

SENATE BILL No. 178

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-4-9; IC 3-8; IC 3-10-6; IC 3-11; IC 3-11.5; IC 3-11.7-3-8; IC 3-12; IC 3-13-1-7; IC 3-14-3-19; IC 20-46-9-14.

Synopsis: Various election matters. Requires the election division instead of the Indiana election commission to prescribe a uniform generic seal for use on certain ballots when the circuit court clerk is a candidate on the ballot. Requires certification by the county chairman of a candidate in a political party primary or town convention if the candidate cast a nonpartisan ballot at the most recent primary election in which the candidate voted. Updates municipal primary dates. Prohibits the printing of an independent or political party device on a ballot under specified circumstances. Specifies ballot placement of names when there are both at-large and district candidates. Specifies that language in a public question not contain beginning and ending quotation marks. Adds references to the Porter County election board. Adds references to instances in which an absentee ballot may be recast. Adds references to vote centers. Specifies a procedure for folding ballots when voting in front of an absentee voter board. Prohibits a ballot label including a straight party ticket option in specified circumstances. Specifies a comparison of signature upon receipt of an absentee ballot and time frame. Sets forth a procedure if a county election board does not unanimously determine that an absentee ballot signature is genuine. States that the position of an absentee ballot counter or a provisional ballot counter is not a lucrative office for purposes of the state Constitution. Requires precinct returns to be sent to the director of the board of elections and registration if the counting location is outside the county. Allows a member of the Indiana election commission to appoint a proxy, and specifies the process and limitations. Specifies noon 30 days after the occurrence as the deadline for filling a candidate vacancy. Adds a Level 6 felony for inducing
(Continued next page)

Effective: Upon passage; July 1, 2020; January 1, 2021.

Walker

January 6, 2020, read first time and referred to Committee on Elections.



Digest Continued

or procuring another person to vote or refrain from voting for or against a candidate or public question at: (1) a caucus; or (2) the appointment of a candidate by a political party chairman or central committee officer; by giving, offering, or promising a person money or other property. Changes certification of a question on a referendum from 60 days to 74 days. Repeals language concerning absentee ballots (moving some language to central voting statutes) and repeals certain absentee voter boards.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 178

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 3-5-4-9, AS AMENDED BY P.L.230-2005,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 9. (a) This section applies whenever the
4 individual who holds the office of circuit court clerk is a candidate on
5 the ballot for any office.
6 (b) As used in this section, "ballot" refers to an absentee ballot, a
7 ballot card, or any other form of ballot.
8 (c) Notwithstanding any law requiring the name or signature of the
9 circuit court clerk to appear on a ballot for authentication or any other
10 purpose, the name or signature of the individual who is circuit court
11 clerk may not appear on the ballot except to indicate that the individual
12 is a candidate for an office.
13 (d) The circuit court clerk shall substitute a uniform device or
14 symbol prescribed by the ~~commission~~ **election division** for the circuit
15 court clerk's printed name or signature to authenticate a ballot.
16 (e) **A device or symbol approved by the commission under this**
17 **section before January 1, 2020, is considered to be approved by the**



1 **election division without any further action by the election division**
 2 **being required.**

3 SECTION 2. IC 3-8-2-7, AS AMENDED BY P.L.74-2017,
 4 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JANUARY 1, 2021]: Sec. 7. (a) The declaration of each candidate
 6 required by this chapter must be signed before a person authorized to
 7 administer oaths and contain the following information:

8 (1) The candidate's name, printed or typewritten as:

9 (A) the candidate wants the candidate's name to appear on the
 10 ballot; and

11 (B) the candidate's name is permitted to appear on the ballot
 12 under IC 3-5-7.

13 (2) A statement that the candidate is a registered voter and the
 14 location of the candidate's precinct and township (or ward, if
 15 applicable, and city or town), county, and state.

16 (3) The candidate's complete residence address, and if the
 17 candidate's mailing address is different from the residence
 18 address, the mailing address.

19 (4) A statement of the candidate's party affiliation. For purposes
 20 of this subdivision, a candidate is considered to be affiliated with
 21 a political party only if any of the following applies:

22 (A) The most recent primary election in Indiana in which the
 23 candidate voted was a primary election held by the party with
 24 which the candidate claims affiliation. **If the candidate cast**
 25 **a nonpartisan ballot at an election held at the most recent**
 26 **primary election in which the candidate voted, a**
 27 **certification by the county chairman under clause (B) is**
 28 **required.**

29 (B) The county chairman of:

30 (i) the political party with which the candidate claims
 31 affiliation; and

32 (ii) the county in which the candidate resides;

33 certifies that the candidate is a member of the political party.

34 The declaration of candidacy must inform candidates how party
 35 affiliation is determined under this subdivision and permit the
 36 candidate to indicate on the declaration of candidacy which of
 37 clauses (A) or (B) applies to the candidate. If a candidate claims
 38 party affiliation under clause (B), the candidate must attach to the
 39 candidate's declaration of candidacy the written certification of
 40 the county chairman required by clause (B).

41 (5) A statement that the candidate complies with all requirements
 42 under the laws of Indiana to be a candidate for the above named



1 office, including any applicable residency requirements, and that
 2 the candidate is not ineligible to be a candidate due to a criminal
 3 conviction that would prohibit the candidate from serving in the
 4 office.

5 (6) A request that the candidate's name be placed on the official
 6 primary ballot of that party to be voted on, the office for which the
 7 candidate is declaring, and the date of the primary election.

8 (7) The following statements:

9 (A) A statement that the candidate has attached either of the
 10 following to the declaration:

11 (i) A copy of a statement of economic interests, file stamped
 12 by the office required to receive the statement of economic
 13 interests.

14 (ii) A receipt or photocopy of a receipt showing that a
 15 statement of economic interests has been filed.

16 This requirement does not apply to a candidate for a federal
 17 office.

18 (B) A statement that the candidate understands that if the
 19 candidate is elected to the office, the candidate may be
 20 required to obtain and file an individual surety bond before
 21 serving in the office. This requirement does not apply to a
 22 candidate for a federal office or legislative office.

23 (C) A statement that the candidate understands that if the
 24 candidate is elected to the office, the candidate may be
 25 required to successfully complete training or have attained
 26 certification related to service in an elected office. This
 27 requirement does not apply to a candidate for a federal office,
 28 state office, or legislative office.

29 (D) A statement that the candidate:

30 (i) is aware of the provisions of IC 3-9 regarding campaign
 31 finance and the reporting of campaign contributions and
 32 expenditures; and

33 (ii) agrees to comply with the provisions of IC 3-9.

34 This requirement does not apply to a candidate for a federal
 35 office.

36 The candidate must separately initial each of the statements
 37 required by this subdivision.

38 (8) A statement as to whether the candidate has been a candidate
 39 for state, legislative, or local office in a previous primary,
 40 municipal, special, or general election and whether the candidate
 41 has filed all reports required by IC 3-9-5-10 for all previous
 42 candidacies.



1 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 2 candidate has filed a campaign finance statement of organization
 3 for the candidate's principal committee or is aware that the
 4 candidate may be required to file a campaign finance statement of
 5 organization not later than noon seven (7) days after the final date
 6 to file the declaration of candidacy under section 4 of this chapter.

7 (10) The candidate's signature.

8 (b) The election division shall provide that the form of a declaration
 9 of candidacy includes the following information:

10 (1) The dates for filing campaign finance reports under IC 3-9.

11 (2) The penalties for late filing of campaign finance reports under
 12 IC 3-9.

13 (c) A declaration of candidacy must include a statement that the
 14 candidate requests the name on the candidate's voter registration record
 15 be the same as the name the candidate uses on the declaration of
 16 candidacy. If there is a difference between the name on the candidate's
 17 declaration of candidacy and the name on the candidate's voter
 18 registration record, the officer with whom the declaration of candidacy
 19 is filed shall forward the information to the voter registration officer of
 20 the appropriate county as required by IC 3-5-7-6(e). The voter
 21 registration officer of the appropriate county shall change the name on
 22 the candidate's voter registration record to be the same as the name on
 23 the candidate's declaration of candidacy.

24 SECTION 3. IC 3-8-5-10.5, AS AMENDED BY P.L.278-2019,
 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 10.5. (a) A person who desires to be
 27 nominated for a town office by a major political party must file a
 28 declaration of candidacy with the circuit court clerk of the county
 29 containing the greatest percentage of population of the town.

30 (b) A declaration of candidacy must be filed:

31 (1) not earlier than the first date that a declaration of candidacy
 32 for a primary election may be filed under IC 3-8-2-4; and

33 (2) not later than:

34 (A) noon August 1 before a municipal election if the town
 35 nominates its candidates by convention; and

36 (B) the date that a declaration of candidacy must be filed under
 37 IC 3-8-2-4 if the town nominates its candidates by a primary
 38 election.

39 (c) The declaration must be subscribed and sworn to (or affirmed)
 40 before a notary public or other person authorized to administer oaths.

