

SENATE BILL No. 402

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-11.3; IC 3-7; IC 3-10-8-9; IC 3-11; IC 3-11.5; IC 3-11.7-2-1; IC 3-12; IC 3-14; IC 9-24-2.5-4.

Synopsis: Various elections matters. Provides that the polls close at 7 p.m. (Under current law, the polls must close at 6 p.m.) Provides that an application to obtain or renew a motor vehicle driver's license or permit or an identification card serves as a voter registration application unless the applicant expressly declines on the application to register to vote. Provides that a voter becomes registered to vote when: (1) the county voter registration office determines the voter appears to be eligible to vote at the address on the voter's voter registration application; and (2) the voter receives notice of this determination. Requires a county voter registration office to note that a voter is in inactive status if the notice of voter registration is returned by the United States Postal Service due to an unknown or insufficient address. Eliminates the seven day period during which a voter's voter registration application is considered pending. Permits a voter to register at the polls by completing a voter registration form and an affirmation that the person has not voted elsewhere in the election and by providing proof of residence. Permits a voter who is qualified to vote in person to vote by absentee ballot. Removes all other qualifications for a voter to vote by absentee ballot except for a voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope. (Such a disabled voter is currently required to vote before an absentee voter board.) Requires each absentee ballot mailed to a voter to be assigned a unique tracking number as prescribed by the election division using IMb Tracing. Requires the election division to incorporate a feature in the computerized list that enables county election officials and a voter to
(Continued next page)

Effective: July 1, 2021.

Ford J.D.

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



Digest Continued

use IMb Tracing to track the voter's absentee ballot from the time the absentee ballot was mailed to the voter until the time the absentee ballot was received by the county election officials. Permits a county election board to authorize nonpartisan election observers for educational purposes to be present at the polls. Permits a county election board to authorize a public health safety officer to be present at the polls to monitor the public health. Requires each county to establish one satellite office for absentee voting in addition to absentee voting provided in the circuit court clerk's office. Requires each county to establish an additional satellite office for each 25,000 or fraction of 25,000 active voters in the county. Requires that in a township with at least 25,000 active voters, a satellite office must be established for each 25,000 active voters in the township. Provides that a voter may return a completed absentee ballot sealed in an absentee ballot envelope to the county election board by depositing the absentee ballot envelope in an absentee ballot drop box. Provides that absentee ballots may be scanned, but not tabulated, before election day. Provides that a person who knowingly does any electioneering in an area within 100 feet of an absentee ballot drop box commits a Class A misdemeanor. Repeals a provision that requires the rejection of an absentee ballot marked and forwarded by a voter who subsequently dies before election day. Repeals obsolete statutes relating to counting absentee ballots in precincts. Makes conforming changes.



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

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

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

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

SENATE BILL No. 402



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

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

- 1 SECTION 1. IC 3-5-2-11.3 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2021]: **Sec. 11.3. "Close of the polls" refers to the time that the**
- 4 **polls are set to close under IC 3-11-8-8.**
- 5 SECTION 2. IC 3-7-13-10.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2021]: **Sec. 10.5. Notwithstanding section 10 of this chapter, an**
- 8 **individual may register or transfer registration on the day of a**
- 9 **primary, general, municipal, school district, or special election as**
- 10 **provided in IC 3-7-49.**
- 11 SECTION 3. IC 3-7-13-11 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. A person desiring
- 13 to register or transfer a registration may do so:
- 14 (1) at the office of the circuit court clerk or board of registration
- 15 through the close of business on the twenty-ninth day before the



1 election is scheduled to occur; or

2 **(2) on the day of a primary, general, municipal, school**
 3 **district, or special election as provided in IC 3-7-49 or**
 4 **IC 3-10-11.**

5 SECTION 4. IC 3-7-14-2 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as provided in
 7 ~~subsection~~ **subsections (b) and (c)**, the definitions in IC 9-13-2 apply
 8 to this chapter.

9 **(b) A reference to an "application" in this chapter is a reference**
 10 **to an application to obtain or renew a motor vehicle driver's**
 11 **license or permit or an identification card unless otherwise stated.**

12 ~~(b)~~ **(c)** A reference to the "commission" in this chapter is a reference
 13 to the Indiana election commission unless otherwise stated.

