



February 13, 2015

## HOUSE BILL No. 1372

DIGEST OF HB 1372 (Updated February 11, 2015 5:41 pm - DI 75)

**Citations Affected:** IC 3-7; IC 3-9; IC 3-10; IC 3-11; IC 3-11.5; IC 24-5.

**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.) Permits a county election board of a county that is not a vote center county to authorize the use of electronic poll books either: (1) during early voting at the circuit court clerk's office and at satellite offices and in the county's precincts on election day; or (2) only during early voting at the clerk's office and satellite offices. 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. Provides that the statute prohibiting the use of an automatic dialing-announcing device does not apply to messages to voters from a county election board, a county board of elections and registration, or a county voter registration office.

**Effective:** July 1, 2015.

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**Richardson**

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January 14, 2015, read first time and referred to Committee on Elections and Apportionment.  
February 12, 2015, amended, reported — Do Pass.

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HB 1372—LS 7015/DI 75





February 13, 2015

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

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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 3-7-29-1, AS AMENDED BY P.L.64-2014,  
2       SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (f), this  
4       section does not apply to a county that:  
5               (1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this  
6               chapter; or  
7               (2) is a vote center county under IC 3-11-18.1.  
8       (b) Not later than ten (10) days before the election at which the  
9       registration record is to be used, the county voter registration office  
10      shall prepare certified copies of the list of registered voters for each  
11      precinct in the county.  
12      (c) The lists must contain the following information concerning  
13      each registered voter:  
14               (1) The full name of the voter.  
15               (2) The address of the voter.

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(3) The assigned voter identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

(5) The date of birth of the voter, including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.

(6) The scanned signature of the voter.

(7) Whether the voter is required to provide an affirmation of the voter's residence.

(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.

(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.

(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement:

(1) by signing a poll list; or

(2) on a poll list concerning the individual's name, voter identification number, or residence address;

commits a Level 6 felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll book; and

(2) indicates that an individual commits a Level 6 felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer concerning:

(A) the individual's name;



(B) the individual's voter identification number; or

(C) the individual's residence address.

SECTION 2. IC 3-7-29-2, AS AMENDED BY P.L.271-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

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

(b) After the county election board receives a request from the county chairman of a major political party, not more than two (2) copies of the list required by this chapter shall be prepared and furnished to the inspector of the precinct for use at the polls on election day. The inspector may provide a list furnished under this section to any other precinct officer.

SECTION 3. IC 3-7-29-3, AS AMENDED BY P.L.258-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

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

(b) When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter and other necessary registration supplies.

SECTION 4. IC 3-7-29-4, AS AMENDED BY P.L.64-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

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

(b) The county voter registration office may also provide the inspector of each precinct in the county with a scanned copy of the signature on the affidavit of registration (or a more recent signature of the voter from an absentee application, poll list, or registration document) of each voter of the precinct for the comparison of signatures under IC 3-10-1-24.6 or IC 3-11-8-25.1.

SECTION 5. IC 3-7-29-6, AS AMENDED BY P.L.64-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) ~~If~~ A county election board ~~adopts~~ **may adopt** an order to provide an electronic poll book to the inspector for use at ~~a~~ **the following**:



(1) Polling places, an office of the circuit court clerk (under IC 3-11-10-26), ~~or~~ **and** at a satellite ~~office~~ **offices** established under IC 3-11-10-26.3. Electronic poll books shall be used at an election (rather than certified poll lists prepared under this chapter) in all precincts in which the election is to be conducted.

**(2) Only at an office of the circuit court clerk (under IC 3-11-10-26) and satellite offices established under IC 3-11-10-26.3.**

(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll book at an election (rather than requiring voters to sign certified poll lists prepared under this chapter) **at each location that an electronic poll book is used.**

(c) The county voter registration office shall download the information required to be available on an electronic poll book before the electronic poll list is delivered and installed as required by IC 3-11-3-11(b).

(d) An electronic poll book used ~~in a polling place; the office of a circuit court clerk under IC 3-11-10-26; or a satellite office established under IC 3-11-10-26.3;~~ under an order adopted under subsection (a) must:

(1) comply with IC 3-11-8-10.3; and

(2) be approved by the secretary of state in accordance with the procedures set forth in IC 3-11-18.1-12.

SECTION 6. IC 3-7-39-7, AS AMENDED BY P.L.64-2014, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section applies to a voter who changes residence to an address in the same precinct where the voter's former residence was located.

(b) As required under ~~42 U.S.C. 1973gg-6(c)(1);~~ **52 U.S.C. 20507(e)(1)**, a voter described in subsection (a) may vote at the precinct polling place after the voter makes an oral or a written affirmation of the change of address before a member of the precinct election board.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order



1 under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under  
 2 IC 3-11-18.1. A voter described in subsection (a) may make a written  
 3 affirmation of the voter's change of residence on election day using the  
 4 affidavit prescribed by the commission under IC 3-10-11-6. If the voter  
 5 makes an oral affirmation under this subsection, the poll clerks shall  
 6 reduce the substance of the affirmation to writing using the affidavit  
 7 prescribed by the commission under IC 3-10-11-6 and initial the  
 8 affirmation.

