

HOUSE BILL No. 1426

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-11.3; IC 3-11; IC 3-11.5-4; IC 3-12-4-6.

Synopsis: Poll hours. Provides that the polls open at 7 a.m. and close at 7 p.m. (Under current law, the polls open at 6 a.m. and close at 6 p.m.)

Effective: January 1, 2024.

Pfaff, Errington, Boy, Campbell

January 17, 2023, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1426

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-11.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2024]: **Sec. 11.3. "Close of the polls" refers to the**
4 **time that the polls are set to close under IC 3-11-8-8.**

5 SECTION 2. IC 3-11-4-1, AS AMENDED BY P.L.193-2021,
6 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2024]: Sec. 1. (a) A voter who is otherwise qualified to
8 vote in person is entitled to vote by absentee ballot. Except as
9 otherwise provided in this article, a voter voting by absentee ballot
10 must vote in the office of the circuit court clerk (or board of elections
11 and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.6) or at a
12 satellite office established under IC 3-11-10-26.3.

13 (b) A county election board, by unanimous vote of its entire
14 membership, may authorize a person who is otherwise qualified to vote
15 in person to vote by absentee ballot if the board determines that the
16 person has been hospitalized or suffered an injury following the final
17 date and hour for applying for an absentee ballot that would prevent the



1 person from voting in person at the polls.

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

- 7 (1) during the last eleven (11) days before the election:
8 (A) the governor has declared a disaster emergency under
9 IC 10-14-3-12; or
10 (B) the county has declared a local disaster emergency under
11 IC 10-14-3-29;
12 (2) the disaster emergency prevents the individual from voting in
13 person at a polling place; and
14 (3) an absentee voter board can receive the voter's absentee ballot
15 not later than 6 7 p.m. on election day.

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

- 22 (1) Mail.
23 (2) Personal delivery.

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

26 SECTION 3. IC 3-11-4-18, AS AMENDED BY P.L.100-2018,
27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JANUARY 1, 2024]: Sec. 18. (a) If a voter satisfies any of the
29 qualifications described in IC 3-11-10-24 that entitle a voter to cast an
30 absentee ballot by mail, the county election board shall, at the request
31 of the voter, mail the official ballot, postage fully prepaid, to the voter
32 at the address stated in the application. Each ballot may be assigned a
33 unique tracking number as prescribed by the election division using
34 IMb Tracing or a similar automated tracking method to provide
35 real-time tracking information for the envelope containing the ballot.
36 As used in this subsection, "IMb Tracing" refers to a real-time mail
37 tracking service offered through the United States Postal Service.

38 (b) If the county election board mails an absentee ballot to a voter
39 required to file additional documentation with the county voter
40 registration office before voting by absentee ballot under this chapter,
41 the board shall include a notice to the voter in the envelope mailed to
42 the voter under section 20 of this chapter. The notice must inform the



1 voter that the voter must file the additional documentation required
 2 under IC 3-7-33-4.5 with the county voter registration office not later
 3 than noon on election day for the absentee ballot to be counted as an
 4 absentee ballot, and that, if the documentation required under
 5 IC 3-7-33-4.5 is filed after noon and before ~~6 p.m.~~ **the close of the**
 6 **polls** on election day, the ballot will be processed as a provisional
 7 ballot. The election division shall prescribe the form of this notice
 8 under IC 3-5-4-8.

9 (c) Except as provided in this subsection, section 18.5 of this
 10 chapter, or IC 3-11-10-26.5, the ballot shall be transmitted:

- 11 (1) on the day of the receipt of the voter's application; or
 12 (2) not more than five (5) days after the date of delivery of the
 13 ballots under section 15 of this chapter;

14 whichever is later. If the election board determines that the county
 15 voter registration office has received an application from the applicant
 16 for registration at an address within the precinct indicated on the
 17 application, and the election board determines that this application is
 18 pending under IC 3-7-33, the ballot shall be mailed on the date the
 19 county voter registration office indicates under IC 3-7-33-5(g) that the
 20 applicant is a registered voter.

21 (d) As required by 52 U.S.C. 21081, an election board shall
 22 establish a voter education program (specific to a paper ballot or
 23 optical scan ballot card provided as an absentee ballot under this
 24 chapter) to notify a voter of the effect of casting multiple votes for a
 25 single office.

26 (e) As provided by 52 U.S.C. 21081, when an absentee ballot is
 27 transmitted under this section, the mailing must include:

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

32 SECTION 4. IC 3-11-8-8, AS AMENDED BY P.L.278-2019,
 33 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2024]: Sec. 8. (a) The polls in each precinct open at ~~6~~ **7**
 35 a.m. and close at ~~6~~ **7** p.m. on election day.

36 (b) A county election board or a board of elections and registration
 37 does not have the power to extend the hours that the polls are to be
 38 open in any precinct or vote center of the county.

