



March 16, 2021

ENGROSSED HOUSE BILL No. 1479

DIGEST OF HB 1479 (Updated March 15, 2021 11:47 am - DI 104)

Citations Affected: IC 3-11.

Synopsis: Early voting. Provides that the county election board may adopt a resolution authorizing the circuit court clerk to use the office of the circuit court clerk or 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.

Wesco, Payne, Pryor, Pfaff

(SENATE SPONSORS — FORD JON, WALKER G, QADDOURA)

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

February 1, 2021, reported — Do Pass.

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

February 8, 2021, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

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

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

EH 1479—LS 7390/DI 131



March 16, 2021

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

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

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

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

ENGROSSED HOUSE BILL No. 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

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

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

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

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

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

19 (B) Sign the electronic poll book.

20 (C) Provide proof of identification.

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

25 (A) Sign the electronic poll book.

26 (B) Provide proof of identification.

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

28 (e) The county election board may:

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

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

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

39 (f) The voter may vote before the board not more than twenty-eight
 40 (28) days nor later than noon on the day before election day. If the
 41 close of a voter registration period is transferred under IC 3-5-4-1.5
 42 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:**

21 **(1) use the office of the circuit court clerk designated in**
22 **subsection (a)(1); or**

23 **(2) establish a satellite office under section 26.3 of this**
24 **chapter;**

25 **to permit voters to cast absentee ballots under this section for at**
26 **least four (4) hours on the third Saturday preceding election day.**

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

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

35 (1) permitted to verify in a private and independent manner the
36 votes selected by the voter before the ballot is cast and counted;

37 (2) provided with the opportunity to change the ballot or correct
38 any error in a private and independent manner before the ballot is
39 cast and counted, including the opportunity to receive a
40 replacement ballot if the voter is otherwise unable to change or
41 correct the ballot; and

42 (3) notified before the ballot is cast regarding the effect of casting



- 1 multiple votes for the office and provided an opportunity to
2 correct the ballot before the ballot is cast and counted.
- 3 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is
4 provided under this section, the board must also provide the voter with:
5 (1) information concerning the effect of casting multiple votes for
6 an office; and
7 (2) instructions on how to correct the ballot before the ballot is
8 cast and counted, including the issuance of replacement ballots.
- 9 (l) If:
10 (1) the voter is unable or declines to present the proof of
11 identification; or
12 (2) a member of the board determines that the proof of
13 identification provided by the voter does not qualify as proof of
14 identification under IC 3-5-2-40.5;
15 the voter shall be permitted to cast a provisional ballot.
- 16 (m) A voter casting an absentee ballot under this section is entitled
17 to cast the voter's ballot in accordance with IC 3-11-9.
- 18 (n) In a primary election, a voter casting an absentee ballot under
19 this chapter may not change the voter's choice of the voter's political
20 party after the voter has been mailed or otherwise provided with a
21 primary ballot containing the candidates of that party.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1479, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1479 as introduced.)

WESCO

Committee Vote: Yeas 12, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1479, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 20, delete "to" and insert "**to:**

(1) use the office of the circuit court clerk designated in subsection (a)(1); or

(2)".

Page 3, line 21, delete "chapter to" and insert "**chapter; to**".

and when so amended that said bill do pass.

(Reference is to HB 1479 as printed February 1, 2021.)

FORD JON, Chairperson

Committee Vote: Yeas 8, Nays 0.