14 SECTION 5. IC 3-7-14-4, AS AMENDED BY P.L.128-2015,
 15 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 4. **(a)** An application to ~~obtain or renew a motor~~
 17 ~~vehicle driver's license, permit, or identification card~~ serves as an
 18 application for voter registration:

19 (1) under this article; and

20 (2) as provided in 52 U.S.C. 20504(a)(1). ~~unless the applicant~~
 21 ~~fails to sign~~

22 **(b) An individual's signature on an application is considered the**
 23 **individual's signature for the individual's voter registration**
 24 **application.**

25 SECTION 6. IC 3-7-14-5, AS AMENDED BY P.L.128-2015,
 26 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 5. ~~As provided in 52 U.S.C. 20504(c)(1),~~ The
 28 bureau of motor vehicles commission shall **design each application**
 29 **form to include the information required for** a voter registration
 30 application form as a ~~part of the application for a driver's license~~
 31 ~~prescribed under IC 9-24.~~ **required by Indiana law.**

32 SECTION 7. IC 3-7-14-6, AS AMENDED BY P.L.169-2015,
 33 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 6. The **bureau of motor vehicles commission**
 35 **and the election division shall prescribe the jointly design of the**
 36 **registration application form** required under section 5 of this chapter.

37 SECTION 8. IC 3-7-14-7 IS REPEALED [EFFECTIVE JULY 1,
 38 2021]. Sec. 7. ~~As provided in 52 U.S.C. 20504(c)(2),~~ the registration
 39 form described in section 5 of this chapter must meet the following
 40 requirements:

41 ~~(1) The form may not require information that duplicates~~
 42 ~~information required in the driver's license application part of the~~



- 1 form; except as set forth in subdivision (3):
- 2 (2) The form may require only the minimum amount of
- 3 information necessary to do the following:
- 4 (A) Prevent duplication of voter registrations.
- 5 (B) Permit the circuit court clerk or board of registration to:
- 6 (i) assess the eligibility of the applicant; and
- 7 (ii) administer the election and voter registration system.
- 8 (3) The form must include a statement that does the following:
- 9 (A) Sets forth each eligibility requirement for registration
- 10 (including citizenship):
- 11 (B) Contains an attestation that the applicant meets each of the
- 12 eligibility requirements:
- 13 (C) Requires the signature of the applicant; under penalty of
- 14 perjury:
- 15 (4) The form must include the following; in print that is identical
- 16 to the print used in the attestation part of the application:
- 17 (A) Information setting forth the penalties provided by law for
- 18 submission of a false voter registration application.
- 19 (B) A statement that; if an applicant declines to register to
- 20 vote; the fact that the applicant has declined to register will
- 21 remain confidential and will be used only for voter registration
- 22 purposes.
- 23 (C) A statement that if an applicant does register to vote; the
- 24 office at which the applicant submits a voter registration
- 25 application will remain confidential and will be used only for
- 26 voter registration purposes.

27 SECTION 9. IC 3-7-14-7.1 IS ADDED TO THE INDIANA CODE

28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

29 1, 2021]: **Sec. 7.1. The application form described in section 5 of**

30 **this chapter must meet the following requirements:**

- 31 (1) The form must obtain all information required for a
- 32 driver's license or permit or an identification card.
- 33 (2) The form may require only the minimum amount of
- 34 information necessary to do the following:
- 35 (A) Prevent duplication of voter registrations.
- 36 (B) Permit the circuit court clerk or board of registration
- 37 to:
- 38 (i) assess the eligibility of the applicant; and
- 39 (ii) administer the election and voter registration system.
- 40 (3) The form must set forth each eligibility requirement for
- 41 voter registration, including citizenship.
- 42 (4) The form must contain each of the following options, one



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(1) of which an applicant may select as provided on the form:

(A) The applicant meets the eligibility requirements for voter registration and wishes to register to vote or to update the applicant's voter registration record.

(B) The applicant does not wish to register to vote or update the applicant's voter registration record.

(5) The form must inform the applicant that if the applicant does not select an option set forth under subdivision (4), the applicant will be considered to have chosen the option stated in subdivision (4)(A).

(6) The form must require the signature of the applicant, under the penalties for perjury.

(7) The form must include the following, in print that is identical to the print used in the attestation part of the application:

(A) Information setting forth the penalties provided by law for submission of a false voter registration application.

(B) A statement that, regardless of the applicant's decision regarding registration to vote or updating the applicant's voter registration record, that fact will remain confidential and will be used only for voter registration purposes.

SECTION 10. IC 3-7-14-8 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 8: To register under this chapter, an individual must do the following while on the premises of the license branch:

(1) Complete the voter registration application under section 4 of this chapter.

(2) Present the application to an employee of the license branch.

SECTION 11. IC 3-7-14-9, AS AMENDED BY P.L.164-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) An employee of the bureau of motor vehicles commission who provides an individual with a driver's license or identification card an application shall do the following:

(1) Inform each individual who applies for a driver's license or an identification card seeks to complete an application that the information the individual provides on the individual's application will be used to register the individual to vote unless any of the following applies:

(A) The individual is not eligible to vote.

