

HOUSE BILL No. 1505

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-4.1-14; IC 3-11; IC 3-12-15; IC 10-14-3-12.

Synopsis: Elections matters. Prohibits the Indiana election commission from doing any of the following: (1) Instituting, increasing, or expanding vote by mail or absentee vote by mail. (2) Changing the time, place, or manner of holding an election. Prohibits a person from providing an absentee ballot application to an individual with the individual's driver's license number, identification card number, unique identifying number assigned to the voter's registration record, or last four digits of the individual's Social Security number already printed on the form. Requires an applicant for an absentee ballot application to include: (1) the applicant's driver's license number or identification card number; and (2) a photocopy of the document from which the applicant provides the license number or identification card number. Requires the secretary of state to conduct an audit of all computer equipment used at each general election, beginning with the 2022 general election. Prohibits the governor from changing, during a declared disaster emergency, the time, place, or manner of holding an election. Makes conforming changes.

Effective: Upon passage; July 1, 2023.

Speedy

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. 1505

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 3-6-4.1-14, AS AMENDED BY P.L.169-2015,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 14. (a) In addition to other duties prescribed by
4 law, the commission shall do the following:
5 (1) Administer Indiana election laws.
6 (2) Adopt rules under IC 4-22-2 to do the following:
7 (A) Govern the fair, legal, and orderly conduct of elections,
8 including the following:
9 (i) Emergency rules described in section 16 of this chapter
10 to implement a court order requiring the commission, the
11 election division, or an election board or official to
12 administer an election in a manner not authorized by this
13 title.
14 (ii) Rules (including joint rules with other agencies when
15 necessary) to implement and administer NVRA.
16 (B) Carry out IC 3-9 (campaign finance).
17 (C) Govern the establishment of precincts under IC 3-11-1.5.



- 1 (D) Specify procedures and fees for the processing of an
 2 application from a vendor for voting systems approval and
 3 testing.
- 4 (3) Advise and exercise supervision over local election and
 5 registration officers.
- 6 **(b) As used in this subsection, "manner of holding an election"**
 7 **refers to the procedure of voting and not the administrative**
 8 **function of the commission. The commission may not do the**
 9 **following:**
- 10 (1) **Institute, increase, or expand vote by mail or absentee vote**
 11 **by mail.**
- 12 (2) **Change the time, place, or manner of holding an election.**
- 13 ~~(b)~~ (c) This section does not divest a county election board of any
 14 powers and duties imposed on the board in IC 3-6-5, except that if
 15 there is a deadlock on a county election board, the county election
 16 board shall submit the question to the commission for final
 17 determination.
- 18 SECTION 2. IC 3-11-4-2, AS AMENDED BY THE TECHNICAL
 19 CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS
 20 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:
 21 Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to
 22 the county election board for an official absentee ballot. Except as
 23 provided in subsection (b), the voter must sign the absentee ballot
 24 application.
- 25 (b) If a voter with disabilities is unable to sign the absentee ballot
 26 application and the voter has not designated an individual to serve as
 27 attorney in fact for the voter, the voter may designate an individual
 28 eligible to assist the voter under IC 3-11-9-2(a) to sign the application
 29 on behalf of the voter and add the individual's name to the application.
 30 If an individual applies for an absentee ballot as the properly
 31 authorized attorney in fact for a voter, the attorney in fact must attach
 32 a copy of the power of attorney to the application and comply with
 33 subsection (d).
- 34 (c) A person may provide an individual with an application for an
 35 absentee ballot with the following information already printed or
 36 otherwise set forth on the application when provided to the individual:
- 37 (1) The name of the individual.
 38 (2) The voter registration address of the individual.
 39 (3) The mailing address of the individual.
 40 (4) The date of birth of the individual.
- 41 (d) A person may not provide an individual with an application for
 42 an absentee ballot with the following information already printed or