9 SECTION 7. IC 3-7-41-2, AS AMENDED BY P.L.64-2014,  
 10 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2015]: Sec. 2. (a) The statement described in section 1 of this  
 12 chapter may be filed with the county voter registration office at any  
 13 time.

14 (b) A voter who wishes to indicate that the voter's name has changed  
 15 may also write the necessary information concerning the name change  
 16 on the poll list under IC 3-11-8-25.1 before the person receives a ballot.  
 17 The change of name on the voter registration record is effective  
 18 immediately, and the person may then vote if otherwise qualified.

19 (c) This subsection applies to a county that has adopted an order  
 20 under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under  
 21 IC 3-11-18.1. A voter described in subsection (b) may indicate that the  
 22 voter's name has changed by writing the necessary information  
 23 concerning the name change on election day using the affidavit  
 24 prescribed by the commission under IC 3-10-11-6. The poll clerks shall  
 25 initial the affirmation. The change of name on the voter registration  
 26 record is effective immediately, and the person may then vote if  
 27 otherwise qualified.

28 SECTION 8. IC 3-7-48-5, AS AMENDED BY P.L.64-2014,  
 29 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2015]: Sec. 5. (a) This section applies to a voter who:

31 (1) formerly resided in a precinct according to the voter  
 32 registration record; and

33 (2) no longer resides in that precinct according to the voter  
 34 registration record.

35 (b) As provided under ~~42 U.S.C. 1973gg-6(e)(3)~~, **52 U.S.C.**  
 36 **20507(e)(3)**, a voter described by subsection (a) may vote in the  
 37 precinct where the voter formerly resided (according to the voter  
 38 registration record) if the voter makes an oral or a written affirmation  
 39 to a member of the precinct election board that the voter continues to  
 40 reside at the address shown as the voter's former residence on the voter  
 41 registration record.

42 (c) A person entitled to make a written affirmation under subsection



(b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation described in this section on the affidavit prescribed by the commission under IC 3-10-11-6. If the person makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing by using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

SECTION 9. IC 3-9-4-17, AS AMENDED BY P.L.225-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

- (1) Fails to file with a county election board a report in the manner required under IC 3-9-5.
- (2) Fails to file a statement of organization required under IC 3-9-1.
- (3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
- (4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions in the committee's behalf.
- (5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.
- (6) Makes a contribution in the name of another person.
- (7) Accepts a contribution made by one (1) person in the name of another person.
- (8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.
- (9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.
- (10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.





(11) Fails to designate a contribution as required by IC 3-9-2-5(c).

(12) Violates IC 3-9-3-5.

(13) Serves as a treasurer of a committee in violation of any of the following:

(A) IC 3-9-1-13(1).

(B) IC 3-9-1-13(2).

(C) IC 3-9-1-18.

(14) Violates IC 3-9-3-2.5 by making a communication that contains a disclaimer that is not presented in a clear and conspicuous manner, as required by IC 3-9-3-2.5(d) and IC 3-9-3-2.5(e). This subdivision does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the county election board determines that a person failed to file the report or a statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the county election board may assess a civil penalty. The penalty is ten dollars (\$10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars (\$100) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the county election board determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the board shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

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

(e) This subsection applies to a person who is subject to a civil



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

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

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

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

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

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

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the board determines that a person is subject to a civil penalty under subsection (a)(14), the board may assess a civil penalty of not more than one thousand dollars (\$1,000) for each communication circulated or published (but not for each of the copies of the communication actually circulated or published), plus any investigative costs incurred and documented by the election division.

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

(k) Money in the ~~campaign finance enforcement~~ account **established under subsection (j)** does not revert to the county general



fund at the end of a county fiscal year.

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

SECTION 10. IC 3-10-1-7.1, AS AMENDED BY P.L.76-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.1. (a) This subsection does not apply to a county in which electronic poll books are used under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1. Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll books are used under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged.

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

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

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

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

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



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

4 (c) A county executive is not required to establish precincts so that  
 5 a precinct contains not more than ~~one two~~ thousand ~~two hundred~~  
 6 ~~(1,200)~~ **(2,000)** active voters if the precinct:

7 (1) was established by the county executive in compliance with  
 8 subsection (a) within the preceding forty-eight (48) months; and

9 (2) contains not more than ~~one two~~ thousand ~~four two~~ hundred  
 10 ~~(1,400)~~ **(2,200)** active voters.

11 SECTION 12. IC 3-11-3-11, AS AMENDED BY P.L.76-2014,  
 12 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b), the  
 14 county election board shall deliver the following to each inspector or  
 15 the inspector's representative:

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

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

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

23 (A) In those precincts where ballot card voting systems are to  
 24 be used, the number of ballots at least equal to one hundred  
 25 percent (100%) of the number of voters in the inspector's  
 26 precinct, according to the poll list.