(B) The individual declines to register to vote. or fails to complete the voter registration part of the application; or The employee must explain to the individual that if the individual does not select an option set forth under section



1 **7.1(4) of this chapter, the individual will be considered to**
 2 **have selected the option that the individual:**

3 **(i) meets the eligibility requirements for voter**
 4 **registration; and**

5 **(ii) wishes to register to vote or to update the individual's**
 6 **voter registration record.**

7 (C) The individual answers "no" to either question described
 8 by IC 3-7-22-5(3) or IC 3-7-22-5(4).

9 (2) Provide each individual ~~who indicates a desire to register or~~
 10 ~~transfer registration~~ with assistance in filling out the ~~voter~~
 11 ~~registration~~ application if requested to do so by the individual.

12 (3) Check the completed ~~voter registration~~ form for legibility and
 13 completeness.

14 (4) Inform the individual that the individual will receive a mailing
 15 from the county voter registration office of the county where the
 16 individual resides concerning the disposition of the voter
 17 registration application.

18 (5) Inform each individual who submits a change of address for
 19 a driver's license or identification card that the information serves
 20 as notice of a change of address for voter registration unless the
 21 applicant ~~states in writing~~ **indicates** on the form that the change
 22 of address is not for voter registration purposes.

23 (b) The bureau of motor vehicles commission shall transmit ~~a~~ voter
 24 registration ~~form information~~ to the election division for transmittal
 25 to the appropriate county voter registration office in accordance with
 26 IC 3-7-26.3.

27 SECTION 12. IC 3-7-14-10 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. If an individual is
 29 ~~registering to vote~~ **completes an application** after the twenty-ninth day
 30 before the date that a primary, general, municipal, or special election
 31 is scheduled in the precinct where the ~~voter individual~~ resides, the
 32 employee of the bureau of motor vehicles commission who provides an
 33 individual with ~~a driver's license or an identification card~~ application
 34 shall do the following:

35 (1) Inform the individual that license branch registration will not
 36 permit the individual to vote in the next election.

37 (2) Inform the individual of other procedures the individual may
 38 follow to vote in the next election.

39 SECTION 13. IC 3-7-14-11, AS AMENDED BY P.L.164-2006,
 40 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 11. **Unless the applicant declines to register**
 42 **under section 7.1 of this chapter**, whenever an applicant completes



1 a ~~voter registration~~ an application under section 4 of this chapter, the
 2 bureau of motor vehicles commission shall provide the applicant with
 3 a written acknowledgment that the applicant has completed a voter
 4 registration application at a license branch. The acknowledgment:

5 (1) may be:

6 (A) a detachable part; or

7 (B) an electronic version;

8 of the ~~registration application~~ form ~~prescribed~~ **designed** under
 9 section ~~4 6~~ of this chapter; and

10 (2) must set forth the name and residential address of the
 11 applicant and the date that the application was completed.

12 SECTION 14. IC 3-7-14-12, AS AMENDED BY P.L.128-2015,
 13 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 12. (a) An applicant who completes a ~~voter~~
 15 ~~registration~~ an application under section 4 of this chapter is not
 16 required to submit the application to a county voter registration office.

17 (b) The bureau of motor vehicles commission shall forward the
 18 voter registration ~~part of information on~~ the application to the election
 19 division for transmittal to the appropriate county voter registration
 20 office on an expedited basis in accordance with IC 3-7-26.3,
 21 IC 9-24-2.5, and 52 U.S.C. 20504(c)(2)(E).

22 SECTION 15. IC 3-7-14-14, AS AMENDED BY P.L.128-2015,
 23 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 14. Except as provided in section 15 of this
 25 chapter, an application under section 4 of this chapter authorizes a
 26 county voter registration office to update the voter registration record
 27 of the applicant:

28 (1) under 52 U.S.C. 20504(a)(2) unless the applicant ~~fails to sign~~
 29 ~~declines~~ the voter registration application **as provided under**
 30 **section 7.1 of this chapter**; or

31 (2) in a manner authorized under IC 3-7-26.3.

32 SECTION 16. IC 3-7-14-15, AS AMENDED BY P.L.128-2015,
 33 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 15. As provided in 52 U.S.C. 20504(d), a circuit
 35 court clerk or board of registration may update the address in the voter
 36 registration of an applicant, unless the applicant indicates on an
 37 application to ~~obtain or renew a motor vehicle driver's license~~ or any
 38 other change of address form submitted to the clerk or board by the
 39 bureau of motor vehicles commission that the change of address of the
 40 applicant is not for voter registration purposes.