41 (d) The declaration of each candidate required by this section must
 42 certify the following information:



- 1 (1) The candidate's name, printed or typewritten as:
 2 (A) the candidate wants the candidate's name to appear on the
 3 ballot; and
 4 (B) the candidate's name is permitted to appear on the ballot
 5 under IC 3-5-7.
- 6 (2) That the candidate is a registered voter and the location of the
 7 candidate's precinct and township (or the ward, if applicable, and
 8 town), county, and state.
- 9 (3) The candidate's complete residence address and the
 10 candidate's mailing address if the mailing address is different
 11 from the residence address.
- 12 (4) The majority party candidate's party affiliation and the office
 13 to which the candidate seeks nomination, including the district
 14 designation if the candidate is seeking a town legislative body
 15 seat. For purposes of this subdivision, a candidate is considered
 16 to be affiliated with a political party only if one (1) of the
 17 following applies:
 18 (A) The most recent primary election in Indiana in which the
 19 candidate voted was a primary election held by the party with
 20 which the candidate claims affiliation. **If the candidate cast**
 21 **a nonpartisan ballot at an election held at the most recent**
 22 **primary election in which the candidate voted, a**
 23 **certification by the county chairman under clause (B) is**
 24 **required.**
 25 (B) The county chairman of:
 26 (i) the political party with which the candidate claims
 27 affiliation; and
 28 (ii) the county in which the candidate resides;
 29 certifies in writing that the candidate is a member of the
 30 political party.
- 31 The declaration of candidacy must inform a candidate how party
 32 affiliation is determined under this subdivision and permit the
 33 candidate to indicate on the declaration of candidacy whether
 34 clause (A) or (B) applies to the candidate. If a candidate claims
 35 party affiliation under clause (B), the candidate must attach to the
 36 candidate's declaration of candidacy the written certification of
 37 the county chairman required by clause (B).
- 38 (5) That the candidate complies with all requirements under the
 39 laws of Indiana to be a candidate for the above named office,
 40 including any applicable residency requirements, and is not
 41 ineligible to be a candidate due to a criminal conviction that
 42 would prohibit the candidate from serving in the office.



- 1 (6) That the candidate has attached either of the following to the
 2 declaration:
 3 (A) A copy of a statement of economic interests, file stamped
 4 by the office required to receive the statement of economic
 5 interests.
 6 (B) A receipt or photocopy of a receipt showing that a
 7 statement of economic interests has been filed.
 8 (7) That the candidate understands that if the candidate is elected
 9 to the office, the candidate may be required to obtain and file an
 10 individual surety bond before serving in the office.
 11 (8) That the candidate understands that if the candidate is elected
 12 to the office, the candidate may be required to successfully
 13 complete training or have attained certification related to service
 14 in an elected office.
 15 (9) That the candidate:
 16 (A) is aware of the provisions of IC 3-9 regarding campaign
 17 finance and the reporting of campaign contributions and
 18 expenditures; and
 19 (B) agrees to comply with the provisions of IC 3-9.
 20 (10) A statement indicating whether or not the candidate:
 21 (A) has been a candidate for state, legislative, local, or school
 22 board office in a previous primary, municipal, special, or
 23 general election; and
 24 (B) has filed all reports required by IC 3-9-5-10 for all
 25 previous candidacies.
 26 (11) The candidate's signature.
 27 (e) This subsection does not apply to a town whose municipal
 28 election is to be conducted by a county. Immediately after the deadline
 29 for filing, the circuit court clerk shall do all of the following:
 30 (1) Certify to the town clerk-treasurer and release to the public a
 31 list of the candidates of each political party for each office. The
 32 list shall indicate any candidates of a political party nominated for
 33 an office under this chapter because of the failure of any other
 34 candidates of that political party to file a declaration of candidacy
 35 for that office.
 36 (2) Post a copy of the list in a prominent place in the circuit court
 37 clerk's office.
 38 (3) File a copy of each declaration of candidacy with the town
 39 clerk-treasurer.
 40 (f) A person who files a declaration of candidacy for an elected
 41 office for which a per diem or salary is provided for by law is
 42 disqualified from filing a declaration of candidacy for another office for



1 which a per diem or salary is provided for by law until the original
2 declaration is withdrawn.

3 (g) A person who files a declaration of candidacy for an elected
4 office may not file a declaration of candidacy for that office in the same
5 year as a member of a different political party until the original
6 declaration is withdrawn.

7 (h) A person who files a declaration of candidacy under this section
8 may file a written notice withdrawing the person's declaration of
9 candidacy in the same manner as the original declaration was filed, if
10 the notice of withdrawal is filed not later than:

11 (1) noon August 1 before the municipal election if the town
12 nominates its candidates by convention; and

13 (2) the date that a declaration of candidacy may be withdrawn
14 under IC 3-8-2-20 if the town nominates its candidates in a
15 primary election.

16 (i) A declaration of candidacy must include a statement that the
17 candidate requests the name on the candidate's voter registration record
18 be the same as the name the candidate uses on the declaration of
19 candidacy. If there is a difference between the name on the candidate's
20 declaration of candidacy and the name on the candidate's voter
21 registration record, the officer with whom the declaration of candidacy
22 is filed shall forward the information to the voter registration officer of
23 the appropriate county as required by IC 3-5-7-6(e). The voter
24 registration officer of the appropriate county shall change the name on
25 the candidate's voter registration record to be the same as the name on
26 the candidate's declaration of candidacy.

27 SECTION 4. IC 3-10-6-2, AS AMENDED BY P.L.74-2017,
28 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2020]: Sec. 2. (a) Except as otherwise provided in this
30 chapter, a municipal primary election shall be held on the first Tuesday
31 after the first Monday in May ~~2019~~ **2023** and every four (4) years
32 thereafter.

33 (b) Each political party whose nominee received at least ten percent
34 (10%) of the votes cast in the state for secretary of state at the last
35 election shall nominate all candidates to be voted for at the municipal
36 election to be held in November.

37 SECTION 5. IC 3-10-6-5, AS AMENDED BY P.L.74-2017,
38 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2020]: Sec. 5. Except as otherwise provided in this chapter,
40 a municipal election shall be held on the first Tuesday after the first
41 Monday in November ~~2019~~ **2023** and every four (4) years thereafter.
42 At the election, public officials shall be elected to each municipal



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office.

SECTION 6. IC 3-10-6-6, AS AMENDED BY P.L.278-2019, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988), or section 2.5 of this chapter shall:

- (1) at the general election in November 2022 and every four (4) years thereafter; and
- (2) at the municipal election in November ~~2019~~ 2023 and every four (4) years thereafter;

elect town council members for terms of four (4) years to those offices whose terms expire at noon January 1 following the election, as provided in IC 36-5-2-3. The election shall be conducted under this chapter.

(b) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall:

- (1) at the general election in November 2020 and every four (4) years thereafter; and
- (2) at the general election in November 2022 and every four (4) years thereafter;

elect town council members for terms of four (4) years to those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

(c) Notwithstanding section 5 of this chapter, a town that adopted an ordinance under section 2.6 of this chapter shall, at the general election in November 2020 and every four (4) years thereafter, elect a town clerk-treasurer and town court judge (if a town court has been established under IC 33-35-1-1) to those offices whose terms expire at noon January 1 of the following year. The election shall be conducted under this chapter.

SECTION 7. IC 3-11-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) The device of each political party or independent ticket described in section 6 of this chapter shall be:

- (1) enclosed in a circle not less than three-fourths (3/4) of an inch in diameter; and
- (2) placed under the name of the party or independent ticket, as required by section 10 of this chapter.

(b) A device of a political party or independent ticket must not be printed on a ballot if:

- (1) there are no candidates of that political party; or**



1 **(2) the only candidates of the political party are for election to**
 2 **offices to which more than one (1) individual is to be elected**
 3 **and which will not be credited with a vote under IC 3-12-1-7**
 4 **if a voter casts a straight party ticket.**

5 SECTION 8. IC 3-11-2-12.2, AS AMENDED BY P.L.74-2017,
 6 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 12.2. ~~(a)~~ Whenever candidates are to be
 8 elected to an office that includes more than one (1) district, the districts
 9 shall be placed on the ballot in alphabetical or numerical order,
 10 according to the designation given to the district.

11 ~~(b) Whenever candidates are to be elected to a school board office~~
 12 ~~that includes both an at-large member and a member representing a~~
 13 ~~district, the candidates seeking election as a member representing a~~
 14 ~~district shall be placed on the ballot before candidates seeking election~~
 15 ~~as an at-large member.~~

16 SECTION 9. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2020]: Sec. 12.4. (a) This section applies whenever more than
 19 one (1) candidate may be elected to an office.

20 (b) The office shall be placed on the general election ballot after the
 21 offices described in section 12 of this chapter and before the offices
 22 described in section 12.9 of this chapter.

23 **(c) Whenever candidates are to be elected to a county council,**
 24 **city common council, or town council that includes both an at-large**
 25 **member and a member representing a district, the candidates**
 26 **seeking election as a member representing a district shall be placed**
 27 **on the ballot before candidates seeking election as an at-large**
 28 **member.**

29 ~~(c)~~ **(d)** The ballot shall contain a statement reading substantially as
 30 follows above the name of the first candidate: "To vote for any
 31 candidate for this office, you must make a voting mark for each
 32 candidate you wish to vote for. A straight party vote will not count as
 33 a vote for any candidate for this office."

34 SECTION 10. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016,
 35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at
 37 the general election shall be placed on the general election ballot after
 38 the offices described in section 12.4 of this chapter with each candidate
 39 for the office designated as "nonpartisan".

40 (b) If the ballot contains a candidate for a school board office, the
 41 ballot must also contain a statement that reads substantially as follows:
 42 "To vote for a candidate for this office, make a voting mark on or in the



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square to the left of the candidate's name."

(c) Whenever candidates are to be elected to a school board office that includes both an at-large member and a member representing a district, the candidates seeking election as a member representing a district shall be placed on the ballot before candidates seeking election as an at-large member.

SECTION 11. IC 3-11-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A public question shall be placed on the general election ballot in the following form:

(The explanatory text for the public question,
if required by law)
"Shall (insert public question)?"

- YES
- NO

(b) In addition to any other explanatory text required by law, the ballot must also contain a statement that reads substantially as follows: "To vote on this public question, make a voting mark on or in the square to the left of the word "YES" or "NO"."

(c) Except as expressly authorized or required by statute, the commission, the election division, or a county election board may not authorize the printing or use of ballots that contain language concerning the public question other than the language authorized by a statute.