- 1 otherwise set forth on the application when provided to the individual:
 2 (1) The address to which the absentee ballot would be mailed, if
 3 different from the voter registration address of the individual.
 4 (2) In a primary election, the major political party ballot requested
 5 by the individual.
 6 (3) In a primary or general election, the types of absentee ballots
 7 requested by the individual.
 8 (4) The reason why the individual is entitled to vote an absentee
 9 ballot:
 10 (A) by mail; or
 11 (B) before an absentee voter board (other than an absentee
 12 voter board located in the office of the circuit court clerk or a
 13 satellite office);
 14 in accordance with ~~IC 3-11-4-18~~, **section 18 of this chapter**,
 15 IC 3-11-10-24, or IC 3-11-10-25.
 16 (5) ~~The voter identification number of the individual.~~ **Any of the**
 17 **following information relating to the individual:**
 18 (A) **The individual's ten (10) digit Indiana driver's license**
 19 **number issued under IC 9-24-11.**
 20 (B) **The individual's ten (10) digit Indiana identification**
 21 **card number for nondrivers issued under IC 9-24-16.**
 22 (C) **The unique identifying number assigned to the voter's**
 23 **registration record in the computerized list.**
 24 (D) **The last four (4) digits of the individual's Social**
 25 **Security number.**
 26 (e) If the county election board determines that an absentee ballot
 27 application does not comply with subsection (d), the board shall deny
 28 the application under section 17.5 of this chapter.
 29 (f) The following statement must be printed in at least 16 point font
 30 size, underlined, and clearly legible print on the envelope of an
 31 absentee ballot application that a person sends to an individual:
 32 "(Name of person sending the absentee ballot application) has
 33 sent you the enclosed application. This is unsolicited and is not
 34 sent by a state or local ~~elections~~ **election** official."
 35 (g) **An individual shall include the following information**
 36 **described in both subdivisions (1) and (2) with the individual's**
 37 **absentee ballot application:**
 38 (1) **Either of the following:**
 39 (A) **The individual's ten (10) digit Indiana driver's license**
 40 **number issued under IC 9-24-11.**
 41 (B) **The individual's ten (10) digit Indiana identification**
 42 **card number for nondrivers issued under IC 9-24-16.**



- 1 **(2) A photocopy of the document from which the individual**
 2 **provides the information under subdivision (1). If the**
 3 **individual applies for an absentee ballot online, the individual**
 4 **must upload an image of the document.**
- 5 **(h) The county election board shall deny any absentee ballot**
 6 **application if the individual does not include either or both of the**
 7 **pieces of information described in subsection (g).**
- 8 ~~(g)~~ **(i)** This subsection applies only to an absentee ballot application
 9 submitted in an electronic format using a module of the computerized
 10 list under IC 3-7-26.3. In order for an individual to access the absentee
 11 ballot application, the individual shall provide either of the following:
 12 (1) The individual's ten (10) digit Indiana driver's license number.
 13 (2) The last four (4) digits of the individual's Social Security
 14 number.
- 15 ~~(h)~~ **(j)** A person who assists an individual in completing any
 16 information described in subsection (d) on an absentee ballot
 17 application shall state under the penalties for perjury the following
 18 information on the application:
 19 (1) The full name, residence and mailing address, and daytime
 20 and evening telephone numbers (if any) of the person providing
 21 the assistance.
 22 (2) The date this assistance was provided.
 23 (3) That the person providing the assistance has complied with
 24 Indiana laws governing the submission of absentee ballot
 25 applications.
 26 (4) That the person has no knowledge or reason to believe that the
 27 individual submitting the application:
 28 (A) is ineligible to vote or to cast an absentee ballot; or
 29 (B) did not properly complete and sign the application.
- 30 When providing assistance to an individual, the person must, in the
 31 individual's presence and with the individual's consent, provide the
 32 information listed in subsection (d) if the individual is unable to do so.
- 33 ~~(i)~~ **(k)** This subsection does not apply to an employee of the United
 34 States Postal Service or a bonded courier company acting in the
 35 individual's capacity as an employee of the United States Postal Service
 36 or a bonded courier company. A person who receives a completed
 37 absentee ballot application from the individual who has applied for the
 38 absentee ballot shall indicate on the application the date the person
 39 received the application, and file the application with the appropriate
 40 county election board or election division not later than:
 41 (1) noon ten (10) days after the person receives the application;
 42 or