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

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

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

35 (5) Copies of the voter's bill of rights for posting as required by ~~42~~  
 36 ~~U.S.C. 15482~~ **52 U.S.C. 21082**.

37 (6) Copies of the instructions for a provisional voter required by  
 38 ~~42 U.S.C. 15482~~ **52 U.S.C. 21082**. The county election board  
 39 shall provide at least the number of copies of the instructions as  
 40 the number of provisional ballots provided under subdivision (3).

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

42 (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~~; **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.

SECTION 13. IC 3-11-3-16, AS AMENDED BY P.L.64-2014, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) Except as provided in subsection (b), each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8.

(b) In a county described by ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1, the electronic poll books shall be delivered and installed for use by the county election board under section 11(b) of this chapter.

(c) The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 (or in the use of the electronic poll books).

SECTION 14. IC 3-11-4-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. The provisions of this chapter relating to an absentee ballot application do not apply to a voter who votes:**

**(1) in person under IC 3-11-10-26 or IC 3-11-10-26.3; and**

**(2) in a county using an electronic poll book.**

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

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

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

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

(B) is an absent uniformed services voter or overseas voter



- 1 who requests that the ballot be transmitted by electronic mail  
 2 or fax under section 6(h) of this chapter.
- 3 (3) Noon on the day before election day if:  
 4 (A) the application is a mailed, transmitted by fax, or hand  
 5 delivered application from a confined voter or voter caring for  
 6 a confined person; and  
 7 (B) the applicant requests that the absentee ballots be  
 8 delivered to the applicant by an absentee voter board under  
 9 IC 3-11-10-25.
- 10 (4) 11:59 p.m. on the eighth day before election day if the  
 11 application **is**:  
 12 (A) ~~is~~ a mailed application;  
 13 **(B) transmitted by electronic mail;**  
 14 ~~(B) was (C)~~ transmitted by fax; or  
 15 ~~(C) was (D)~~ hand delivered;  
 16 from other voters who request to vote by mail under  
 17 IC 3-11-10-24.
- 18 (b) An application for an absentee ballot received by the election  
 19 division by the time and date specified by subsection (a)(2)(B), (a)(3),  
 20 or (a)(4) is considered to have been timely received for purposes of  
 21 processing by the county. The election division shall immediately  
 22 transmit the application to the circuit court clerk, or the director of the  
 23 board of elections and registration, of the county where the applicant  
 24 resides. The election division is not required to complete or file the  
 25 affidavit required under section 2(h) of this chapter whenever the  
 26 election division transmits an application under this subsection.
- 27 SECTION 16. IC 3-11-4-4, AS AMENDED BY P.L.219-2013,  
 28 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 4. (a) Applications may be made on application  
 30 forms approved by the commission by any of the following means:  
 31 (1) In person.  
 32 (2) By fax transmission.  
 33 (3) By mail (including United States mail or bonded courier).  
 34 (4) By electronic mail with a digital image of the application and  
 35 signature of the applicant. ~~if transmitted by an absent uniformed~~  
 36 ~~services voter or an overseas voter acting under section 6 of this~~  
 37 ~~chapter.~~  
 38 (b) Application forms shall:  
 39 (1) be furnished to a central committee of the county at the  
 40 request of the central committee;  
 41 (2) be:  
 42 (A) mailed;



- 1 (B) transmitted by fax; or  
 2 (C) transmitted by electronic mail with a digital image of the  
 3 application;  
 4 upon request, to a voter applying by mail, by telephone, by  
 5 electronic mail, or by fax; and  
 6 (3) be delivered to a voter in person who applies at the circuit  
 7 court clerk's office.
- 8 (c) A county election board shall accept an application for an  
 9 absentee ballot transmitted by fax even though the application is  
 10 delivered to the county election board by a person other than the person  
 11 submitting the application.
- 12 (d) When an application is received under subsection (a)(4), the  
 13 circuit court clerk's office (or, in a county subject to IC 3-6-5.2 or  
 14 IC 3-6-5.4, the office of the board of elections and registration) shall  
 15 send an electronic mail receipt acknowledging receipt of the voter's  
 16 application.
- 17 SECTION 17. IC 3-11-4-5.7, AS ADDED BY P.L.66-2010,  
 18 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2015]: Sec. 5.7. (a) As used in this section, "MOVE" refers to  
 20 the Military and Overseas Voter Empowerment Act ~~(Sections 577~~  
 21 ~~through 589 of the National Defense Authorization Act for Fiscal Year~~  
 22 ~~2010)~~. **(P.L. 111-84, Division A, Title V, Subtitle H (Section 575 et**  
 23 **seq.)).**
- 24 **(b) As used in this section, "voter" refers only to either of the**  
 25 **following:**
- 26 **(1) An absent uniformed services voter.**  
 27 **(2) An overseas voter.**
- 28 ~~(b)~~ (c) Except as expressly provided by law, the state delegates its  
 29 responsibilities to carry out the requirements of MOVE to each county  
 30 election board (or board of elections and registration established under  
 31 IC 3-6-5.2 or IC 3-6-5.4).
- 32 ~~(c)~~ (d) To implement ~~42 U.S.C. 1973ff-1, 52 U.S.C. 20302,~~  
 33 electronic mail, fax, and web publication are designated as means of  
 34 communication for ~~an absent uniformed services voter or an overseas~~  
 35 ~~a voter to request a voter registration application and an absentee ballot~~  
 36 ~~application from the election division, a county election board, or a~~  
 37 ~~county voter registration office.~~
- 38 ~~(d)~~ (e) An office described in subsection ~~(c)~~ (d) that receives an  
 39 electronic mail or fax from a voter shall provide an absentee ballot  
 40 application or a voter registration application by electronic mail or fax  
 41 to the voter if:  
 42 (1) requested by the voter; and