(d) A public question printed on a ballot shall be set forth without any quotation marks preceding or following the text of the public question.

SECTION 12. IC 3-11-4-1, AS AMENDED BY P.L.66-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot. Except as otherwise provided in this article, a voter voting by absentee ballot must vote in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.6) or at a satellite office established under IC 3-11-10-26.3.

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

(c) The commission, by unanimous vote of its entire membership,



1 may authorize a person who is otherwise qualified to vote in person to
 2 vote by absentee ballot if the commission determines that an
 3 emergency prevents the person from voting in person at a polling place.

4 (d) The absentee ballots used in subsection (b) or (c) must be the
 5 same official absentee ballots as described in section 12.5 of this
 6 chapter. Taking into consideration the amount of time remaining before
 7 the election, the commission shall determine whether the absentee
 8 ballots are transmitted to and from the voter by mail or personally
 9 delivered. An absentee ballot that is personally delivered shall comply
 10 with the requirements in sections 19, 20, and 21 of this chapter.

11 SECTION 13. IC 3-11-4-3, AS AMENDED BY P.L.283-2019,
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (c) and
 14 section 6 of this chapter, an application for an absentee ballot must be
 15 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2
 16 **or IC 3-6-5.6**, the director of the board of elections and registration)
 17 not earlier than the date the registration period resumes under
 18 IC 3-7-13-10 nor later than the following:

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

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

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

24 (B) is an absent uniformed services voter or overseas voter
 25 who requests that the ballot be transmitted by electronic mail
 26 or fax under section 6(h) of this chapter.

27 (3) Noon on the day before election day if:

28 (A) the application is a mailed, transmitted by electronic mail
 29 or fax, or hand delivered application from a confined voter or
 30 voter caring for a confined person; and

31 (B) the applicant requests that the absentee ballots be
 32 delivered to the applicant by an absentee voter board under
 33 IC 3-11-10-25.

34 (4) 11:59 p.m. twelve (12) days before election day if the
 35 application is:

36 (A) a mailed application;

37 (B) transmitted by electronic mail;

38 (C) transmitted by fax; or

39 (D) hand delivered;

40 from other voters who request to vote by mail under
 41 IC 3-11-10-24.

42 (b) An application for an absentee ballot received by the election



1 division by the time and date specified by subsection (a)(2)(B), (a)(3),
 2 or (a)(4) is considered to have been timely received for purposes of
 3 processing by the county. The election division shall immediately
 4 transmit the application to the circuit court clerk, or the director of the
 5 board of elections and registration, of the county where the applicant
 6 resides. The election division is not required to complete or file the
 7 affidavit required under section 2(h) of this chapter whenever the
 8 election division transmits an application under this subsection.

9 (c) ~~This subsection applies to every election held after December~~
 10 ~~31, 2019.~~ An application for an absentee ballot for the election may not
 11 be received by the circuit court clerk (or, in a county subject to
 12 IC 3-6-5.2 **or IC 3-6-5.6**, the director of the board of elections and
 13 registration) earlier than December 1 of the year before the election.

14 SECTION 14. IC 3-11-4-15, AS AMENDED BY P.L.66-2010,
 15 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 15. The absentee ballots that are prepared and
 17 printed under the direction of a county election board shall be delivered
 18 to the circuit court clerk (or the board acting under IC 3-6-5.2 **or**
 19 **IC 3-6-5.6**) at least fifty (50) days before a general, primary, special,
 20 or municipal election.

21 SECTION 15. IC 3-11-10-4 IS REPEALED [EFFECTIVE UPON
 22 PASSAGE]. Sec. 4. (a) ~~Upon receipt of an absentee ballot, a county~~
 23 ~~election board (or the absentee voter board in the office of the circuit~~
 24 ~~court clerk) shall immediately examine the signature of the absentee~~
 25 ~~voter to determine its genuineness.~~

26 (b) ~~This subsection does not apply to an absentee ballot cast by a~~
 27 ~~voter permitted to transmit the voter's absentee ballots by fax or~~
 28 ~~electronic mail under IC 3-11-4-6. The board shall compare the~~
 29 ~~signature as it appears upon the envelope containing the absentee ballot~~
 30 ~~with the signature of the voter as it appears upon the application for the~~
 31 ~~absentee ballot. The board may also compare the signature on the ballot~~
 32 ~~envelope with any other admittedly genuine signature of the voter.~~

33 (c) ~~This subsection applies to an absentee ballot cast by a voter~~
 34 ~~permitted to transmit the voter's absentee ballots by fax or electronic~~
 35 ~~mail under IC 3-11-4-6. The board shall compare the signature as it~~
 36 ~~appears on the affidavit transmitted with the voter's absentee ballot to~~
 37 ~~the voter's signature as it appears on the application for the absentee~~
 38 ~~ballot. The board may also compare the signature on the affidavit with~~
 39 ~~any other admittedly genuine signature of the voter.~~

40 SECTION 16. IC 3-11-10-4.5 IS REPEALED [EFFECTIVE UPON
 41 PASSAGE]. Sec. 4.5. (a) ~~Upon receipt of an absentee ballot from a~~
 42 ~~voter required to provide additional information to the county voter~~



1 registration office under IC 3-7-33-4.5; the county election board shall
 2 contact the county voter registration office to determine if the
 3 additional information has been filed with the office by the voter.

4 (b) If the voter has filed the information with the county voter
 5 registration office; the county election board shall add a notation to the
 6 application indicating that the required information has been filed and
 7 that the absentee ballot may be counted if the ballot otherwise complies
 8 with this article:

9 (c) If the voter has not filed the information with the county voter
 10 registration office; the county election board shall add a notation on the
 11 application filed by a voter described under subsection (b) and on the
 12 envelope provided under this chapter reading substantially as follows:

13 "INSPECTOR: AS OF (insert date absentee ballot application
 14 approved) THIS VOTER WAS REQUIRED TO FILE
 15 ADDITIONAL DOCUMENTATION WITH THE COUNTY
 16 VOTER REGISTRATION OFFICE BEFORE THIS BALLOT
 17 MAY BE COUNTED. CHECK THE POLL LIST AND
 18 COUNTY ELECTION BOARD CERTIFICATION TO SEE IF
 19 THE VOTER HAS FILED THIS INFORMATION. IF NOT,
 20 PROCESS AS A PROVISIONAL BALLOT IF THIS BALLOT
 21 OTHERWISE COMPLIES WITH INDIANA LAW."

22 SECTION 17. IC 3-11-10-8.5, AS ADDED BY P.L.169-2015,
 23 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This section does not
 25 apply to an application for an absentee ballot from a voter:

- 26 (1) participating in the address confidentiality program under
 27 IC 5-26.5-2; or
 28 (2) requesting to cast an absentee ballot in the office of the circuit
 29 court clerk, the office of the board of elections and registration, or
 30 a satellite office.

31 (b) Before a voter's application for an absentee ballot is attached to
 32 the ballot envelope, ~~under section 5, 6, or 8 of this chapter,~~ the
 33 application must be scanned or otherwise copied for public inspection.

34 SECTION 18. IC 3-11-10-19 IS REPEALED [EFFECTIVE UPON
 35 PASSAGE]. ~~Sec. 19: If a circuit court clerk has signed an absentee
 36 ballot and the ballot has been initialed as prescribed by IC 3-11-4-19;
 37 no other initialing is required:~~

38 SECTION 19. IC 3-11-10-24, AS AMENDED BY P.L.278-2019,
 39 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b),
 41 a voter who satisfies any of the following is entitled to vote by mail:

- 42 (1) The voter has a specific, reasonable expectation of being



- 1 absent from the county on election day during the entire twelve
 2 (12) hours that the polls are open.
- 3 (2) The voter will be absent from the precinct of the voter's
 4 residence on election day because of service as:
- 5 (A) a precinct election officer under IC 3-6-6;
 6 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 7 (C) a challenger or pollbook holder under IC 3-6-7; or
 8 (D) a person employed by an election board to administer the
 9 election for which the absentee ballot is requested.
- 10 (3) The voter will be confined on election day to the voter's
 11 residence, to a health care facility, or to a hospital because of an
 12 illness or injury during the entire twelve (12) hours that the polls
 13 are open.
- 14 (4) The voter is a voter with disabilities.
- 15 (5) The voter is an elderly voter.
- 16 (6) The voter is prevented from voting due to the voter's care of
 17 an individual confined to a private residence because of illness or
 18 injury during the entire twelve (12) hours that the polls are open.
- 19 (7) The voter is scheduled to work at the person's regular place of
 20 employment during the entire twelve (12) hours that the polls are
 21 open.
- 22 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 23 (9) The voter is prevented from voting due to observance of a
 24 religious discipline or religious holiday during the entire twelve
 25 (12) hours that the polls are open.
- 26 (10) The voter is an address confidentiality program participant
 27 (as defined in IC 5-26.5-1-6).
- 28 (11) The voter is a member of the military or public safety officer.
- 29 (12) The voter is a serious sex offender (as defined in
 30 IC 35-42-4-14(a)).
- 31 (13) The voter is prevented from voting due to the unavailability
 32 of transportation to the polls.
- 33 (b) A voter with disabilities who:
- 34 (1) is unable to make a voting mark on the ballot or sign the
 35 absentee ballot secrecy envelope; and
 36 (2) requests that the absentee ballot be delivered to an address
 37 within Indiana;
- 38 must vote before an absentee voter board under section 25(b) of this
 39 chapter.
- 40 (c) If a voter receives an absentee ballot by mail, the voter shall
 41 personally mark the ballot in secret and seal the marked ballot inside
 42 the envelope provided by the county election board for that purpose.