- 1 (2) the deadline set by Indiana law for filing the application with
 2 the board;
 3 whichever occurs first. The election division, a county election board,
 4 or a board of elections and registration shall forward an absentee ballot
 5 application to the county election board or board of elections and
 6 registration of the county where the individual resides.
- 7 ~~(j)~~ **(l)** This subsection does not apply to an employee of the United
 8 States Postal Service or a bonded courier company acting in the
 9 individual's capacity as an employee of the United States Postal Service
 10 or a bonded courier company, or to the election division, a county
 11 election board, or a board of elections and registration. A person filing
 12 an absentee ballot application, other than the person's own absentee
 13 ballot application, must include an affidavit with the application. The
 14 affidavit must be signed by the individual who received the completed
 15 application from the applicant. The affidavit must be in a form
 16 prescribed by the election division. The form must include the
 17 following:
- 18 (1) A statement of the full name, residence and mailing address,
 19 and daytime and evening telephone numbers (if any) of the person
 20 submitting the application.
 - 21 (2) A statement that the person filing the affidavit has complied
 22 with Indiana laws governing the submission of absentee ballot
 23 applications.
 - 24 (3) The date (or dates) that the absentee ballot applications
 25 attached to the affidavit were received.
 - 26 (4) A statement that the person has no knowledge or reason to
 27 believe that the individual whose application is to be filed:
 28 (A) is ineligible to vote or to cast an absentee ballot; or
 29 (B) did not properly complete and sign the application.
 - 30 (5) A statement that the person is executing the affidavit under the
 31 penalties of perjury.
 - 32 (6) A statement setting forth the penalties for perjury.
- 33 ~~(k)~~ **(m)** The county election board shall record the date and time of
 34 the filing of the affidavit.
- 35 SECTION 3. IC 3-11-4-3, AS AMENDED BY P.L.131-2022,
 36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2023]: Sec. 3. (a) Except as provided in subsection (c) and
 38 section 6 of this chapter, an application for an absentee ballot must be
 39 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2
 40 or IC 3-6-5.6, the director of the board of elections and registration) not
 41 earlier than the date the registration period resumes under IC 3-7-13-10
 42 nor later than the following:



- 1 (1) Noon on election day if the voter registers to vote under
 2 IC 3-7-36-14.
- 3 (2) Noon on the day before election day if the voter:
 4 (A) completes the application in the office of the circuit court
 5 clerk under IC 3-11-10-26; or
 6 (B) is an absent uniformed services voter or overseas voter
 7 who requests that the ballot be transmitted by electronic mail
 8 or fax under section 6(h) of this chapter.
- 9 (3) Noon on the day before election day if:
 10 (A) the application is a mailed, transmitted by electronic mail
 11 or fax, or hand delivered application from a confined voter or
 12 voter caring for a confined person; and
 13 (B) the applicant requests that the absentee ballots be
 14 delivered to the applicant by an absentee voter board under
 15 IC 3-11-10-25.
- 16 (4) 11:59 p.m. twelve (12) days before election day if the
 17 application is:
 18 (A) a mailed application;
 19 (B) transmitted by electronic mail;
 20 (C) transmitted by fax; or
 21 (D) hand delivered;
 22 from other voters who request to vote by mail under
 23 IC 3-11-10-24 or for a voter with print disabilities to vote by
 24 electronic mail or fax under section 6(h) of this chapter.
- 25 (b) An application for an absentee ballot received by the election
 26 division by the time and date specified by subsection (a)(2)(B), (a)(3),
 27 or (a)(4) is considered to have been timely received for purposes of
 28 processing by the county. The election division shall immediately
 29 transmit the application to the circuit court clerk, or the director of the
 30 board of elections and registration, of the county where the applicant
 31 resides. The election division is not required to complete or file the
 32 affidavit required under section ~~2(j)~~ **2(l)** of this chapter whenever the
 33 election division transmits an application under this subsection.
- 34 (c) An application for an absentee ballot for the election may not be
 35 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2
 36 or IC 3-6-5.6, the director of the board of elections and registration)
 37 earlier than December 1 of the year before the election.
- 38 SECTION 4. IC 3-11-4-5.1, AS AMENDED BY P.L.115-2022,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2023]: Sec. 5.1. (a) The election division shall prescribe the
 41 form of an application for an absentee ballot.
 42 (b) This subsection does not apply to the form for an absentee ballot



