the
 28 communication from the voter.

29 If the electronic mail address or the fax number provided by the voter
 30 does not permit the office to send the voter an application not later than
 31 the end of the first business day after the office receives the
 32 communication, the office shall send the application to the voter by
 33 United States mail.

34 ~~(e)~~ (f) As required by ~~42 U.S.C. 1973ff-1~~, **52 U.S.C. 20302**, to the
 35 extent practicable and permitted under ~~state~~ **Indiana** law (including
 36 IC 3-7 and IC 5-14-3), an office described in subsection ~~(c)~~ (d) shall
 37 ensure that the procedures used to transmit an absentee ballot
 38 application or a voter registration application to an absent uniformed
 39 services voter or overseas voter protect the security and integrity of the
 40 application request processes, and that the privacy of the identity and
 41 other personal data of the voter who requests or is sent an application
 42 under subsection ~~(d)~~ (e) is protected throughout the process of making



1 the request or being sent the application.

2 ~~(f)~~ **(g)** As required under ~~42 U.S.C. 1973ff-1~~, **52 U.S.C. 20302**, an
3 office described in subsection ~~(e)~~ **(d)** shall include information
4 regarding the use of electronic mail, fax, and web publication with all
5 informational and instructional materials that are sent with an absentee
6 ballot application or an absentee ballot to an absent uniformed services
7 voter or overseas voter.

8 ~~(g)~~ **(h)** To implement Section 580 of MOVE, and in accordance with
9 IC 3-7-26.3-3, the secretary of state, with the approval of the election
10 division, shall develop a free access system that permits an absent
11 uniformed services voter or overseas voter to determine whether the
12 voter's absentee ballot has been received by the appropriate county
13 election board (or board of elections and registration), regardless of the
14 manner in which the absentee ballot was transmitted by the voter to the
15 board. To the extent permitted by IC 3-7 and IC 5-14-3, the system
16 must contain reasonable procedures to protect the security,
17 confidentiality, and integrity of personal information collected, stored,
18 or otherwise used on the system.

19 SECTION 7. IC 3-11-10-23 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. ~~If proof is given to~~
21 ~~a precinct election board that~~ **(a) This section applies if** an absentee
22 voter:

- 23 **(1) marked and forwarded an absentee ballot; but died before**
24 **election day; and**
25 **(2) subsequently dies.**

26 ~~then the inspector shall return the ballot of the deceased voter with the~~
27 ~~other defective ballots to the officer issuing the ballots. However, the~~
28 ~~casting of an~~

29 **(b) The deceased voter's absentee ballot by a deceased voter does**
30 **not invalidate an election: shall be counted if the absentee ballot**
31 **would otherwise be entitled to be counted if the voter had not died.**

32 SECTION 8. IC 3-11-10-25, AS AMENDED BY P.L.164-2006,
33 SECTION 108, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2015]: Sec. 25. (a) A voter who votes by
35 absentee ballot because of:

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

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

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



1 confinement, the residence of the voter with disabilities, or the private
2 residence:

- 3 (1) during the regular office hours of the circuit court clerk;
4 (2) at a time agreed to by the board and the voter;
5 (3) on any of the ~~twelve (12)~~ **nineteen (19)** days immediately
6 before election day; and
7 (4) only once before an election, unless:
8 (A) the confined voter is unavailable at the time of the board's
9 first visit due to a medical emergency; or
10 (B) the board, in its discretion, decides to make an additional
11 visit.

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

- 16 (1) agreed to by the board and the voter; and
17 (2) during the regular office hours of the circuit court clerk. A
18 person who knowingly violates this subsection commits
19 obstruction or interference with an election officer in the
20 discharge of the officer's duty, a violation of IC 3-14-3-4.

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

26 (e) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, a voter
27 casting an absentee ballot under this section must be:

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

38 (f) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an
39 absentee ballot is provided under this section, the board must also
40 provide the voter with:

- 41 (1) information concerning the effect of casting multiple votes for
42 an office; and