- 1 The voter shall:
- 2 (1) deposit the sealed envelope in the United States mail for
- 3 delivery to the county election board; or
- 4 (2) authorize a member of the voter's household or the individual
- 5 designated as the voter's attorney in fact to:
- 6 (A) deposit the sealed envelope in the United States mail; or
- 7 (B) deliver the sealed envelope in person to the county
- 8 election board.
- 9 (d) If a member of the voter's household or the voter's attorney in
- 10 fact delivers the sealed envelope containing a voter's absentee ballot to
- 11 the county election board, the individual delivering the ballot shall
- 12 complete an affidavit in a form prescribed by the election division. The
- 13 affidavit must contain the following information:
- 14 (1) The name and residence address of the voter whose absentee
- 15 ballot is being delivered.
- 16 (2) A statement of the full name, residence and mailing address,
- 17 and daytime and evening telephone numbers (if any) of the
- 18 individual delivering the absentee ballot.
- 19 (3) A statement indicating whether the individual delivering the
- 20 absentee ballot is a member of the voter's household or is the
- 21 attorney in fact for the voter. If the individual is the attorney in
- 22 fact for the voter, the individual must attach a copy of the power
- 23 of attorney for the voter, unless a copy of this document has
- 24 already been filed with the county election board.
- 25 (4) The date and location at which the absentee ballot was
- 26 delivered by the voter to the individual delivering the ballot to the
- 27 county election board.
- 28 (5) A statement that the individual delivering the absentee ballot
- 29 has complied with Indiana laws governing absentee ballots.
- 30 (6) A statement that the individual delivering the absentee ballot
- 31 is executing the affidavit under the penalties of perjury.
- 32 (7) A statement setting forth the penalties for perjury.
- 33 (e) The county election board shall record the date and time that the
- 34 affidavit under subsection (d) was filed with the board.
- 35 (f) After a voter has mailed or delivered an absentee ballot to the
- 36 office of the circuit court clerk, the voter may not recast a ballot, except
- 37 as provided in **IC 3-11-4-17.7**, **IC 3-11.5-4-2**, and **IC 3-11.5-4-21**.
- 38 SECTION 20. IC 3-11-10-25, AS AMENDED BY P.L.169-2015,
- 39 SECTION 120, IS AMENDED TO READ AS FOLLOWS
- 40 [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A voter who votes by
- 41 absentee ballot because of:
- 42 (1) illness or injury; or



1 (2) caring for a confined person at a private residence;
 2 and who is within the county ~~on election day~~ may vote before an
 3 absentee voter board or by mail.

4 (b) If requested by a voter described in subsection (a) or by a voter
 5 with disabilities whose precinct is not accessible to voters with
 6 disabilities, an absentee voter board shall visit the voter's place of
 7 confinement ~~or~~ the residence of the voter with disabilities: ~~or the~~
 8 ~~private residence:~~

9 (1) during the regular office hours of the circuit court clerk;

10 (2) at a time agreed to by the board and the voter;

11 (3) on any of the nineteen (19) days immediately before election
 12 day; and

13 (4) only once before an election, unless:

14 (A) the confined voter is unavailable at the time of the board's
 15 first visit due to a medical emergency; or

16 (B) the board, in its discretion, decides to make an additional
 17 visit.

18 (c) This subsection applies to a voter confined due to illness or
 19 injury. An absentee voter board may not be denied access to the voter's
 20 place of confinement if the board is present at the place of confinement
 21 at a time:

22 (1) agreed to by the board and the voter; and

23 (2) during the regular office hours of the circuit court clerk. A
 24 person who knowingly violates this subsection commits
 25 obstruction or interference with an election officer in the
 26 discharge of the officer's duty, a violation of IC 3-14-3-4.

27 (d) The county election board, by unanimous vote of the board's
 28 entire membership, may authorize an absentee voter board to visit a
 29 voter who is confined due to illness or injury and will be outside the
 30 county on election day in accordance with the procedures set forth in
 31 subsection (b).

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

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

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

41 (3) notified before the ballot is cast regarding the effect of casting
 42 multiple votes for the office and provided an opportunity to



1 correct the ballot before the ballot is cast and counted.

2 (f) As provided by 52 U.S.C. 21081, when an absentee ballot is
3 provided under this section, the board must also provide the voter with:

4 (1) information concerning the effect of casting multiple votes for
5 an office; and

6 (2) instructions on how to correct the ballot before the ballot is
7 cast and counted, including the issuance of replacement ballots.

8 (g) This subsection applies to a voter who applies to vote an
9 absentee ballot by mail. The county election board shall include a copy
10 of the Absentee Voter's Bill of Rights with any absentee ballot mailed
11 to the voter.

12 SECTION 21. IC 3-11-10-26, AS AMENDED BY P.L.278-2019,
13 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: Sec. 26. (a) This subsection applies to all counties,
15 except for a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an
16 alternative to voting by mail, a voter is entitled to cast an absentee
17 ballot before an absentee voter board at any of the following:

18 (1) One (1) location of the office of the circuit court clerk
19 designated by the circuit court clerk.

20 (2) A satellite office established under section 26.3 of this
21 chapter.

22 (b) This subsection applies to a county to which IC 3-6-5.2 or
23 IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is
24 entitled to cast an absentee ballot before an absentee voter board at any
25 of the following:

26 (1) The office of the board of elections and registration.

27 (2) A satellite office established under section 26.3 of this
28 chapter.

29 (c) Except for a location designated under subsection (a)(1), a
30 location of the office of the circuit court clerk must be established as
31 a satellite office under section 26.3 of this chapter in order to be used
32 as a location at which a voter is entitled to cast an absentee ballot
33 before an absentee voter board under this section.

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

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

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



- 1 following:
- 2 (A) If the county election board has prescribed an affidavit
- 3 under subsection (e) that includes a unique identifier to
- 4 comply with section 26.2(c)(3) of this chapter, make and
- 5 subscribe to the affidavit.
- 6 (B) Sign the electronic poll book.
- 7 (C) Provide proof of identification.
- 8 (3) This subdivision applies only to a county that uses electronic
- 9 poll books for voting under this section and in which the ballot is
- 10 cast on an optical scan voting system. The voter must do the
- 11 following:
- 12 (A) Sign the electronic poll book.
- 13 (B) Provide proof of identification.
- 14 (C) Sign the affidavit prescribed by section 29 of this chapter.
- 15 (e) The county election board may:
- 16 (1) prescribe an affidavit that includes a unique identifier; or
- 17 (2) establish a procedure to produce a document, label, or
- 18 electronic record that is associated with each voter and includes
- 19 a unique identifier;
- 20 to comply with section 26.2(c)(3) of this chapter. After the county
- 21 election board approves an affidavit or procedure described in this
- 22 subsection and before the affidavit or procedure is used in an election,
- 23 the county election board shall file a copy of the affidavit or a brief
- 24 description of the procedure with the election division to assist the state
- 25 recount commission in conducting proceedings under IC 3-12-11.
- 26 (f) The voter may vote before the board not more than twenty-eight
- 27 (28) days nor later than noon on the day before election day. If the
- 28 close of a voter registration period is transferred under IC 3-5-4-1.5
- 29 from twenty-nine (29) days to a later date due to the Columbus Day
- 30 holiday, the voter may vote before the board on the first day following
- 31 the day on which the voter registration period closes.
- 32 (g) An absent uniformed services voter who is eligible to vote by
- 33 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
- 34 may vote before the board not earlier than twenty-eight (28) days
- 35 before the election and not later than noon on election day. If the close
- 36 of a voter registration period is transferred under IC 3-5-4-1.5 from
- 37 twenty-nine (29) days to a later date due to the Columbus Day holiday,
- 38 the voter may vote before the board on the first day following the day
- 39 on which the voter registration period closes. If a voter described by
- 40 this subsection wishes to cast an absentee ballot during the period
- 41 beginning at noon on the day before election day and ending at noon on
- 42 election day, the county election board or absentee voter board may



1 receive and process the ballot at a location designated by resolution of
2 the county election board.

3 (h) The absentee voter board in the office of the circuit court clerk
4 must permit voters to cast absentee ballots under this section for at
5 least seven (7) hours on each of the two (2) Saturdays preceding
6 election day.

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

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

- 15 (1) permitted to verify in a private and independent manner the
- 16 votes selected by the voter before the ballot is cast and counted;
- 17 (2) provided with the opportunity to change the ballot or correct
- 18 any error in a private and independent manner before the ballot is
- 19 cast and counted, including the opportunity to receive a
- 20 replacement ballot if the voter is otherwise unable to change or
- 21 correct the ballot; and
- 22 (3) notified before the ballot is cast regarding the effect of casting
- 23 multiple votes for the office and provided an opportunity to
- 24 correct the ballot before the ballot is cast and counted.

25 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is
26 provided under this section, the board must also provide the voter with:

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

31 (l) If:

- 32 (1) the voter is unable or declines to present the proof of
- 33 identification; or
- 34 (2) a member of the board determines that the proof of
- 35 identification provided by the voter does not qualify as proof of
- 36 identification under IC 3-5-2-40.5;

37 the voter shall be permitted to cast a provisional ballot.

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

40 (n) In a primary election, a voter casting an absentee ballot under
41 this chapter may not change the voter's choice of the voter's political
42 party after the voter has been mailed or otherwise provided with a



1 primary ballot containing the candidates of that party.

2 SECTION 22. IC 3-11-10-26.5, AS AMENDED BY P.L.278-2019,
3 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 26.5. (a) This section applies to:

- 5 (1) a municipal election;
6 (2) a primary conducted in a municipal election year; and
7 (3) a special election conducted under IC 3-10-8 **and that is not**
8 **conducted at the same time as any other election.**

9 (b) Notwithstanding section 26 of this chapter **or IC 3-11-18.1-4 in**
10 **a vote center county**, a county election board (or a town election board
11 acting under IC 3-10-7) may adopt a resolution **or an amendment to**
12 **a county vote center plan** by the unanimous vote of the board's entire
13 membership stating that voters are entitled to vote by absentee ballot
14 before an absentee voter board in the office of the circuit court clerk or
15 town election board during specific days and hours identified in the
16 resolution.