1 application to be submitted by an absent uniformed services voter or
 2 overseas voter that contains a standardized oath for those voters. The
 3 form of the application for an absentee ballot must do all of the
 4 following:

5 (1) Require the applicant to swear to or affirm under the penalties
 6 of perjury that all of the information set forth on the application
 7 is true to the best of the applicant's knowledge and belief.

8 (2) Require a person who assisted with the completion of the
 9 application to swear to or affirm under the penalties of perjury the
 10 statements set forth in section ~~2(h)~~ **2(j)** of this chapter.

11 (3) Serve as a verified statement for a voter to indicate a change
 12 of name under IC 3-7-41. The form must require the applicant to
 13 indicate the applicant's previous name.

14 (4) Set forth the penalties for perjury.

15 (c) The form prescribed by the election division shall require that a
 16 voter who:

17 (1) requests an absentee ballot; and

18 (2) is eligible to vote in the precinct under IC 3-10-11 or
 19 IC 3-10-12;

20 must include the affidavit required by IC 3-10-11 or a written
 21 affirmation described in IC 3-10-12.

22 (d) The election division shall approve absentee ballot application
 23 forms that comply with this subsection and section ~~2(i)~~ **2(k)** of this
 24 chapter and permit the applicant to indicate a change of name under
 25 subsection (b). The form prescribed by the election division must
 26 request that a voter who requests an absentee ballot:

27 (1) provide the last four (4) digits of the voter's Social Security
 28 number; or

29 (2) state that the voter does not have a Social Security number.

30 The form must indicate that the voter's compliance with this request is
 31 optional.

32 (e) An application form submitted by a voter must comply with
 33 subsection (d).

34 (f) The form prescribed by the election division must include a
 35 statement that permits an applicant to indicate whether:

36 (1) the applicant has been certified and is currently a participant
 37 in the address confidentiality program under IC 5-26.5-2; and

38 (2) the applicant's legal address is the address set forth in the
 39 applicant's voter registration.

40 If the applicant confirms these statements, the applicant may indicate
 41 the address of the office of the attorney general as the address to which
 42 the absentee ballot is to be mailed.



1 (g) This subsection applies to an application to receive an absentee
2 ballot:

- 3 (1) by mail under IC 3-11-10-24; or
4 (2) in the form of an application to vote before an absentee voter
5 board under IC 3-11-10-25 at the voter's place of confinement or
6 the residence of the voter.

7 If the voter wishes to submit an application under this section in an
8 electronic format using a module of the statewide voter registration
9 system, the voter must include a telephone number at which the voter
10 can be reached to submit the application.

11 (h) The application form for an absentee ballot must enable the
12 applicant to provide the applicant's electronic mail address. However,
13 an applicant's failure to provide an electronic mail address is not a
14 reason for denial of the absentee ballot application.