41 SECTION 17. IC 3-7-33-3, AS AMENDED BY P.L.128-2015,
 42 SECTION 112, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) This section applies to a voter
2 registration application that is:

3 (1) completed as part of a ~~driver's license~~ **an** application under
4 IC 3-7-14; or

5 (2) submitted at a voter registration agency under this article.

6 (b) As provided in 52 U.S.C. 20507(a)(1), an eligible applicant
7 whose application is accepted by the bureau of motor vehicles or a
8 voter registration agency not later than twenty-nine (29) days before the
9 election shall be registered to vote in the election.

10 SECTION 18. IC 3-7-33-5, AS AMENDED BY P.L.278-2019,
11 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 5. (a) When the county voter registration office
13 receives an application for a new registration or an application with
14 information that revises or adds information to the applicant's current
15 voter registration record, the county voter registration office shall
16 determine if the applicant appears to be eligible to register to vote
17 based on the information in the application.

18 (b) This subsection does not apply to a voter who indicates:

19 (1) under IC 3-7-39-7 or on an absentee application submitted
20 under IC 3-11-4 that the voter has changed the voter's residence
21 to an address within the same precinct where the voter's former
22 address was located; or

23 (2) under IC 3-7-41 or an absentee application submitted under
24 IC 3-11-4 that the voter has changed the voter's name.

25 As required under 52 U.S.C. 20507(a)(2), the county voter registration
26 office shall send a notice to each person from whom the county voter
27 registration office receives a voter registration application. The county
28 voter registration office shall send a notice to the applicant at the
29 mailing address provided in the application.

30 (c) The notice required by subsection (b) must set forth the
31 following:

32 (1) A statement that the application has been received.

33 (2) The disposition of the application by the county voter
34 registration office.

35 (3) If the county voter registration office determines that the
36 applicant appears to be eligible, the notice must state the
37 following:

38 (A) ~~Except as provided under subsection (g);~~ The applicant is
39 registered to vote under the residence address when the
40 applicant receives the notice. ~~An applicant is presumed to~~
41 ~~have received the notice unless the notice is returned by the~~
42 ~~United States Postal Service due to an unknown or insufficient~~



- 1 address and received by the county voter registration office not
 2 later than seven (7) days after the notice is mailed to the
 3 applicant.
 4 (B) The name of the precinct in which the voter is registered.
 5 (C) The address of the polling place for the precinct in which
 6 the voter is registered.
 7 (4) In accordance with 52 U.S.C. 20302(d), if the county voter
 8 registration office has denied the application, the notice must
 9 include the reasons for the denial.
 10 (d) The notice required by subsection (b) may not include a voter
 11 identification number.
 12 (e) The notice required by subsection (b) may include a voter
 13 registration card.
 14 (f) If the notice is returned by the United States Postal Service due
 15 to an unknown or insufficient address, the county voter registration
 16 office shall ~~determine~~ **indicate on the computerized list maintained**
 17 **under IC 3-7-26.3** that the applicant is ineligible and deny the
 18 application. **applicant's registration is inactive.**
 19 (g) ~~During the seven (7) days following the mailing of the notice to~~
 20 ~~the voter under this section, the county voter registration office shall~~
 21 ~~indicate in the computerized list maintained under IC 3-7-26.3 that the~~
 22 ~~application is pending. If the notice:~~
 23 (1) is not returned by the United States Postal Service and
 24 received by the county voter registration office at; or
 25 (2) is received by the applicant by United States Postal Service
 26 delivery and presented in person by the applicant to the county
 27 voter registration office before;
 28 the expiration of the seven (7) day period under subsection (e); the
 29 county voter registration office shall indicate in the computerized list
 30 that the applicant is a registered voter at the address set forth by the
 31 applicant as the applicant's current address.
 32 (h) (g) If:
 33 (1) the application for a new registration or an application with
 34 information that revises or adds information to the applicant's
 35 current registration record states that the applicant formerly
 36 resided or was registered at an address outside the precinct where
 37 the address set forth in the application is located; and
 38 (2) the application is ~~denied~~ **determined** by the county voter
 39 registration office under subsection (f) **to be inactive**;
 40 the county voter registration office shall cancel any registration record
 41 of the voter at the address which the applicant stated is no longer the
 42 legal residence of the applicant. If a registration record is canceled



1 under this subsection, the voter may nonetheless vote a regular official
 2 ballot at the previous address if the voter makes an oral or written
 3 affirmation under IC 3-7-48-5(b) that the voter continues to reside at
 4 the previous address.