17 (c) If the election board adopts a resolution under subsection (b), the
18 board must include written findings of fact in the resolution stating:

- 19 (1) the number of absentee ballot applications anticipated or
20 previously received for the election;
21 (2) the expense to be incurred by providing absentee ballot voting
22 in the office during the entire period required under section 26 of
23 this chapter; and
24 (3) that voters would experience little or no inconvenience by
25 restricting absentee ballot voting in the office to the days and
26 hours specified in the resolution.

27 SECTION 23. IC 3-11-10-28, AS AMENDED BY P.L.221-2005,
28 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 UPON PASSAGE]: Sec. 28. (a) A voter voting before an absentee
30 voter board shall mark the voter's ballot in the presence of the board,
31 but not in such a manner that either of the members of the board can
32 see for whom the voter voted, unless the voter requests the help of the
33 board in marking a ballot under IC 3-11-9. **The voter shall fold each**
34 **ballot separately in a manner to conceal the voter's markings.**

35 (b) The voter shall then, in the presence of the board, place the
36 ballot in an envelope furnished by the county election board.

37 (c) The circuit court clerk shall provide, to the extent practicable,
38 the same degree of privacy to absentee voters voting at the office of the
39 circuit court clerk as provided to voters at the polls on election day.

40 (d) This subsection applies to a voter required to present additional
41 information under IC 3-7-33-4.5. If the voter does not present the
42 required additional information before receiving the absentee ballot,



1 the absentee ballot shall be processed in accordance with ~~section 4.5(c)~~
2 ~~of this chapter. IC 3-11.5-4-3.5.~~

3 (e) **This subsection applies to a voter required to present**
4 **additional information under IC 3-7-33-4.5.** Upon accepting the
5 completed absentee ballot from the voter, the board shall provide the
6 voter with a notice:

7 (1) listing the documentation the voter may submit to the county
8 voter registration office to comply with IC 3-7-33-4.5; and

9 (2) stating the address and hours of the county voter registration
10 office.

11 SECTION 24. IC 3-11-10-29.5, AS ADDED BY P.L.219-2013,
12 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 29.5. Each day after absentee voting
14 concludes in the circuit court clerk's office **or** a satellite office, **or a**
15 **vote center**; the county election board shall direct that the vote history
16 be uploaded from each electronic poll list into the computerized list.

17 SECTION 25. IC 3-11-10-30 IS REPEALED [EFFECTIVE UPON
18 PASSAGE]. ~~Sec. 30: Even though the voter may have applied for and~~
19 ~~received an absentee ballot, a voter who returns to the voter's place of~~
20 ~~residence before the close of the polls on election day may vote in~~
21 ~~person under the conditions prescribed by section 31 of this chapter.~~

22 SECTION 26. IC 3-11-10-31 IS REPEALED [EFFECTIVE UPON
23 PASSAGE]. ~~Sec. 31: (a) If a voter has not returned an absentee ballot;~~
24 ~~then the voter may vote in person:~~

25 (b) ~~However, if the voter has received an absentee ballot, before the~~
26 ~~voter may vote, the voter must return the ballot to the inspector. The~~
27 ~~absentee ballot shall be marked "cancelled" and preserved with other~~
28 ~~defective ballots:~~

29 (c) ~~If the voter has requested but not received an absentee ballot, the~~
30 ~~voter may vote if the voter executes an affidavit affirming that the voter~~
31 ~~has not received an absentee ballot.~~

32 SECTION 27. IC 3-11-10-32 IS REPEALED [EFFECTIVE UPON
33 PASSAGE]. ~~Sec. 32: If a voter has marked and returned an absentee~~
34 ~~ballot, the voter may not vote in person at a precinct.~~

35 SECTION 28. IC 3-11-10-36 IS REPEALED [EFFECTIVE UPON
36 PASSAGE]. ~~Sec. 36: (a) Each county election board shall appoint~~
37 ~~absentee voter boards:~~

38 (b) ~~The absentee voter boards must consist of two (2) voters of the~~
39 ~~county, one (1) from each of the two (2) political parties that have~~
40 ~~appointed members on the county election board. If a special election~~
41 ~~is held for a local public question, the county election board may, by~~
42 ~~unanimous vote of the entire membership of the board, adopt a~~



1 resolution to provide that the party membership requirement does not
 2 apply to absentee voter boards appointed to conduct the special
 3 election. A resolution adopted under this subsection may not be
 4 repealed and expires the day after the special election.

5 (c) An otherwise qualified person is eligible to serve on an absentee
 6 voter board unless the person:

- 7 (1) is unable to read, write, and speak the English language;
 8 (2) has any property bet or wagered on the result of the election;
 9 (3) is a candidate to be voted for at the election, except as an
 10 unopposed candidate for precinct committeeman or state
 11 convention delegate; or
 12 (4) is the spouse, parent, father-in-law, mother-in-law, child,
 13 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 14 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
 15 of a candidate or declared write-in candidate to be voted for at the
 16 election, except as an unopposed candidate. This subdivision
 17 disqualifies a person whose relationship to the candidate is the
 18 result of birth, marriage, or adoption.

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

- 23 (1) the candidate is seeking nomination or election to an office in
 24 an election district that does not consist of the entire county; and
 25 (2) the county election board restricts the duties of the person as
 26 an absentee voter board member to performing functions that
 27 could have no influence on the casting or counting of absentee
 28 ballots within the election district.

29 SECTION 29. IC 3-11-10-38, AS AMENDED BY P.L.278-2019,
 30 SECTION 100, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: Sec. 38. The voters appointed to the
 32 absentee voter boards under ~~section 36 of this chapter IC 3-11.5-4-22~~
 33 shall be compensated in the following manner:

- 34 (1) The boards that are sent to voters under section 25 of this
 35 chapter are entitled to a per diem and a sum for mileage at a rate
 36 determined by the county fiscal body.
 37 (2) The boards that are assigned to the circuit court clerk's office
 38 or a satellite facility under ~~IC 3-11-10-26 or IC 3-11-10-26.3~~
 39 **section 26 or 26.3 of this chapter** are entitled to a per diem at a
 40 rate set by the county fiscal body.
 41 (3) The ~~boards absentee ballot couriers~~ that are assigned to
 42 ~~deliver the absentee ballots delivering lists~~ to the precincts on



- 1 election day are entitled to a per diem and a sum for mileage at a
 2 rate determined by the county fiscal body.
- 3 SECTION 30. IC 3-11-13-11, AS AMENDED BY P.L.278-2019,
 4 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot information,
 6 whether placed on the ballot card or on the marking device, must be in
 7 the order of arrangement provided for ballots under this section.
- 8 (b) Each county election board shall have the names of all
 9 candidates for all elected offices, political party offices, and public
 10 questions printed on a ballot card as provided in this chapter. The
 11 county may:
- 12 (1) print all offices and questions on a single ballot card; and
 - 13 (2) include a ballot variation code to ensure that the proper
 14 version of a ballot is used within a precinct.
- 15 (c) Each type of ballot card must be of uniform size and of the same
 16 quality and color of paper (except as permitted under IC 3-10-1-17).
- 17 (d) The nominees of a political party or an independent candidate
 18 or independent ticket (described in IC 3-11-2-6) nominated by
 19 petitioners shall be listed on the ballot with the name and device set
 20 forth on the certification or petition. The circle containing the device
 21 may be of any size that permits a voter to readily identify the device.
 22 IC 3-11-2-5 applies if the certification or petition does not include a
 23 name or device, or if the same device is selected by two (2) or more
 24 parties or petitioners.
- 25 (e) The offices and public questions on the general election ballot
 26 must be placed on the ballot in the order listed in IC 3-11-2-12,
 27 ~~IC 3-11-2-12.2~~, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b),
 28 IC 3-11-2-12.9(a), **IC 3-11-2-12.9(c)**, IC 3-11-2-13(a) through
 29 IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and
 30 public questions may be listed in a continuous column either vertically
 31 or horizontally and on a number of separate pages.
- 32 (f) The name of each office must be printed in a uniform size in bold
 33 type. A statement reading substantially as follows must be placed
 34 immediately below the name of the office and above the name of the
 35 first candidate:
- 36 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 37 elected to the office.
 - 38 (2) "Vote for not more than (insert the number of candidates to be
 39 elected) candidate(s) for this office. To vote for any candidate for
 40 this office, you must make a voting mark for each candidate you
 41 wish to vote for. A straight party vote will not count as a vote for
 42 any candidate for this office.", if more than one (1) candidate is to



- 1 be elected to the office.
- 2 (g) Below the name of the office and the statement required by
3 subsection (f), the names of the candidates for each office must be
4 grouped together in the following order:
- 5 (1) The major political party whose candidate received the highest
6 number of votes in the county for secretary of state at the last
7 election is listed first.
- 8 (2) The major political party whose candidate received the second
9 highest number of votes in the county for secretary of state is
10 listed second.
- 11 (3) All other political parties listed in the order that the parties'
12 candidates for secretary of state finished in the last election are
13 listed after the party listed in subdivision (2).
- 14 (4) If a political party did not have a candidate for secretary of
15 state in the last election or a nominee is an independent candidate
16 or independent ticket (described in IC 3-11-2-6), the party or
17 candidate is listed after the parties described in subdivisions (1),
18 (2), and (3).
- 19 (5) If more than one (1) political party or independent candidate
20 or ticket described in subdivision (4) qualifies to be on the ballot,
21 the parties, candidates, or tickets are listed in the order in which
22 the party filed its petition of nomination under IC 3-8-6-12.
- 23 (6) A space for write-in voting is placed after the candidates listed
24 in subdivisions (1) through (5), if required by law.
- 25 (7) The name of a write-in candidate may not be listed on the
26 ballot.
- 27 (h) The names of the candidates grouped in the order established by
28 subsection (g) must be printed in type with uniform capital letters and
29 have a uniform space between each name. The name of the candidate's
30 political party, or the word "Independent" if the:
- 31 (1) candidate; or
32 (2) ticket of candidates for:
- 33 (A) President and Vice President of the United States; or
34 (B) governor and lieutenant governor;
- 35 is independent, must be placed immediately below or beside the name
36 of the candidate and must be printed in a uniform size and type.
- 37 (i) All the candidates of the same political party for election to
38 at-large seats on the fiscal or legislative body of a political subdivision
39 must be grouped together:
- 40 (1) under the name of the office that the candidates are seeking;
41 (2) in the order established by subsection (g); and
42 (3) within the political party, in alphabetical order according to



1 surname.