15 SECTION 5. IC 3-11-15-62 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: **Sec. 62. (a) This section applies to any contract
18 entered into after March 31, 2023.**

19 (b) As used in this section, "contract" refers to a contract
20 applicable to the hardware, software, or firmware for a voting
21 system to be provided under the contract.

22 (c) A contract relating to a voting system may not prohibit
23 access to the source code for any part of a voting system.

24 SECTION 6. IC 3-12-15 IS ADDED TO THE INDIANA CODE AS
25 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
26 PASSAGE]:

27 **Chapter 15. Electronic Voting System Audit**

28 **Sec. 0.1. (a) As used in this section, "pilot county" refers to each
29 of the following counties:**

- 30 (1) Boone County.
31 (2) Floyd County.
32 (3) Johnson County.
33 (4) Lake County.
34 (5) Hamilton County.
35 (6) Hancock County.
36 (7) Hendricks County.
37 (8) Porter County.
38 (9) Vanderburgh County.
39 (10) Vigo County.

40 (b) Before July 1, 2023, the secretary of state shall enter into
41 contracts to conduct an audit of all computer equipment used in
42 the 2022 general election in each of the pilot counties.



1 (c) This section expires July 1, 2023.

2 Sec. 1. (a) After December 31, 2023, the secretary of state shall
3 enter into contracts to conduct an audit of all computer equipment
4 used after each general election in each of the counties selected
5 under subsection (b).

6 (b) Before the audit, the contractor shall randomly select the
7 counties in which the audit will be conducted. The identity of the
8 counties selected for the audit is confidential until the day after the
9 date of the general election for which the audit is conducted.

10 Sec. 2. (a) A person with whom the secretary of state enters into
11 a contract under this chapter must be a voting system test lab
12 under the federal Election Assistance Commission's Testing and
13 Certification Program.

14 (b) The secretary of state may not enter into a contract under
15 this chapter with a person who is a vendor of any voting system
16 used in Indiana.

17 Sec. 3. (a) An audit under this chapter must be a full, post
18 election audit of all computer equipment used in the general
19 election in each county selected for the audit.

20 (b) An audit under this chapter must do the following:

21 (1) Acquire forensic images of all systems.

22 (2) Investigate all systems for network connectivity before,
23 during, and after the election to determine whether
24 unauthorized access to systems was obtained or if information
25 was sent outside of the secure network environment.

26 (3) Audit voting machines, tabulators, routers, and central
27 logs.

28 (4) Any other activities that the secretary of state considers
29 relevant to the audit.

30 Sec. 4. An audit report must be submitted to each of the
31 following before December 31 of the year for which the audit was
32 conducted:

33 (1) The secretary of state.

34 (2) The attorney general.

35 (3) The chair of each of the senate and house committees with
36 jurisdiction over election matters.

37 SECTION 7. IC 10-14-3-12, AS AMENDED BY P.L.99-2021,
38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2023]: Sec. 12. (a) The governor shall declare a disaster
40 emergency by executive order or proclamation if the governor
41 determines that a disaster has occurred or that the occurrence or the
42 threat of a disaster is imminent. The state of disaster emergency



- 1 continues until the governor:
- 2 (1) determines that the threat or danger has passed or the disaster
- 3 has been dealt with to the extent that emergency conditions no
- 4 longer exist; and
- 5 (2) terminates the state of disaster emergency by executive order
- 6 or proclamation.

7 A state of disaster emergency may not continue for longer than thirty

8 (30) days unless the state of disaster emergency is renewed by the

9 governor. The general assembly, by concurrent resolution, may

10 terminate a state of disaster emergency at any time. If the general

11 assembly terminates a state of disaster emergency under this

12 subsection, the governor shall issue an executive order or proclamation

13 ending the state of disaster emergency. All executive orders or

14 proclamations issued under this subsection must indicate the nature of

15 the disaster, the area or areas threatened, and the conditions which have

16 brought the disaster about or that make possible termination of the state

17 of disaster emergency. An executive order or proclamation under this

18 subsection shall be disseminated promptly by means calculated to bring

19 the order's or proclamation's contents to the attention of the general

20 public. Unless the circumstances attendant upon the disaster prevent or

21 impede, an executive order or proclamation shall be promptly filed

22 with the secretary of state and with the clerk of the city or town affected

23 or with the clerk of the circuit court.

