

# HOUSE BILL No. 1479

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-11-10-26.

**Synopsis:** Early voting. Provides that the county election board may adopt a resolution authorizing the circuit court clerk to establish a satellite office to permit voters to cast absentee ballots for at least four hours on the third Saturday preceding election day.

**Effective:** July 1, 2021.

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**Wesco, Payne**

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

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1479

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

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

- 1 SECTION 1. IC 3-11-10-26, AS AMENDED BY P.L.278-2019,  
2 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 26. (a) This subsection applies to all counties,  
4 except for a county to which IC 3-6-5.2 applies. As an alternative to  
5 voting by mail, a voter is entitled to cast an absentee ballot before an  
6 absentee voter board at any of the following:  
7 (1) One (1) location of the office of the circuit court clerk  
8 designated by the circuit court clerk.  
9 (2) A satellite office established under section 26.3 of this  
10 chapter.  
11 (b) This subsection applies to a county to which IC 3-6-5.2 applies.  
12 As an alternative to voting by mail, a voter is entitled to cast an  
13 absentee ballot before an absentee voter board at any of the following:  
14 (1) The office of the board of elections and registration.  
15 (2) A satellite office established under section 26.3 of this  
16 chapter.  
17 (c) Except for a location designated under subsection (a)(1), a



location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

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

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

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

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

(B) Sign the electronic poll book.

(C) Provide proof of identification.

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

(A) Sign the electronic poll book.

(B) Provide proof of identification.

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

(e) The county election board may:

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

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

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

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



1 holiday, the voter may vote before the board on the first day following  
 2 the day on which the voter registration period closes.

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

16 (h) The absentee voter board in the office of the circuit court clerk  
 17 must permit voters to cast absentee ballots under this section for at  
 18 least seven (7) hours on each of the two (2) Saturdays preceding  
 19 election day. **However, the county election board may adopt a**  
 20 **resolution authorizing the circuit court clerk to establish a satellite**  
 21 **office under section 26.3 of this chapter to permit voters to cast**  
 22 **absentee ballots under this section for at least four (4) hours on the**  
 23 **third Saturday preceding election day.**

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

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

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

42 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is



1 provided under this section, the board must also provide the voter with:  
2 (1) information concerning the effect of casting multiple votes for  
3 an office; and  
4 (2) instructions on how to correct the ballot before the ballot is  
5 cast and counted, including the issuance of replacement ballots.  
6 (l) If:  
7 (1) the voter is unable or declines to present the proof of  
8 identification; or  
9 (2) a member of the board determines that the proof of  
10 identification provided by the voter does not qualify as proof of  
11 identification under IC 3-5-2-40.5;  
12 the voter shall be permitted to cast a provisional ballot.  
13 (m) A voter casting an absentee ballot under this section is entitled  
14 to cast the voter's ballot in accordance with IC 3-11-9.  
15 (n) In a primary election, a voter casting an absentee ballot under  
16 this chapter may not change the voter's choice of the voter's political  
17 party after the voter has been mailed or otherwise provided with a  
18 primary ballot containing the candidates of that party.