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

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

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

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

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

SECTION 18. IC 3-11-8-10.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10.4. (a) This section applies to a county if the county election board has adopted an order under IC 3-7-29-6(a)(2) for the use of electronic poll books only at an office of the circuit court clerk and satellite offices established**





under IC 3-11-10-26.3.

(b) Notwithstanding section 10.3 of this chapter, the county election board is not required to do either of the following:

(1) Transmit information electronically from electronic poll books to precincts on election day.

(2) Generate reports for watchers, political parties, or independent candidates for election day.

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

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

(2) subsequently dies.

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

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

SECTION 20. IC 3-11-10-25, AS AMENDED BY P.L.164-2006, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 ~~twelve (12)~~ **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 ~~42 U.S.C. 15481~~, **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 ~~42 U.S.C. 15481~~, **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.

SECTION 21. IC 3-11-10-26, AS AMENDED BY P.L.258-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 commission under IC 3-11-4-5.1. **and 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. The voter must do both of the following:**

(A) **Make and subscribe to the affidavit prescribed by IC 3-11-4-21.**

(B) **Sign the electronic poll book.**

~~(2) (3) Provide proof of identification.~~

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

(e) 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.

(f) 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.

(g) 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.

(h) Notwithstanding subsection (g), 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.

(i) As provided by ~~42 U.S.C. 15481~~, **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.

(j) As provided by ~~42 U.S.C. 15481~~, **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.

(k) 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 an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

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

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

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

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

(1) State the locations of the satellite offices.

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

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

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

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

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

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

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

SECTION 23. IC 3-11.5-4-8, AS AMENDED BY P.L.76-2014, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll book under



1 ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or  
 2 (2) is a vote center county under IC 3-11-18.1;  
 3 if the electronic poll book used at a polling place or vote center is  
 4 immediately updated to indicate the county received, not later than  
 5 noon on election day, an absentee ballot from a voter.

6 (b) Each county election board shall certify the names of voters:  
 7 (1) to whom absentee ballots were sent or who marked ballots in  
 8 person; and  
 9 (2) whose ballots have been received by the board under this  
 10 chapter;  
 11 after the certification under section 1 of this chapter and not later than  
 12 noon on election day.

13 (c) The county election board shall have:  
 14 (1) the certificates described in subsection (b); and  
 15 (2) the circuit court clerk's certificates for voters who have  
 16 registered and voted under IC 3-7-36-14;  
 17 delivered to the precinct election boards at their respective polls on  
 18 election day by couriers appointed under section 22 of this chapter.

19 (d) The certificates shall be delivered not later than 3 p.m. on  
 20 election day.

21 SECTION 24. IC 3-11.5-4-9, AS AMENDED BY P.L.76-2014,  
 22 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2015]: Sec. 9. (a) This section does not apply to a county that:

24 (1) has adopted an order to use an electronic poll book under  
 25 ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or  
 26 (2) is a vote center county under IC 3-11-18.1;  
 27 if the electronic poll book used at a polling place or vote center is  
 28 immediately updated to indicate that the county received, not later than  
 29 noon on election day, an absentee ballot from a voter.

30 (b) Upon delivery of the certificates under section 8 of this chapter  
 31 to a precinct election board, the inspector shall do the following in the  
 32 presence of the poll clerks:

33 (1) Mark the poll list.  
 34 (2) Attach the certificates of voters who have registered and voted  
 35 under IC 3-7-36-14 to the poll list.

36 The poll clerks shall sign the statement printed on the certificate  
 37 indicating that the inspector marked the poll list and attached the  
 38 certificates under this section in the presence of both poll clerks to  
 39 indicate that the absentee ballot of the voter has been received by the  
 40 county election board.

41 (c) The inspector shall then deposit:  
 42 (1) the certificate prepared under section 1 of this chapter;



1 (2) the certificate prepared under section 8 of this chapter; and  
 2 (3) any challenge affidavit executed by a qualified person under  
 3 section 15 of this chapter;  
 4 in an envelope in the presence of both poll clerks.