2 A statement reading substantially as follows must be placed
3 immediately below the name of the office and above the name of the
4 first candidate: "Vote for not more than (insert the number of
5 candidates to be elected) candidate(s) of ANY party for this office."

6 (j) Candidates for election to at-large seats on the governing body
7 of a school corporation must be grouped:

8 (1) under the name of the office that the candidates are seeking;
9 and

10 (2) in alphabetical order according to surname.

11 A statement reading substantially as follows must be placed
12 immediately below the name of the office and above the name of the
13 first candidate: "Vote for not more than (insert the number of
14 candidates to be elected) candidate(s) for this office."

15 (k) The following information must be placed at the top of the ballot
16 before the first public question is listed:

17 (1) The cautionary statement described in IC 3-11-2-7.

18 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
19 and IC 3-11-2-10(e).

20 (l) The ballot must include a single connectable arrow, circle, oval,
21 or square, or a voting position for voting a straight party or an
22 independent ticket (described in IC 3-11-2-6) by one (1) mark as
23 required by section 14 of this chapter, and the single connectable
24 arrow, circle, oval, or square, or the voting position for casting a
25 straight party or an independent ticket ballot must be identified by:

26 (1) the name of the political party or independent ticket
27 (described in IC 3-11-2-6); and

28 (2) immediately below or beside the political party's or
29 independent ticket's name, the device of that party or ticket
30 (described in IC 3-11-2-5).

31 The name and device of each political party or independent ticket must
32 be of uniform size and type and arranged in the order established by
33 subsection (g) for listing candidates under each office. The instructions
34 described in IC 3-11-2-10(c) for voting a straight party ticket and the
35 statement concerning presidential electors required under IC 3-10-4-3
36 may be placed on the ballot label or in a location within the voting
37 booth in a location that permits the voter to easily read the instructions.

38 (m) A public question must be in the form described in
39 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable
40 arrow, a circle, or an oval may be used instead of a square. Except as
41 expressly authorized or required by statute, a county election board
42 may not print a ballot card that contains language concerning the public



1 question other than the language authorized by a statute.

2 (n) The requirements in this section:

3 (1) do not replace; and

4 (2) are in addition to;

5 any other requirements in this title that apply to optical scan ballots.

6 (o) The procedure described in IC 3-11-2-16 must be used when a
7 ballot does not comply with the requirements imposed by this title or
8 contains another error or omission that might result in confusion or
9 mistakes by voters.

10 (p) This subsection applies to an optical scan ballot that does not
11 list:

12 (1) the names of political parties or candidates; or

13 (2) the text of public questions;

14 on the face of the ballot. The ballot must be prepared in accordance
15 with this section, except that the ballot must include a numbered circle
16 or oval to refer to each political party, candidate, or public question.

17 SECTION 31. IC 3-11-13-11.5 IS ADDED TO THE INDIANA
18 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
19 **[EFFECTIVE UPON PASSAGE]: Sec. 11.5. A public question**
20 **printed on a ballot shall be set forth without any quotation marks**
21 **preceding or following the text of the public question.**

22 SECTION 32. IC 3-11-13-14, AS AMENDED BY P.L.21-2016,
23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2020]: Sec. 14. (a) In partisan elections, the ballot labels must
25 include a voting square or position where a voter may by one (1) voting
26 mark on each card record a straight party or an independent ticket vote
27 for all the candidates of one (1) political party or the independent
28 ticket, except for offices for which the voter:

29 (1) is required to cast an individual vote for a candidate under
30 IC 3-11-7-4(b); or

31 (2) has voted individually for a candidate for any other office.

32 (b) If the voter records a vote for the two (2) candidates comprising
33 an independent ticket, the vote must not count for any other
34 independent candidate on the ballot.

35 **(c) A ballot label must not include a voting square or position to**
36 **permit a voter to cast a straight party ticket for a political party or**
37 **independent ticket if:**

38 **(1) there are no candidates of that political party; or**

39 **(2) the only candidates of the political party are for election to**
40 **offices to which more than one (1) individual is to be elected**
41 **and which will not be credited with a vote under IC 3-12-1-7**
42 **if a voter casts a straight party ticket.**



1 SECTION 33. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016,
 2 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2020]: Sec. 3.5. (a) Each county election board shall have the
 4 names of all candidates for all elected offices, political party offices,
 5 and public questions printed on ballot labels for use in an electronic
 6 voting system as provided in this chapter.

7 (b) The county may:

8 (1) print all offices and public questions on a single ballot label;
 9 and

10 (2) include a ballot variation code to ensure that the proper
 11 version of a ballot label is used within a precinct.

12 (c) Each type of ballot label must be of uniform size and of the same
 13 quality and color of paper (except as permitted under IC 3-10-1-17).

14 (d) The nominees of a political party or an independent candidate
 15 or independent ticket (described in IC 3-11-2-6) nominated by
 16 petitioners must be listed on the ballot label with the name and device
 17 set forth on the certification or petition. The circle containing the
 18 device may be of any size that permits a voter to readily identify the
 19 device. IC 3-11-2-5 applies if the certification or petition does not
 20 include a name or device, or if the same device is selected by two (2)
 21 or more parties or petitioners.

22 (e) The ballot labels must list the offices and public questions on the
 23 general election ballot in the order listed in IC 3-11-2-12,
 24 ~~IC 3-11-2-12.2~~, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b),
 25 IC 3-11-2-12.9(a), **IC 3-11-2-12.9(c)**, IC 3-11-2-13(a) through
 26 IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and
 27 public question may have a separate screen, or the offices and public
 28 questions may be listed in a continuous column either vertically or
 29 horizontally.

30 (f) The name of each office must be printed in a uniform size in bold
 31 type. A statement reading substantially as follows must be placed
 32 immediately below the name of the office and above the name of the
 33 first candidate:

34 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 35 elected to the office.

36 (2) "Vote for not more than (insert the number of candidates to be
 37 elected) candidate(s) for this office. To vote for any candidate for
 38 this office, you must make a voting mark for each candidate you
 39 wish to vote for. A straight party vote will not count as a vote for
 40 any candidate for this office.", if more than one (1) candidate is to
 41 be elected to the office.

42 (g) Below the name of the office and the statement required by



1 subsection (f), the names of the candidates for each office must be
2 grouped together in the following order:

3 (1) The major political party whose candidate received the highest
4 number of votes in the county for secretary of state at the last
5 election is listed first.

6 (2) The major political party whose candidate received the second
7 highest number of votes in the county for secretary of state is
8 listed second.

9 (3) All other political parties listed in the order that the parties'
10 candidates for secretary of state finished in the last election are
11 listed after the party listed in subdivision (2).

12 (4) If a political party did not have a candidate for secretary of
13 state in the last election or a nominee is an independent candidate
14 or independent ticket (described in IC 3-11-2-6), the party or
15 candidate is listed after the parties described in subdivisions (1),
16 (2), and (3).

17 (5) If more than one (1) political party or independent candidate
18 or ticket described in subdivision (4) qualifies to be on the ballot,
19 the parties, candidates, or tickets are listed in the order in which
20 the party filed its petition of nomination under IC 3-8-6-12.

21 (6) A space for write-in voting is placed after the candidates listed
22 in subdivisions (1) through (5), if required by law. A space for
23 write-in voting for an office is not required if there are no
24 declared write-in candidates for that office. However, procedures
25 must be implemented to permit write-in voting for candidates for
26 federal offices.

27 (7) The name of a write-in candidate may not be listed on the
28 ballot.

29 (h) The names of the candidates grouped in the order established by
30 subsection (g) must be printed in type with uniform capital letters and
31 have a uniform space between each name. The name of the candidate's
32 political party, or the word "Independent", if the:

33 (1) candidate; or

34 (2) ticket of candidates for:

35 (A) President and Vice President of the United States; or

36 (B) governor and lieutenant governor;

37 is independent, must be placed immediately below or beside the name
38 of the candidate and must be printed in uniform size and type.

39 (i) All the candidates of the same political party for election to
40 at-large seats on the fiscal or legislative body of a political subdivision
41 must be grouped together:

42 (1) under the name of the office that the candidates are seeking;



- 1 (2) in the party order established by subsection (g); and
 2 (3) within the political party, in alphabetical order according to
 3 surname.

4 A statement reading substantially as follows must be placed
 5 immediately below the name of the office and above the name of the
 6 first candidate: "Vote for not more than (insert the number of
 7 candidates to be elected) candidate(s) of ANY party for this office."

8 (j) Candidates for election to at-large seats on the governing body
 9 of a school corporation must be grouped:

- 10 (1) under the name of the office that the candidates are seeking;
 11 and
 12 (2) in alphabetical order according to surname.

13 A statement reading substantially as follows must be placed
 14 immediately below the name of the office and above the name of the
 15 first candidate: "Vote for not more than (insert the number of
 16 candidates to be elected) candidate(s) for this office."