5 (†) (h) If the county voter registration office cancels a voter's
 6 registration record at an address that the applicant has stated is no
 7 longer the legal residence of the applicant under subsection (h); (g), the
 8 county voter registration office shall send the voter a notice prescribed
 9 by the election division and generated from the computerized list
 10 maintained under IC 3-7-26.3 by forwardable mail to the voter's
 11 residence address that was canceled. The notice must state the
 12 following:

13 (1) That the voter's registration application was ~~denied~~
 14 **determined to be inactive** under subsection (f).

15 (2) That the voter's registration record at the address that the
 16 applicant has stated is no longer the legal residence of the
 17 applicant has been canceled under subsection (†); (g).

18 (3) That if the voter wants to register to vote at the voter's current
 19 residence address, the voter must complete and submit a new
 20 application before the end of the next registration period
 21 described in IC 3-7-13-10.

22 A voter registration application must be sent with the notice required
 23 under this subsection.

24 (j) ~~This subsection applies if the notice is mailed by the county voter~~
 25 ~~registration office after the certified list is prepared under IC 3-7-29. If:~~

26 (†) the seven (7) day period under subsection (c) expires before
 27 election day;

28 (2) the applicant has not presented the notice mailed under
 29 subsection (b) to the county voter registration office as provided
 30 under subsection (g); and

31 (3) the applicant would otherwise have been included on the
 32 certified list;

33 the county voter registration office shall prepare a certificate of error
 34 under IC 3-7-48 to note the addition of the voter to the certified list.

35 (k) ~~This subsection applies if the notice is mailed by the county~~
 36 ~~voter registration office after the certified list is prepared under~~
 37 ~~IC 3-7-29. If:~~

38 (†) the seven (7) day period has not expired before election day;
 39 and

40 (2) the applicant has not presented the notice mailed under
 41 subsection (b) to the county voter registration office as provided
 42 under subsection (g);



1 the county voter registration office shall notify the county election
 2 board. The county election board shall certify to the inspector of the
 3 precinct where the applicant resides that the applicant's voter
 4 registration application is pending, and that the voter, subject to
 5 fulfilling the requirements of IC 3-11-7, is entitled to cast a provisional
 6 ballot.

7 SECTION 19. IC 3-7-36-14, AS AMENDED BY P.L.76-2014,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 14. (a) This section applies to a person described
 10 in subsection (b) who applies to register to vote during the period:

- 11 (1) beginning on the seventh day before election day; and
- 12 (2) ending at noon election day.

13 (b) An absent uniformed services voter who is absent from Indiana
 14 during the registration period applicable to the voter under this chapter
 15 and who otherwise would be entitled to register to vote under Indiana
 16 law may, upon returning to Indiana during the period described in
 17 subsection (a) following discharge from service or reassignment,
 18 register to vote by doing the following:

- 19 (1) Showing either of the following to the county voter
 20 registration office:

21 (A) A discharge from service, dated not earlier than the
 22 beginning of the registration period that ended on the eighth
 23 day before election day, of:

- 24 (i) the voter;
- 25 (ii) the voter's spouse; or
- 26 (iii) the individual of whom the voter is a dependent.

27 (B) A copy of the government movement orders, with a
 28 reporting date not earlier than the beginning of the registration
 29 period that ended on the eighth day before election day, of:

- 30 (i) the voter;
- 31 (ii) the voter's spouse; or
- 32 (iii) the individual of whom the voter is a dependent.

- 33 (2) Completing a registration affidavit.

34 (c) **Except as provided in subsection (g)**, a voter who registers
 35 under this section may vote at the upcoming election only by absentee
 36 ballot at the office of the circuit court clerk at the time the voter
 37 registers under this section or at any time after the voter registers under
 38 this section and before noon on election day. A voter who wants to vote
 39 under this subsection must do both of the following:

- 40 (1) Complete an application for an absentee ballot.
- 41 (2) Sign an affidavit that the voter has not voted at any other
 42 precinct in the election.



1 The voter may vote at subsequent elections as otherwise provided in
2 this title.

3 (d) If the voter votes by absentee ballot under this section, the
4 circuit court clerk shall do the following:

5 (1) Certify in writing that the voter registered under this section.

6 (2) Attach the certification to the voter's absentee ballot envelope.

7 (e) If the county has a board of registration, the board of registration
8 shall promptly deliver the voter's registration affidavit to the circuit
9 court clerk to permit the voter to vote under subsection (c).

10 (f) If the voter chooses not to vote under subsection (c), the county
11 voter registration office shall register the voter on the first day of the
12 next registration period.