39 SECTION 5. IC 3-11-14-19 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 19. Each county
 41 election board shall be at its office from ~~5~~ **6** a.m. until ~~6 p.m.~~ **the close**
 42 **of the polls** on election day. Upon notice that an electronic voting



1 system is out of order or fails to work, the board shall be ready between
2 those hours to deliver to any precinct in the county:

- 3 (1) necessary paper ballots;
- 4 (2) election booths with an adequate number of stalls;
- 5 (3) ballot boxes; and
- 6 (4) all necessary supplies and equipment as required by law.

7 SECTION 6. IC 3-11.5-4-10, AS AMENDED BY P.L.109-2021,
8 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JANUARY 1, 2024]: Sec. 10. (a) This subsection applies to a county
10 that:

- 11 (1) uses a paper list of voters provided under IC 3-7-29-2;
- 12 (2) has not adopted an order to use an electronic poll book under
13 IC 3-7-29-6(a)(1); and
- 14 (3) is not a vote center county under IC 3-11-18.1.

15 Subject to IC 3-10-8-7.5, IC 3-12-1-17, and section 7 of this chapter,
16 absentee ballots received by mail (or by fax or electronic mail under
17 IC 3-11-4-6) after 6 7 p.m. on election day are considered as arriving
18 too late and may not be counted.

19 (b) This subsection applies to a county described in subsection (a).
20 An absentee ballot that is returned to the county election board between
21 noon and 6 7 p.m. on election day may not be reviewed or counted
22 under this article until all of the following have occurred:

- 23 (1) The polls in each precinct have closed.
- 24 (2) The poll list for the precinct with an absentee ballot that has
25 not been counted has been returned to the county election board.
- 26 (3) The county election board confirms whether the voter cast a
27 ballot at the polls on election day.

28 (c) This subsection applies to a county that:

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

32 Subject to IC 3-10-8-7.5 and IC 3-12-1-17, absentee ballots received
33 by mail or by fax or electronic mail under IC 3-11-4 after 6 7 p.m. on
34 election day are considered as arriving too late and may not be counted.

35 SECTION 7. IC 3-11.5-4-11, AS AMENDED BY P.L.109-2021,
36 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JANUARY 1, 2024]: Sec. 11. (a) Upon receipt of the absentee ballot
38 and not later than election day, the county election board shall examine
39 the signature on the absentee ballot.

40 (b) This subsection applies to a county that has not adopted an order
41 to use an electronic poll book under IC 3-7-29-6(a)(1) or is a vote
42 center county under IC 3-11-18.1. Except as provided in subsection (c),



1 (d), or (e), at any time after the couriers return the certificate under
 2 section 9 of this chapter, absentee ballot counters appointed under
 3 section 22 of this chapter, in the presence of the county election board,
 4 shall, except for a ballot rejected under section 13 of this chapter:

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

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

8 (3) compare the signature upon the ballot application or, if there
 9 is no application, with the signature on the electronic poll book
 10 with the signature upon the:

11 (A) voter's absentee ballot envelope; or

12 (B) if there is no envelope, computerized list.

13 (c) This subsection applies to a county (other than a county
 14 described in subsection (d) or (e)) that:

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

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

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

26 (d) This subsection applies to a county having a consolidated city,
 27 if the county:

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

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

31 After the receipt and processing required under sections 12 and 12.5 of
 32 this chapter to process an absentee ballot from a voter and after
 33 ensuring that the electronic poll books used in each polling place or
 34 vote center have been updated to reflect all absentee ballots received
 35 by the county not later than 12:01 a.m. on election day, the absentee
 36 ballot counters shall, at any time after ~~6:00~~ 7:00 a.m. on election day,
 37 in a central counting location designated by the county election board,
 38 count the absentee ballot votes cast for each candidate, for each office,
 39 and on each public question.

40 (e) This subsection applies to a county other than a county having
 41 a consolidated city, if the county election board has adopted a
 42 resolution by the unanimous vote of the entire membership of the board



1 to use procedures set forth in this subsection, and the county:

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

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

5 After the receipt and processing required under section 12 of this
6 chapter to process an absentee ballot from a voter and after ensuring
7 that the electronic poll books used in each polling place or vote center
8 have been updated to reflect all absentee ballots received by the county
9 not later than 12:01 a.m. on election day, the absentee ballot counters
10 shall, at any time after ~~6:00~~ **7:00** a.m. on election day, in a central
11 counting location designated by the county election board, count the
12 absentee ballot votes cast for each candidate, for each office, and on
13 each public question.

14 (f) A resolution adopted under subsection (e) may be repealed or
15 amended only by the unanimous vote of the entire membership of the
16 county election board.

17 SECTION 8. IC 3-12-4-6 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JANUARY 1, 2024]: Sec. 6. (a) At ~~6 p.m.~~ **the close of**
19 **the polls** on each election day, the county election board shall assemble
20 in a room to canvass the certificates, poll lists, and tally papers returned
21 by each inspector in the county and to declare the results of the election
22 as provided in this chapter.

23 (b) The canvassing must be performed in public under IC 5-14-1.5.
24 However, the board may restrict access to parts of the room where
25 election material is being handled or transported to safeguard the
26 material.

27 (c) Except as provided in section 7 of this chapter, the county
28 executive shall provide a room in the courthouse that contains adequate
29 space to permit members of the public to witness the canvassing of
30 votes.