17 (k) The cautionary statement described in IC 3-11-2-7 must be
 18 placed at the top or beginning of the ballot label before the first public
 19 question is listed.

20 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and
 21 IC 3-11-2-10(e) may be:

- 22 (1) placed on the ballot label; or
 23 (2) posted in a location within the voting booth that permits the
 24 voter to easily read the instructions.

25 (m) **Except as provided in section 14.5 of this chapter**, the ballot
 26 label must include a touch sensitive point or button for voting a straight
 27 political party or independent ticket (described in IC 3-11-2-6) by one
 28 (1) touch, and the touch sensitive point or button must be identified by:

- 29 (1) the name of the political party or independent ticket; and
 30 (2) immediately below or beside the political party's or
 31 independent ticket's name, the device of that party or ticket
 32 (described in IC 3-11-2-5).

33 The name and device of each party or ticket must be of uniform size
 34 and type, and arranged in the order established by subsection (g) for
 35 listing candidates under each office. The instructions described in
 36 IC 3-11-2-10(c) for voting a straight party ticket and the statement
 37 concerning presidential electors required under IC 3-10-4-3 may be
 38 placed on the ballot label or in a location within the voting booth that
 39 permits the voter to easily read the instructions.

40 (n) A public question must be in the form described in
 41 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
 42 point or button must be used instead of a square. Except as expressly



1 authorized or required by statute, a county election board may not print
 2 a ballot label that contains language concerning the public question
 3 other than the language authorized by a statute.

4 (o) The requirements in this section:

5 (1) do not replace; and

6 (2) are in addition to;

7 any other requirements in this title that apply to ballots for electronic
 8 voting systems.

9 (p) The procedure described in IC 3-11-2-16 must be used when a
 10 ballot label does not comply with the requirements imposed by this title
 11 or contains another error or omission that might result in confusion or
 12 mistakes by voters.

13 SECTION 34. IC 3-11-14-3.7 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE UPON PASSAGE]: **Sec. 3.7. A public question printed**
 16 **on a ballot shall be set forth without any quotation marks**
 17 **preceding or following the text of the public question.**

18 SECTION 35. IC 3-11-14-14.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2020]: **Sec. 14.5. A ballot label must not**
 21 **include a touch sensitive point or button to permit a voter to cast**
 22 **a straight party ticket for a political party or independent ticket if:**

23 (1) there are no candidates of that political party; or

24 (2) the only candidates of the political party are for election to
 25 offices to which more than one (1) individual is to be elected
 26 and which will not be credited with a vote under IC 3-12-1-7
 27 if a voter casts a straight party ticket.

28 SECTION 36. IC 3-11.5-4-3.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) Upon receipt of an**
 31 **absentee ballot from a voter required to provide additional**
 32 **information to the county voter registration office under**
 33 **IC 3-7-33-4.5, the county election board shall contact the county**
 34 **voter registration office to determine if the additional information**
 35 **has been filed with the office by the voter.**

36 (b) If the voter has filed the information with the county voter
 37 registration office, the county election board shall add a notation
 38 to the application indicating that the required information has
 39 been filed and that the absentee ballot may be counted if the ballot
 40 otherwise complies with this article.

41 (c) If the voter has not filed the information with the county
 42 voter registration office, the county election board shall add a



1 notation on the application filed by a voter described under
 2 subsection (b) and on the envelope provided under this chapter
 3 reading substantially as follows:

4 "ABSENTEE BALLOT COUNTERS: AS OF (insert date
 5 absentee ballot application approved) THIS VOTER WAS
 6 REQUIRED TO FILE ADDITIONAL DOCUMENTATION
 7 WITH THE COUNTY VOTER REGISTRATION OFFICE
 8 BEFORE THIS BALLOT MAY BE COUNTED. CHECK
 9 THE POLL LIST AND COUNTY ELECTION BOARD
 10 CERTIFICATION TO SEE IF THE VOTER HAS FILED
 11 THIS INFORMATION. IF NOT, PROCESS AS A
 12 PROVISIONAL BALLOT IF THIS BALLOT OTHERWISE
 13 COMPLIES WITH INDIANA LAW."

14 SECTION 37. IC 3-11.5-4-5, AS AMENDED BY P.L.157-2019,
 15 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 5. (a) Upon receipt of the absentee ballot
 17 and no later than election day, the county election board, or the
 18 absentee board members in the office of the circuit court clerk,
 19 shall compare the signature of the voter on the absentee ballot
 20 application, or, if there is no application, with the signature on the
 21 electronic poll book, with the signature on:

- 22 (1) the voter's absentee ballot envelope; or
 23 (2) the computerized list, if there is no envelope.

24 (a) (b) If a county election board ~~unanimously~~ finds that the
 25 signature on a ballot envelope or transmitted affidavit is genuine, the
 26 board shall enclose immediately the accepted and unopened ballot
 27 envelope, together with the voter's application for the absentee ballot,
 28 in a large or carrier envelope. **If the county election board does not**
 29 **unanimously determine that the signature on a ballot envelope is**
 30 **genuine, the board shall also write on the ballot envelope described**
 31 **in subsection (c) or the transmitted affidavit from a voter under**
 32 **IC 3-11-4-6, the words "SIGNATURE DISPUTED"**. The board ~~may~~
 33 **shall** enclose in the same carrier envelope all absentee ballot envelopes
 34 and applications for the same precinct.

35 (b) (c) The envelope shall be securely sealed and endorsed with the
 36 name and official title of the circuit court clerk and the following
 37 words: "This envelope contains an absentee ballot and must be opened
 38 only on election day under IC 3-11.5."

39 SECTION 38. IC 3-11.5-4-11, AS AMENDED BY P.L.278-2019,
 40 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Upon receipt of the
 42 absentee ballot and no later than election day, the county election



1 **board shall examine the signature on the absentee ballot.**

2 ~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; (c), ~~or~~ (d), **or** (e), at any
3 time after the couriers return the certificate under section 9 of this
4 chapter, absentee ballot counters appointed under section 22 of this
5 chapter, in the presence of the county election board, shall, except for
6 a ballot rejected under section 13 of this chapter:

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

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

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

13 **(A) voter's absentee affidavit on the** ballot envelope;
14 **transmitted affidavit under IC 3-11-4-6(h); or voter registration**
15 **record; or**

16 **(B) if there is no envelope, with the voter's signature on the**
17 **computerized list.**

18 ~~(b)~~ **(c)** This subsection applies to a county (other than a county
19 described in subsection ~~(c)~~ **or** (d) **or** (e)) that:

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

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

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

30 ~~(c)~~ **(d)** This subsection applies to a county having a consolidated
31 city, if the county:

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

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

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



1 and on each public question.

2 ~~(d)~~ (e) This subsection applies to a county other than a county
3 having a consolidated city, if the county election board has adopted a
4 resolution by the unanimous vote of the entire membership of the board
5 to use procedures set forth in this subsection, and the county:

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

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

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

18 ~~(e)~~ (f) A resolution adopted under subsection ~~(d)~~ (e) may be
19 repealed or amended only by the unanimous vote of the entire
20 membership of the county election board.

21 SECTION 39. IC 3-11.5-4-20 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. If ~~the inspector~~
23 **a voter** has marked the poll list to indicate that ~~the~~ **and returned an**
24 absentee ballot, ~~cast by the voter has been received by the county~~
25 **election board**; the voter may not vote in person except as provided in
26 section 21 of this chapter.

27 SECTION 40. IC 3-11.5-4-22, AS AMENDED BY P.L.169-2015,
28 SECTION 142, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Except as provided in
30 subsection (b), each county election board shall appoint:

31 (1) absentee voter boards;

32 (2) teams of absentee ballot counters; and

33 (3) teams of couriers;

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

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

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

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

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



- 1 IC 3-7-29-6(a)(1); or
 2 (B) is a vote center county under IC 3-11-18.1.
 3 (c) An otherwise qualified person is eligible to serve on an absentee
 4 voter board or as an absentee ballot counter or a courier unless the
 5 person:
 6 (1) is unable to read, write, and speak the English language;
 7 (2) has any property bet or wagered on the result of the election;
 8 (3) is a candidate to be voted for at the election except as an
 9 unopposed candidate for **a city office, town office, township**
 10 **office, school board office**, precinct committeeman, or state
 11 convention delegate; or
 12 (4) is the spouse, parent, father-in-law, mother-in-law, child,
 13 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 14 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
 15 of a candidate or declared write-in candidate to be voted for at the
 16 election except as an unopposed candidate. This subdivision
 17 disqualifies a person whose relationship to the candidate is the
 18 result of birth, marriage, or adoption.
 19 (d) A person who is a candidate to be voted for at the election or
 20 who is related to a candidate in a manner that would result in
 21 disqualification under subsection (c) may, notwithstanding subsection
 22 (c), serve as a member of an absentee voter board if:
 23 (1) the candidate is seeking nomination or election to an office in
 24 an election district that does not consist of the entire county; and
 25 (2) the county election board restricts the duties of the person as
 26 an absentee voter board member to performing functions that
 27 could have no influence on the casting or counting of absentee
 28 ballots within the election district.
 29 SECTION 41. IC 3-11.5-6-3, AS AMENDED BY P.L.210-2018,
 30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b),
 32 (c), or (d), immediately after:
 33 (1) the couriers have returned the certificate from a precinct under
 34 IC 3-11.5-4-9; and
 35 (2) the absentee ballot counters or the county election board has
 36 made the findings required under IC 3-11-10 and IC 3-11.5-4 for
 37 the absentee ballots cast by voters of the precinct and deposited
 38 the accepted absentee ballots in the envelope required under
 39 IC 3-11.5-4-12;
 40 the absentee ballot counters shall, in a central counting location
 41 designated by the county election board, count the absentee ballot votes
 42 for each candidate for each office and on each public question in the



1 precinct with the assistance of any persons required for the operation
2 of the automatic tabulating machine.