5 (d) The inspector shall seal the envelope. The inspector and each  
 6 poll clerk shall then sign a statement printed on the envelope indicating  
 7 that the inspector or poll clerk has complied with the requirements of  
 8 this chapter governing the marking of the poll list and certificates.

9 (e) The couriers shall immediately return the envelope described in  
 10 subsection (c) to the county election board. Upon delivering the  
 11 envelope to the county election board, each courier shall sign a  
 12 statement printed on the envelope indicating that the courier has not  
 13 opened or tampered with the envelope since the envelope was delivered  
 14 to the courier.

15 SECTION 25. IC 3-11.5-4-11, AS AMENDED BY P.L.76-2014,  
 16 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b), at  
 18 any time after the couriers return the certificate under section 9 of this  
 19 chapter, absentee ballot counters appointed under section 22 of this  
 20 chapter, in the presence of the county election board, shall, except for  
 21 a ballot rejected under section 13 of this chapter:

22 (1) open the outer or carrier envelope containing an absentee  
 23 ballot envelope and application;

24 (2) announce the absentee voter's name; and

25 (3) compare the signature upon the application with the signature  
 26 upon the affidavit on the ballot envelope or transmitted affidavit.

27 (b) This subsection applies to a county that:

28 (1) has adopted an order to use an electronic poll book under  
 29 ~~IC 3-7-29-6~~; IC 3-7-29-6(a)(1); or

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

31 Immediately after the electronic poll books used at each polling place  
 32 or vote center have been updated to indicate that the county received,  
 33 not later than noon on election day, an absentee ballot from a voter, the  
 34 absentee ballot counters shall, in a central counting location designated  
 35 by the county election board, count the absentee ballot votes cast for  
 36 each candidate for each office and on each public question in the  
 37 precinct.

38 SECTION 26. IC 3-11.5-4-15, AS AMENDED BY P.L.64-2014,  
 39 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2015]: Sec. 15. (a) Except as provided in subsection (c), the  
 41 vote of an absentee voter may be challenged at the polls for the reason  
 42 that the absentee voter is not a legal voter of the precinct where the



1 ballot is being cast.

2 (b) Before the inspector prepares to mark the poll list to indicate that  
3 an absentee ballot cast by the voter has been received by the county  
4 election board according to a certificate delivered to the polls under  
5 section 1 or section 8 of this chapter, the inspector shall notify the  
6 challengers and the pollbook holders that the inspector is about to mark  
7 the poll list under this section. The inspector shall provide the  
8 challengers and pollbook holders with the name and address of each  
9 voter listed in the certificate so that the voter may be challenged under  
10 this article.

11 (c) This section applies to a county that:

12 (1) has adopted an order to use an electronic poll list under  
13 ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

15 The vote of an absentee ballot may be challenged for the reason that the  
16 absentee voter is not a legal voter of the precinct for which the absentee  
17 ballot was issued. Before the absentee ballot counters process an  
18 absentee ballot, the absentee ballot counters shall notify the county  
19 election board. A county election board member, or a representative  
20 designated by a county election board member, may challenge the  
21 absentee ballot under section 16 of this chapter.

22 (d) The challenge under this section must be determined using the  
23 procedures for counting a provisional ballot under IC 3-11.7.

24 SECTION 27. IC 3-11.5-4-17 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) ~~If proof is given~~  
26 ~~to the absentee ballot counters that~~ **This section applies if** an absentee  
27 voter:

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

30 (2) **subsequently dies.**

31 ~~the ballot of the deceased voter shall be rejected under section 13 of~~  
32 ~~this chapter and retained with the other rejected ballots under section~~  
33 ~~14 of this chapter.~~

34 (b) ~~The casting of an deceased voter's absentee ballot by a~~  
35 ~~deceased voter does not invalidate an election. shall be counted if the~~  
36 ~~absentee ballot would otherwise be entitled to be counted if the~~  
37 ~~voter had not died.~~

38 SECTION 28. IC 3-11.5-4-22, AS AMENDED BY P.L.76-2014,  
39 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2015]: Sec. 22. (a) Except as provided in subsection (b), each  
41 county election board shall appoint:

42 (1) absentee voter boards;





(2) teams of absentee ballot counters; and  
 (3) teams of couriers;  
 consisting of two (2) voters of the county, one (1) from each of the two  
 (2) political parties that have appointed members on the county  
 election board.