13 **(g) A person described in subsection (c) may register and vote**
14 **on the day of a primary, general, municipal, school district, or**
15 **special election as provided in IC 3-7-49.**

16 SECTION 20. IC 3-7-38.2-2, AS AMENDED BY P.L.141-2020,
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2021]: Sec. 2. (a) Except as provided in subsection (b) or (c),
19 a voter list maintenance program conducted under this chapter must:

20 (1) be uniform, nondiscriminatory, and in compliance with the
21 Voting Rights Act of 1965 (52 U.S.C. 10101);

22 (2) not result in the removal of the name of a person from the
23 official list of voters solely due to the person's failure to vote; and

24 (3) be completed not later than ninety (90) days before a primary
25 or general election.

26 (b) A voter list maintenance program conducted under this chapter
27 in a year other than a year in which a general election is conducted
28 must:

29 (1) comply with the requirements set forth in subsection (a)(1)
30 and (a)(2); and

31 (2) be completed not later than twenty-nine (29) days before a
32 municipal election or special election (other than for a federal
33 office) is conducted.

34 (c) If a special election is required for a vacancy in a federal office
35 in a year in which a general election is not conducted, the voter list
36 maintenance program conducted under this chapter must:

37 (1) comply with the requirements of subsection (a)(1) and (a)(2);
38 and

39 (2) be completed not later than ninety (90) days before the date
40 that the special election is conducted.

41 A voter list maintenance program may also be conducted under this
42 section in a calendar year following the date of the special election if



1 the program is completed no later than the deadline set forth in
2 subsection (a).

3 (d) A county voter registration office may conduct a voter list
4 maintenance program that complies with subsection (a). In conducting
5 a voter list maintenance program, the county voter registration office
6 shall mail a notice described in subsection (f) to each voter whose
7 registration has not previously been canceled or designated as inactive
8 under this chapter at the mailing address:

9 (1) listed in the voter's registration record; and

10 (2) determined by the county voter registration office not to be the
11 voter's current residence address.

12 (e) A county voter registration office may use information only from
13 the following sources to make the determination under subsection
14 (d)(2):

15 (1) The United States Postal Service National Change of Address
16 Service.

17 (2) A court regarding jury duty notices returned because of an
18 unknown or insufficient address.

19 (3) The return of a mailing sent by the county voter registration
20 office to all active voters (as defined in IC 3-11-18.1-2) in the
21 county because of an unknown or insufficient address.

22 (4) The bureau of motor vehicles concerning the surrender of a
23 voter's Indiana license for the operation of a motor vehicle to
24 another jurisdiction.

25 ~~(5) The return by the United States Postal Service after the~~
26 ~~expiration of the seven (7) day pending period of a notice~~
27 ~~regarding the disposition of a voter registration application under~~
28 ~~IC 3-7-33-5 because of an unknown or insufficient address.~~

29 ~~(6) (5) The return of a mailing sent to voters of a precinct advising~~
30 ~~voters of a change of precinct boundary or the precinct polling~~
31 ~~place because of an unknown or insufficient address, if the county~~
32 ~~sends a similar mailing to the voters of each precinct when a~~
33 ~~boundary or polling place is changed.~~

34 ~~(7) (6) Information received from the election division under~~
35 ~~section 5 of this chapter or section 16 of this chapter.~~

36 ~~(8) (7) A declination to register by the voter stating that the voter~~
37 ~~resides at an address different from the address on the voter's~~
38 ~~registration record.~~

39 (f) The notice described in subsection (d) must:

40 (1) be sent by first class United States mail, postage prepaid, by
41 a method that requires the notice to be forwarded to the voter; and

42 (2) include a postage prepaid return card that:



- 1 (A) is addressed to the county voter registration office;
 2 (B) states a date (which must be at least thirty (30) days after
 3 the date the notice is mailed) by which the card must be
 4 returned or the voter's registration will become inactive until
 5 the information is provided to the county voter registration
 6 office; and
 7 (C) permits the voter to provide the voter's current residence
 8 address.
- 9 (g) If a voter returns the card described in subsection (f)(2) and
 10 provides a current residence address that establishes that the voter
 11 resides:
- 12 (1) in the county, the county voter registration office shall update
 13 the voter's registration record; or
 14 (2) outside the county, the county voter registration office shall
 15 cancel the voter's registration.
- 16 (h) If a card is returned as undeliverable due to an unknown or
 17 insufficient address by the United States Postal Service after the date
 18 specified in subsection (f)(2)(B), the county voter registration office
 19 shall, when registration reopens after the next primary, general, or
 20 municipal election, determine whether the voter voted or appeared to
 21 vote from the address set forth in the registration record at any election
 22 occurring after the final day for completing voter list maintenance
 23 activities, and if not, then designate the voter as inactive.
- 24 (i) If a voter does not return the card described in subsection (f)(2)
 25 by the date specified in subsection (f)(2)(B), the county voter
 26 registration office shall indicate in the voter's registration record that
 27 the voter's registration is inactive.
- 28 (j) A voter's registration that becomes inactive under subsection (h)
 29 or (i) remains in inactive status from the date described in subsection
 30 (f)(2)(B) until the earlier of the following:
- 31 (1) The date the county voter registration office updates or
 32 cancels the voter's registration under subsection (g) after the voter
 33 provides a current residence address.
 34 (2) The day after the second general election in which the voter
 35 has not voted or appeared to vote.
- 36 (k) After the date described in subsection (j)(2), the county voter
 37 registration office shall remove the voter's registration from the voter
 38 registration records.
- 39 SECTION 21. IC 3-7-48-1, AS AMENDED BY P.L.271-2013,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 1. (a) Except as otherwise provided by NVRA or
 42 in this chapter, a person whose name does not appear on the