3 (b) This subsection does not apply to a county having a consolidated
4 city. This subsection applies to a county that:

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

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

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

15 (c) This subsection applies to a county having a consolidated city,
16 if the county:

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

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

20 After the receipt and processing required under ~~IC 3-11.5-4-11(c)~~
21 **IC 3-11.5-4-11(d)** to process an absentee ballot from a voter and after
22 ensuring that the electronic poll books used in each polling place or
23 vote center have been updated to reflect all absentee ballots received
24 by the county not later than 12:01 a.m. on election day, the absentee
25 ballot counters shall, at any time after 6:00 a.m. on election day, in a
26 central counting location designated by the county election board,
27 count the absentee ballot votes cast for each candidate, for each office,
28 and on each public question.

29 (d) This subsection applies to a county other than a county having
30 a consolidated city, if the county election board has adopted a
31 resolution by the unanimous vote of the entire membership of the board
32 to use procedures set forth in this subsection, and the county:

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

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

36 After the receipt and processing required under ~~IC 3-11.5-4-11(d)~~
37 **IC 3-11.5-4-11(e)** to process an absentee ballot from a voter and after
38 ensuring that the electronic poll books used in each polling place or
39 vote center have been updated to reflect all absentee ballots received
40 by the county not later than 12:01 a.m. on election day, the absentee
41 ballot counters shall, at any time after 6:00 a.m. on election day, in a
42 central counting location designated by the county election board,



1 count the absentee ballot votes cast for each candidate, for each office,
2 and on each public question.

3 (e) A resolution adopted under subsection (d) may be repealed or
4 amended only by the unanimous vote of the entire membership of the
5 county election board.

6 SECTION 42. IC 3-11.7-3-8 IS ADDED TO THE INDIANA CODE
7 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
8 **UPON PASSAGE]: Sec. 8. For purposes of Article 2, Section 9 of**
9 **the Constitution of the State of Indiana, the position of absentee**
10 **ballot counter or provisional ballot counter is not a lucrative office.**

11 SECTION 43. IC 3-12-3-2.5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) Not later
13 than ten (10) days before any election at which ballot cards will be
14 tabulated at a central counting location, the county election board shall
15 designate the counting location to be used for the processing or
16 counting of ballots.

17 (b) This counting location must be located within the county or
18 within an adjoining county in Indiana. If the counting location is within
19 the county, the board shall also determine whether the precinct officials
20 are to make their returns directly to the counting location or to the
21 office of the clerk of the circuit court. If the counting location is outside
22 the county, all precinct returns shall be made directly to:

- 23 (1) the office of the clerk of the circuit court or to the chief deputy
24 of a combined election board established under IC 3-6-5.2; **or**
25 **(2) the director of the board of elections and registration**
26 **under IC 3-6-5.6.**

27 (c) No counting location shall be used by more than one (1) county
28 at an election without the approval of the commission.

29 (d) Whenever the precinct returns are made directly to the office of
30 the clerk of the circuit court and the counting location is not performed
31 in that office, the county election board is responsible for arranging
32 adequate security during the transfer of all ballot cards to the counting
33 location. This security shall include the following:

- 34 (1) All ballot cards must at all times be under the supervision of
35 at least two (2) persons, one (1) from each of two (2) political
36 parties entitled to have a member on the county election board.
37 (2) At least one (1) member of the county sheriff's department
38 shall accompany the ballot cards from the clerk's office to the
39 counting location. This assistance shall be rendered under
40 IC 3-6-5-33.

41 SECTION 44. IC 3-12-11-10 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each



1 petitioner shall furnish a cash deposit for the payment of costs of the
 2 recount chargeable to the petitioner. The minimum amount of the cash
 3 deposit is one hundred dollars (\$100). The cash deposit shall be
 4 deposited in the state recount fund.

5 (b) This subsection applies only to a recount of an election for
 6 nomination or election to either of the following:

7 (1) A legislative office in which, on the face of the election
 8 returns, the difference between the number of votes cast for the
 9 candidate nominated or elected and the petitioner is not more than
 10 one percent (1%) of the total votes cast for all candidates for the
 11 nomination or office.

12 (2) An office other than a legislative office in which, on the face
 13 of the election returns, the difference between the number of votes
 14 cast for the candidate nominated or elected and the petitioner is
 15 not more than one percent (1%) of the total votes cast for all
 16 candidates for the nomination or office.

17 If the number of precincts to be recounted exceeds ten (10), the amount
 18 of the deposit shall be increased by ten dollars (\$10) for each precinct
 19 in excess of ten (10).

20 (c) This subsection applies only to a recount of an election for
 21 nomination or election to either of the following:

22 (1) A legislative office in which, on the face of the election
 23 returns, the difference between the number of votes cast for the
 24 candidate nominated or elected and the petitioner is more than
 25 one percent (1%) of the total votes cast for the nomination or
 26 office.

27 (2) An office other than a legislative office in which, on the face
 28 of the election returns, the difference between the number of votes
 29 cast for the candidate nominated or elected and the petitioner is
 30 more than one percent (1%) of the total votes cast for the
 31 nomination or office.

32 If the number of precincts to be recounted exceeds ten (10), the amount
 33 of the deposit shall be increased by one hundred dollars (\$100) for each
 34 precinct in excess of ten (10).

35 (d) If after a recount, it is determined that a petitioner has been
 36 nominated or elected, the deposit furnished by that petitioner shall be
 37 returned to that petitioner in full.

38 (e) Any unexpended balance remaining in a deposit after payment
 39 of the costs of the recount shall be returned to the depositor in the
 40 following manner:

41 (1) If the recount results in a reduction of at least fifty percent
 42 (50%) but less than one hundred percent (100%) of the margin of



1 the total certified votes, the petitioner shall receive a refund of
2 that percentage of the unexpended balance.

3 (2) If after a recount, it is determined that a petitioner has been
4 nominated or elected, the deposit or the bond furnished by that
5 petitioner shall be returned to that petitioner in full.

6 (3) Any unexpended balance remaining after the provision of
7 subdivision (1) has been satisfied shall be deposited in the state
8 recount fund.

9 **(f) A member of the commission may appoint an individual to**
10 **serve as a proxy of record in the member's place as a member of**
11 **the commission by filing with the election division a written**
12 **instrument appointing the proxy of record. The proxy of record**
13 **has the same authority to act and vote on all matters as does the**
14 **member. The member may revoke the authority of the proxy of**
15 **record at any time. The authority of the proxy of record may either**
16 **be limited or general concerning the duration or subject matter as**
17 **set forth by the member in the written instrument appointing the**
18 **proxy.**

19 SECTION 45. IC 3-13-1-7 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as
21 provided in subsection (b), action to fill a candidate vacancy must be
22 taken:

23 (1) not later than noon June 30 after the primary election if the
24 vacancy exists on a general or municipal election ballot; and

25 (2) within thirty (30) days after the occurrence of the vacancy, if
26 the vacancy exists on a special election ballot, subject to section
27 2 of this chapter.

28 (b) This subsection applies to a candidate vacancy that exists before
29 the thirtieth day before a general, municipal, or special election. ~~and~~
30 ~~that is due to any of the following:~~

31 ~~(1) The death of a candidate.~~

32 ~~(2) The withdrawal of a candidate.~~

33 ~~(3) The disqualification of a candidate under IC 3-8-1-5.~~

34 ~~(4) A court order issued under IC 3-8-7-29(d).~~

35 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this
36 chapter ~~for reasons permitted under this subsection~~ must be taken
37 ~~within~~ **not later than noon** thirty (30) days after the occurrence of the
38 vacancy.

39 SECTION 46. IC 3-14-3-19, AS AMENDED BY P.L.158-2013,
40 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 19. A person who, for the purpose of inducing
42 or procuring another person to:



- 1 (1) apply for or cast an absentee ballot; or
 2 (2) vote or refrain from voting for or against a candidate or for or
 3 against a public question at:
 4 (A) an election;
 5 (B) a caucus;
 6 (C) an appointment of a candidate by a political party
 7 chairman or central committee officers; or
 8 (D) a political convention;
 9 **authorized or required by this title;**
 10 gives, offers, or promises to any person any money or other property
 11 commits a Level 6 felony.
- 12 SECTION 47. IC 20-46-9-14, AS ADDED BY P.L.272-2019,
 13 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec]. 14. (a) The referendum shall be held in the next
 15 primary election, general election, or municipal election in which all
 16 the registered voters who are residents of the school corporation are
 17 entitled to vote after certification of the question under IC 3-10-9-3.
 18 The certification of the question must occur not later than noon:
 19 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if
 20 the question is to be placed on the primary or municipal primary
 21 election ballot; or
 22 (2) August 1 if the question is to be placed on the general or
 23 municipal election ballot.
- 24 (b) However, if a primary election, general election, or municipal
 25 election will not be held during the first year in which the public
 26 question is eligible to be placed on the ballot under this chapter and if
 27 the school corporation requests the public question to be placed on the
 28 ballot at a special election, the public question shall be placed on the
 29 ballot at a special election to be held on the first Tuesday after the first
 30 Monday in May or November of the year. The certification must occur
 31 not later than noon:
 32 (1) sixty (60) days before a special election to be held in May (if
 33 the special election is to be held in May); or
 34 (2) August 1 (if the special election is to be held in November).
- 35 (c) If the referendum is not conducted at a primary election, general
 36 election, or municipal election, the school corporation in which the
 37 referendum is to be held shall pay all the costs of holding the
 38 referendum.
- 39 SECTION 48. **An emergency is declared for this act.**