(b) Notwithstanding subsection (a), a county election board:

(1) may appoint, by a unanimous vote of the board's members,  
 only one (1) absentee ballot courier if the person appointed is a  
 voter of the county; and

(2) shall not appoint teams of couriers, if the county:

(A) has adopted an order to use an electronic poll book under

~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

(c) An otherwise qualified person is eligible to serve on an absentee  
 voter board or as an absentee ballot counter or a courier unless the  
 person:

(1) is unable to read, write, and speak the English language;

(2) has any property bet or wagered on the result of the election;

(3) is a candidate to be voted for at the election except as an  
 unopposed candidate for precinct committeeman or state  
 convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child,  
 son-in-law, daughter-in-law, grandparent, grandchild, brother,  
 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece  
 of a candidate or declared write-in candidate to be voted for at the  
 election except as an unopposed candidate. This subdivision  
 disqualifies a person whose relationship to the candidate is the  
 result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or  
 who is related to a candidate in a manner that would result in  
 disqualification under subsection (c) may, notwithstanding subsection  
 (c), serve as a member of an absentee voter board if:

(1) the candidate is seeking nomination or election to an office in  
 an election district that does not consist of the entire county; and

(2) the county election board restricts the duties of the person as  
 an absentee voter board member to performing functions that  
 could have no influence on the casting or counting of absentee  
 ballots within the election district.

SECTION 29. IC 3-11.5-4-24, AS AMENDED BY P.L.76-2014,  
 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2015]: Sec. 24. (a) This section does not apply to a county  
 that:



(1) has adopted an order to use an electronic poll book under

~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

(b) In addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

(1) mark the poll list; and

(2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;

in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board according to the certificate supplied under section 1 of this chapter.

(c) The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

(1) marked the poll list; and

(2) attached the certificates described in subsection (b)(2); under this section in the presence of both poll clerks.

(d) The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

SECTION 30. IC 3-11.5-5-3, AS AMENDED BY P.L.76-2014, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board have made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct.

(b) This section applies to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated



by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 31. IC 3-11.5-6-3, AS AMENDED BY P.L.76-2014, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

(b) This subsection applies to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 32. IC 24-5-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section does not apply to **any of the following** messages:

(1) **Messages** from school districts to students, parents, or employees.

(2) **Messages** to subscribers with whom the caller has a current business or personal relationship. ~~or~~

(3) **Messages** advising employees of work schedules.

(4) **Messages to voters from a county election board (established by IC 3-6-5-1), a county board of elections and registration (established by IC 3-6-5.2-3 or IC 3-6-5.4-3), or a county voter registration office (as defined in IC 3-5-2-16.2).**



- 1 (b) A caller may not use or connect to a telephone line an automatic
- 2 dialing-announcing device unless:
- 3 (1) the subscriber has knowingly or voluntarily requested,
- 4 consented to, permitted, or authorized receipt of the message; or
- 5 (2) the message is immediately preceded by a live operator who
- 6 obtains the subscriber's consent before the message is delivered.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1372, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-7-29-1, AS AMENDED BY P.L.64-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (f), this section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

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

(b) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(c) The lists must contain the following information concerning each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

(3) The assigned voter identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

(5) The date of birth of the voter, including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.

(6) The scanned signature of the voter.

(7) Whether the voter is required to provide an affirmation of the voter's residence.

(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.

(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.

(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation



required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement:

(1) by signing a poll list; or

(2) on a poll list concerning the individual's name, voter identification number, or residence address;

commits a Level 6 felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll book; and

(2) indicates that an individual commits a Level 6 felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer concerning:

(A) the individual's name;

(B) the individual's voter identification number; or

(C) the individual's residence address.

SECTION 2. IC 3-7-29-2, AS AMENDED BY P.L.271-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

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

(b) After the county election board receives a request from the county chairman of a major political party, not more than two (2) copies of the list required by this chapter shall be prepared and furnished to the inspector of the precinct for use at the polls on election day. The inspector may provide a list furnished under this section to any other precinct officer.

SECTION 3. IC 3-7-29-3, AS AMENDED BY P.L.258-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or



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

(b) When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter and other necessary registration supplies.

SECTION 4. IC 3-7-29-4, AS AMENDED BY P.L.64-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

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

(b) The county voter registration office may also provide the inspector of each precinct in the county with a scanned copy of the signature on the affidavit of registration (or a more recent signature of the voter from an absentee application, poll list, or registration document) of each voter of the precinct for the comparison of signatures under IC 3-10-1-24.6 or IC 3-11-8-25.1.

SECTION 5. IC 3-7-29-6, AS AMENDED BY P.L.64-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) ~~If~~ A county election board ~~adopts~~ **may adopt** an order to provide an electronic poll book to the inspector for use at ~~a~~ **the following**:

(1) Polling places, an office of the circuit court clerk (under IC 3-11-10-26), ~~or and at a satellite office~~ **offices** established under IC 3-11-10-26.3. Electronic poll books shall be used at an election (rather than certified poll lists prepared under this chapter) in all precincts in which the election is to be conducted.

(2) **Only at an office of the circuit court clerk (under IC 3-11-10-26) and satellite offices established under IC 3-11-10-26.3.**

(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll book at an election (rather than requiring voters to sign certified poll lists prepared under this chapter) **at each location that an electronic poll book is used.**

(c) The county voter registration office shall download the information required to be available on an electronic poll book before the electronic poll list is delivered and installed as required by IC 3-11-3-11(b).