1 registration record may not vote, unless:

- 2 (1) the county voter registration office issues a signed certificate
3 of error immediately available for inspection in the county voter
4 registration office showing that the voter is legally registered in
5 the precinct where the voter resides; **or**
6 (2) **the voter has registered as provided in IC 3-7-49.**

7 (b) A person:

- 8 (1) whose name does not appear on the registration record; **and**
9 (2) **who does not register as provided in IC 3-7-49;**

10 may cast a provisional ballot as provided in IC 3-11.7.

11 SECTION 22. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS
12 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2021]:

14 **Chapter 49. Election Day Registration**

15 **Sec. 1. (a) A person who is not registered to vote but is otherwise**
16 **qualified to vote shall be allowed to vote at the polls in a primary,**
17 **general, municipal, school district, or special election if the person**
18 **registers at the polls under this chapter.**

19 (b) **In order to register to vote at a precinct under this chapter,**
20 **a person:**

- 21 (1) **must be a resident of the precinct;**
22 (2) **must be otherwise legally qualified to vote under**
23 **IC 3-7-13-1;**
24 (3) **may not be registered to vote under IC 3-7-14 through**
25 **IC 3-7-22;**
26 (4) **may not be qualified to vote under IC 3-7-39-7,**
27 **IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12;**
28 **and**
29 (5) **may not have already voted in the election.**

30 (c) **Before allowing a person to vote under this chapter, the poll**
31 **clerk or other precinct election officer shall require the person to**
32 **do the following:**

- 33 (1) **Complete a voter registration form prescribed by**
34 **IC 3-7-18, along with the affirmation described in section 3 of**
35 **this chapter, and sign the form in the presence of two (2)**
36 **precinct election officers who must be from different political**
37 **parties. If the county election board has not appointed**
38 **precinct election officers from more than one (1) political**
39 **party to the precinct election board, the inspector for the**
40 **precinct shall sign the form as the second precinct election**
41 **officer.**
42 (2) **Provide acceptable proof of residence.**



1 **Sec. 2. (a) For purposes of this chapter, one (1) of the following**
 2 **forms of identification is acceptable as proof of residence:**

3 **(1) A current and valid photo identification.**

4 **(2) A current utility bill, bank statement, government check,**
 5 **paycheck, or government document that shows the name and**
 6 **address of the person registering to vote.**

7 **(3) A statement signed by any other voter in the precinct that**
 8 **corroborates the information on the voter's registration form**
 9 **concerning the residency of the person registering to vote. The**
 10 **corroborator must provide the identification listed in**
 11 **subdivision (1) or (2) as proof of the corroborator's residence**
 12 **and must sign the statement in the presence of two (2)**
 13 **precinct election officers who must be from different political**
 14 **parties. If the county election board has not appointed**
 15 **precinct election officers from more than one (1) political**
 16 **party to the precinct election board, the inspector for the**
 17 **precinct shall sign the form as the second precinct election**
 18 **officer. The commission shall prescribe the form of the**
 19 **statement.**

20 **(b) If a person presents a document under subsection (a), the**
 21 **poll clerk shall add a notation to the poll list indicating the type of**
 22 **document presented by the person. The election division shall**
 23 **prescribe a standardized coding system to classify documents**
 24 **presented under subsection (a) for entry into the county voter**
 25 **registration system.**

26 **(c) If a person is unable to present the documentation required**
 27 **under subsection (a) to the poll clerk while present at the polls, the**
 28 **poll clerk shall notify the precinct election board. The board shall**
 29 **provide a provisional ballot to the person under IC 3-11.7-2.**

30 **(d) The precinct election board shall advise the person that the**
 31 **person must file a copy of the documentation required under**
 32 **subsection (a) with:**

33 **(1) the county voter registration office; or**

34 **(2) the precinct election board in the voter's precinct;**

35 **to permit the provisional ballot to be counted under IC 3-11.7.**

36 **Sec. 3. The election division shall prescribe the affirmation**
 37 **required under section 1(c)(1) of this chapter. The affirmation**
 38 **must include a statement that the person has not already voted at**
 39 **the election for which the person is registering to vote.**

40 **Sec. 4. A person who registers to vote under this chapter:**

41 **(1) may not be challenged on the grounds that the person's**
 42 **registration does not appear in the precinct registration book**



1 or poll list; and

2 (2) is not required to obtain a certificate of error under
3 IC 3-7-48 to vote.