- 1 (2) instructions on how to correct the ballot before the ballot is
 2 cast and counted, including the issuance of replacement ballots.
- 3 (g) This subsection applies to a voter who applies to vote an
 4 absentee ballot by mail. The county election board shall include a copy
 5 of the Absentee Voter's Bill of Rights with any absentee ballot mailed
 6 to the voter.
- 7 SECTION 9. IC 3-11-10-26, AS AMENDED BY P.L.258-2013,
 8 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 26. (a) This subsection applies to all counties,
 10 except for a county to which IC 3-6-5.2 applies. As an alternative to
 11 voting by mail, a voter is entitled to cast an absentee ballot before an
 12 absentee voter board at any of the following:
- 13 (1) One (1) location of the office of the circuit court clerk
 14 designated by the circuit court clerk.
- 15 (2) A satellite office established under section 26.3 of this
 16 chapter.
- 17 (b) This subsection applies to a county to which IC 3-6-5.2 applies.
 18 As an alternative to voting by mail, a voter is entitled to cast an
 19 absentee ballot before an absentee voter board at any of the following:
- 20 (1) The office of the board of elections and registration.
- 21 (2) A satellite office established under section 26.3 of this
 22 chapter.
- 23 (c) Except for a location designated under subsection (a)(1), a
 24 location of the office of the circuit court clerk must be established as
 25 a satellite office under section 26.3 of this chapter in order to be used
 26 as a location at which a voter is entitled to cast an absentee ballot
 27 before an absentee voter board under this section.
- 28 (d) The voter must **do the following before being permitted to**
 29 **vote:**
- 30 (1) **This subdivision does not apply to a county that uses**
 31 **electronic poll books for voting under this section.** Sign an
 32 application on the form prescribed by the commission under
 33 IC 3-11-4-5.1. **and The application must be received by the**
 34 **circuit court clerk not later than the time prescribed by**
 35 **IC 3-11-4-3.**
- 36 (2) **This subdivision applies only to a county that uses**
 37 **electronic poll books for voting under this section. The voter**
 38 **must do both of the following:**
- 39 (A) **Make and subscribe to the affidavit prescribed by**
 40 **IC 3-11-4-21.**
- 41 (B) **Sign the electronic poll book.**
- 42 (2) (3) Provide proof of identification.



1 before being permitted to vote. The application must be received by the
 2 circuit court clerk not later than the time prescribed by IC 3-11-4-3.

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

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

22 (g) The absentee voter board in the office of the circuit court clerk
 23 must permit voters to cast absentee ballots under this section for at
 24 least seven (7) hours on each of the two (2) Saturdays preceding
 25 election day.

26 (h) Notwithstanding subsection (g), in a county with a population of
 27 less than twenty thousand (20,000), the absentee voter board in the
 28 office of the circuit court clerk, with the approval of the county election
 29 board, may reduce the number of hours available to cast absentee
 30 ballots under this section to a minimum of four (4) hours on each of the
 31 two (2) Saturdays preceding election day.

32 (i) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, a voter
 33 casting an absentee ballot under this section must be:

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



1 correct the ballot before the ballot is cast and counted.

2 (j) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an
3 absentee ballot is provided under this section, the board must also
4 provide the voter with:

5 (1) information concerning the effect of casting multiple votes for
6 an office; and

7 (2) instructions on how to correct the ballot before the ballot is
8 cast and counted, including the issuance of replacement ballots.

9 (k) If:

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

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

15 the voter shall be permitted to cast an absentee ballot and the voter's
16 absentee ballot shall be treated as a provisional ballot.

17 (l) A voter casting an absentee ballot under this section is entitled
18 to cast the voter's ballot in accordance with IC 3-11-9.

19 SECTION 10. IC 3-11-10-26.3, AS AMENDED BY P.L.194-2013,
20 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2015]: Sec. 26.3. (a) A county election board may adopt a
22 resolution to authorize the circuit court clerk to establish satellite
23 offices in the county where voters may cast absentee ballots before an
24 absentee voter board.

25 (b) To be adopted under this section, a resolution must be adopted
26 by the unanimous vote of the board's entire membership.

27 (c) A resolution adopted under this section must do the following:

28 (1) State the locations of the satellite offices.

29 (2) State the hours at which absentee voting may occur at the
30 satellite offices.

31 (d) The resolution may contain other provisions the board considers
32 useful.

33 (e) If a resolution is adopted under this section for a primary
34 election, the locations of the satellite offices and the hours at which
35 absentee voting may occur at the satellite offices established for the
36 primary election must be used for the subsequent general or municipal
37 election.

38 (f) If a resolution is adopted under this section, the procedure for
39 casting an absentee ballot at a satellite office must, except as provided
40 in this section, be substantially the same as the procedure for casting an
41 absentee ballot in the office of the circuit court clerk **under section 26**
42 **of this chapter.**



1 (g) A voter casting an absentee ballot under this section is entitled
2 to cast the voter's ballot in accordance with IC 3-11-9.

3 (h) A satellite office established by a circuit court clerk under this
4 section must comply with the polling place accessibility requirements
5 of IC 3-11-8.

6 (i) A resolution adopted under this section expires January 1 of the
7 year immediately after the year in which the resolution is adopted.

8 SECTION 11. IC 3-11.5-4-17 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) ~~If proof is given~~
10 ~~to the absentee ballot counters that~~ **This section applies if** an absentee
11 voter:

12 (1) marked and forwarded an absentee ballot; ~~but died before~~
13 ~~election day; and~~

14 (2) **subsequently dies.**

15 ~~the ballot of the deceased voter shall be rejected under section 13 of~~
16 ~~this chapter and retained with the other rejected ballots under section~~
17 ~~14 of this chapter.~~

18 (b) ~~The casting of an~~ **deceased voter's** absentee ballot by a
19 ~~deceased voter does not invalidate an election.~~ **shall be counted if the**
20 **absentee ballot would otherwise be entitled to be counted if the**
21 **voter had not died.**