(d) An electronic poll book used ~~in a polling place; the office of a circuit court clerk under IC 3-11-10-26; or a satellite office established~~



~~under IC 3-11-10-26.3~~; under an order adopted under subsection (a) must:

- (1) comply with IC 3-11-8-10.3; and
- (2) be approved by the secretary of state in accordance with the procedures set forth in IC 3-11-18.1-12.

SECTION 6. IC 3-7-39-7, AS AMENDED BY P.L.64-2014, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section applies to a voter who changes residence to an address in the same precinct where the voter's former residence was located.

(b) As required under ~~42 U.S.C. 1973gg-6(c)(1)~~, **52 U.S.C. 20507(e)(1)**, a voter described in subsection (a) may vote at the precinct polling place after the voter makes an oral or a written affirmation of the change of address before a member of the precinct election board.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation of the voter's change of residence on election day using the affidavit prescribed by the commission under IC 3-10-11-6. If the voter makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

SECTION 7. IC 3-7-41-2, AS AMENDED BY P.L.64-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The statement described in section 1 of this chapter may be filed with the county voter registration office at any time.

(b) A voter who wishes to indicate that the voter's name has changed may also write the necessary information concerning the name change on the poll list under IC 3-11-8-25.1 before the person receives a ballot. The change of name on the voter registration record is effective immediately, and the person may then vote if otherwise qualified.

(c) This subsection applies to a county that has adopted an order





under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under IC 3-11-18.1. A voter described in subsection (b) may indicate that the voter's name has changed by writing the necessary information concerning the name change on election day using the affidavit prescribed by the commission under IC 3-10-11-6. The poll clerks shall initial the affirmation. The change of name on the voter registration record is effective immediately, and the person may then vote if otherwise qualified.

SECTION 8. IC 3-7-48-5, AS AMENDED BY P.L.64-2014, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section applies to a voter who:

- (1) formerly resided in a precinct according to the voter registration record; and
- (2) no longer resides in that precinct according to the voter registration record.

(b) As provided under ~~42 U.S.C. 1973gg-6(c)(3)~~, **52 U.S.C. 20507(e)(3)**, a voter described by subsection (a) may vote in the precinct where the voter formerly resided (according to the voter registration record) if the voter makes an oral or a written affirmation to a member of the precinct election board that the voter continues to reside at the address shown as the voter's former residence on the voter registration record.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation described in this section on the affidavit prescribed by the commission under IC 3-10-11-6. If the person makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing by using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation."

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 10. IC 3-10-1-7.1, AS AMENDED BY P.L.76-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.1. (a) This subsection does not apply to a county in which electronic poll books are used under ~~IC 3-7-29-6~~



**IC 3-7-29-6(a)(1)** or IC 3-11-18.1. Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll books are used under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged."

Page 5, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 12. IC 3-11-3-11, AS AMENDED BY P.L.76-2014, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 ~~42 U.S.C. 15482~~ **52 U.S.C. 21082**.



- (6) Copies of the instructions for a provisional voter required by ~~42 U.S.C. 15482~~ **52 U.S.C. 21082**. 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~~ **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.

SECTION 13. IC 3-11-3-16, AS AMENDED BY P.L.64-2014, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) Except as provided in subsection (b), each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8.

(b) In a county described by ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1, the electronic poll books shall be delivered and installed for use by the county election board under section 11(b) of this chapter.

(c) The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 (or in the use of the electronic poll books)."

Page 8, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 18. IC 3-11-8-10.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10.4. (a) This section applies to a county if the county election board has adopted an order under IC 3-7-29-6(a)(2) for the use of electronic poll books only at an office of the circuit court clerk and satellite offices established under IC 3-11-10-26.3.**

(b) Notwithstanding section 10.3 of this chapter, the county election board is not required to do either of the following:

- (1) Transmit information electronically from electronic poll books to precincts on election day.
- (2) Generate reports for watchers, political parties, or independent candidates for election day."



Page 13, between lines 7 and 8, begin a new paragraph and insert:  
 "SECTION 23. IC 3-11.5-4-8, AS AMENDED BY P.L.76-2014,  
 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2015]: Sec. 8. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll book under  
~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

if the electronic poll book used at a polling place or vote center is  
 immediately updated to indicate the county received, not later than  
 noon on election day, an absentee ballot from a voter.

(b) Each county election board shall certify the names of voters:

(1) to whom absentee ballots were sent or who marked ballots in  
 person; and

(2) whose ballots have been received by the board under this  
 chapter;

after the certification under section 1 of this chapter and not later than  
 noon on election day.

(c) The county election board shall have:

(1) the certificates described in subsection (b); and

(2) the circuit court clerk's certificates for voters who have  
 registered and voted under IC 3-7-36-14;

delivered to the precinct election boards at their respective polls on  
 election day by couriers appointed under section 22 of this chapter.

(d) The certificates shall be delivered not later than 3 p.m. on  
 election day.