24 (b) An executive order or proclamation of a state of disaster

25 emergency:

- 26 (1) activates the disaster response and recovery aspects of the
- 27 state, local, and interjurisdictional disaster emergency plans
- 28 applicable to the affected political subdivision or area; and
- 29 (2) is authority for:
- 30 (A) deployment and use of any forces to which the plan or
- 31 plans apply; and
- 32 (B) use or distribution of any supplies, equipment, materials,
- 33 and facilities assembled, stockpiled, or arranged to be made
- 34 available under this chapter or under any other law relating to
- 35 disaster emergencies.

36 (c) During the continuance of any state of disaster emergency, the

37 governor is commander-in-chief of the organized and unorganized

38 militia and of all other forces available for emergency duty. To the

39 greatest extent practicable, the governor shall delegate or assign

40 command authority by prior arrangement embodied in appropriate

41 executive orders or regulations. This section does not restrict the

42 governor's authority to delegate or assign command authority by orders



1 issued at the time of the disaster emergency.

2 (d) In addition to the governor's other powers, and subject to
3 sections 12.5 and 12.7 of this chapter, the governor may do the
4 following while the state of emergency exists:

5 (1) Suspend the provisions of any regulatory statute prescribing
6 the procedures for conduct of state business, or the orders, rules,
7 or regulations of any state agency if strict compliance with any of
8 these provisions would in any way prevent, hinder, or delay
9 necessary action in coping with the emergency. **However, this**
10 **subdivision does not grant the governor the power to declare**
11 **by executive order a different time, place, or manner for**
12 **holding elections, including not having the authority to**
13 **institute, increase, or expand vote by mail or absentee vote by**
14 **mail.**

15 (2) Use all available resources of the state government and of
16 each political subdivision of the state reasonably necessary to
17 cope with the disaster emergency.

18 (3) Transfer the direction, personnel, or functions of state
19 departments and agencies or units for performing or facilitating
20 emergency services.

21 (4) Subject to any applicable requirements for compensation
22 under section 31 of this chapter, commandeer or use any private
23 property if the governor finds this action necessary to cope with
24 the disaster emergency.

25 (5) Assist in the evacuation of all or part of the population from
26 any stricken or threatened area in Indiana if the governor
27 considers this action necessary for the preservation of life or other
28 disaster mitigation, response, or recovery.

29 (6) Prescribe routes, modes of transportation, and destinations in
30 connection with evacuation.

31 (7) Control ingress to and egress from a disaster area, the
32 movement of persons within the area, and the occupancy of
33 premises in the area.

34 (8) Suspend or limit the sale, dispensing, or transportation of
35 alcoholic beverages, explosives, and combustibles.

36 (9) Make provision for the availability and use of temporary
37 emergency housing.

38 (10) Allow persons who:

39 (A) are registered as volunteer health practitioners by an
40 approved registration system under IC 10-14-3.5; or

41 (B) hold a license to practice:

42 (i) medicine;



1 (ii) dentistry;
2 (iii) pharmacy;
3 (iv) nursing;
4 (v) engineering;
5 (vi) veterinary medicine;
6 (vii) mortuary service; and
7 (viii) similar other professions as may be specified by the
8 governor;
9 to practice their respective profession in Indiana during the period
10 of the state of emergency if the state in which a person's license
11 or registration was issued has a mutual aid compact for
12 emergency management with Indiana.
13 (11) Give specific authority to allocate drugs, foodstuffs, and
14 other essential materials and services.
15 **SECTION 8. An emergency is declared for this act.**