SECTION 24. IC 3-11.5-4-9, AS AMENDED BY P.L.76-2014,  
 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2015]: Sec. 9. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll book under  
~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

if the electronic poll book used at a polling place or vote center is  
 immediately updated to indicate that the county received, not later than  
 noon on election day, an absentee ballot from a voter.

(b) Upon delivery of the certificates under section 8 of this chapter  
 to a precinct election board, the inspector shall do the following in the  
 presence of the poll clerks:

(1) Mark the poll list.

(2) Attach the certificates of voters who have registered and voted  
 under IC 3-7-36-14 to the poll list.

The poll clerks shall sign the statement printed on the certificate  
 indicating that the inspector marked the poll list and attached the



certificates under this section in the presence of both poll clerks to indicate that the absentee ballot of the voter has been received by the county election board.

(c) The inspector shall then deposit:

- (1) the certificate prepared under section 1 of this chapter;
- (2) the certificate prepared under section 8 of this chapter; and
- (3) any challenge affidavit executed by a qualified person under section 15 of this chapter;

in an envelope in the presence of both poll clerks.

(d) The inspector shall seal the envelope. The inspector and each poll clerk shall then sign a statement printed on the envelope indicating that the inspector or poll clerk has complied with the requirements of this chapter governing the marking of the poll list and certificates.

(e) The couriers shall immediately return the envelope described in subsection (c) to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

SECTION 25. IC 3-11.5-4-11, AS AMENDED BY P.L.76-2014, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b), at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

(b) This subsection applies to a county that:

- (1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or
- (2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.



SECTION 26. IC 3-11.5-4-15, AS AMENDED BY P.L.64-2014, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) Except as provided in subsection (c), the vote of an absentee voter may be challenged at the polls for the reason that the absentee voter is not a legal voter of the precinct where the ballot is being cast.

(b) Before the inspector prepares to mark the poll list to indicate that an absentee ballot cast by the voter has been received by the county election board according to a certificate delivered to the polls under section 1 or section 8 of this chapter, the inspector shall notify the challengers and the pollbook holders that the inspector is about to mark the poll list under this section. The inspector shall provide the challengers and pollbook holders with the name and address of each voter listed in the certificate so that the voter may be challenged under this article.

(c) This section applies to a county that:

- (1) has adopted an order to use an electronic poll list under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or
- (2) is a vote center county under IC 3-11-18.1.

The vote of an absentee ballot may be challenged for the reason that the absentee voter is not a legal voter of the precinct for which the absentee ballot was issued. Before the absentee ballot counters process an absentee ballot, the absentee ballot counters shall notify the county election board. A county election board member, or a representative designated by a county election board member, may challenge the absentee ballot under section 16 of this chapter.

(d) The challenge under this section must be determined using the procedures for counting a provisional ballot under IC 3-11.7."

Page 13, after line 21, begin a new paragraph and insert:

"SECTION 28. IC 3-11.5-4-22, AS AMENDED BY P.L.76-2014, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. (a) Except as provided in subsection (b), each county election board shall appoint:

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

(b) Notwithstanding subsection (a), a county election board:

- (1) may appoint, by a unanimous vote of the board's members, only one (1) absentee ballot courier if the person appointed is a



voter of the county; and

(2) shall not appoint teams of couriers, if the county:

(A) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

(c) An otherwise qualified person is eligible to serve on an absentee voter board or as an absentee ballot counter or a courier unless the person:

(1) is unable to read, write, and speak the English language;

(2) has any property bet or wagered on the result of the election;

(3) is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:

(1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and

(2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.

SECTION 29. IC 3-11.5-4-24, AS AMENDED BY P.L.76-2014, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

(b) In addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

(1) mark the poll list; and

(2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;



in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board according to the certificate supplied under section 1 of this chapter.

(c) The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

(1) marked the poll list; and

(2) attached the certificates described in subsection (b)(2);  
under this section in the presence of both poll clerks.

(d) The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

SECTION 30. IC 3-11.5-5-3, AS AMENDED BY P.L.76-2014, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board have made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct.

(b) This section applies to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 31. IC 3-11.5-6-3, AS AMENDED BY P.L.76-2014, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under





IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

(b) This subsection applies to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

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

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 32. IC 24-5-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section does not apply to **any of the following** messages:

(1) **Messages** from school districts to students, parents, or employees.

(2) **Messages** to subscribers with whom the caller has a current business or personal relationship. ~~or~~

(3) **Messages** advising employees of work schedules.

(4) **Messages to voters from a county election board (established by IC 3-6-5-1), a county board of elections and registration (established by IC 3-6-5.2-3 or IC 3-6-5.4-3), or a county voter registration office (as defined in IC 3-5-2-16.2).**

(b) A caller may not use or connect to a telephone line an automatic dialing-announcing device unless:

(1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or



(2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.".  
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1372 as introduced.)

SMITH M

Committee Vote: yeas 12, nays 0.