4 Sec. 5. Before each primary, general, municipal, school district,
5 or special election, the county election board shall provide each
6 precinct election board with a sufficient number of registration
7 forms, affirmations, and statements to meet the reasonable need
8 for the forms, affirmations, and statements under this chapter.

9 Sec. 6. The precinct election board shall enclose the completed
10 registration forms, affirmations, and statements in an envelope
11 prescribed by the election division.

12 Sec. 7. (a) The precinct election board shall then do the
13 following:

14 (1) If the county uses electronic poll books, the precinct
15 election board shall transmit the envelope described in section
16 6 of this chapter with its contents with the other election
17 materials returned to the county election board after the close
18 of the polls.

19 (2) If the county does not use electronic poll books:

20 (A) attach the envelope with its contents described in
21 section 6 of this chapter to the poll list for processing by
22 the county voter registration office under IC 3-10-1-31.1-1;
23 and

24 (B) add to the poll list of the precinct the name and address
25 of an individual who registers to vote under this chapter.

26 (b) The county voter registration office shall add to the
27 registration record of the county the name of a person who
28 registers to vote under this chapter.

29 Sec. 8. The county voter registration office shall process under
30 IC 3-7-33-5 the voter registration forms completed under section
31 1 of this chapter.

32 Sec. 9. If a notice mailed under IC 3-7-33-5 to a person who
33 registered under this chapter is returned as undeliverable, the
34 county voter registration office shall initiate steps under
35 IC 3-7-33-6 to remove the person from the registration rolls.

36 Sec. 10. A registration completed under this chapter for which
37 the notice mailed under IC 3-7-33-5 is not returned is effective to
38 the same extent as if the registration had been completed under
39 IC 3-7-14 through IC 3-7-22.

40 SECTION 23. IC 3-10-8-9, AS AMENDED BY P.L.10-2010,
41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2021]: Sec. 9. (a) If the special election occurs during the



1 period when registration is open under IC 3-7-13, the registration
 2 period continues through the twenty-ninth day before the special
 3 election occurs and resumes on the date specified by IC 3-7-13-10(d),
 4 **except that a person may register or transfer registration on the**
 5 **day of a special election as provided in IC 3-7-49.**

6 (b) The election board conducting the special election shall provide
 7 poll lists for use at the precincts that include the names of voters in the
 8 precinct who:

9 (1) have registered through the twenty-ninth day before the
 10 special election is to be conducted; or

11 (2) are absent uniformed services voters or overseas voters
 12 registered under IC 3-7-36.

13 (c) This subsection applies when a special election is ordered by a
 14 court under IC 3-12-8-17 or the state recount commission under
 15 IC 3-12-11-18. A candidate may not be placed on the special election
 16 ballot unless the candidate was on the ballot or was a declared write-in
 17 candidate for the office at the general election preceding the special
 18 election.

19 SECTION 24. IC 3-11-4-1, AS AMENDED BY P.L.66-2010,
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2021]: Sec. 1. (a) A voter who is otherwise qualified to vote
 22 in person is entitled to vote by absentee ballot: ~~Except~~

23 **(1) by mail;**

24 **(2) before an absentee voter board** as ~~otherwise~~ provided in this
 25 article; ~~a voter voting by absentee ballot must vote~~

26 **(3) in the office of the circuit court clerk or board of elections and**
 27 **registration; in a county subject to IC 3-6-5.2) or**

28 **(4) at a satellite office established under IC 3-11-10-26.3.**

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

35 (c) The commission, by unanimous vote of its entire membership,
 36 may authorize a person who is otherwise qualified to vote in person to
 37 vote by absentee ballot if the commission determines that an
 38 emergency prevents the person from voting in person at a polling place.

39 (d) The absentee ballots used in subsection (b) or (c) must be the
 40 same official absentee ballots as described in section 12.5 of this
 41 chapter. Taking into consideration the amount of time remaining before
 42 the election, the commission shall determine whether the absentee



1 ballots are transmitted to and from the voter by mail or personally
 2 delivered. An absentee ballot that is personally delivered shall comply
 3 with the requirements in sections 19, 20, and 21 of this chapter.

4 SECTION 25. IC 3-11-4-2, AS AMENDED BY P.L.278-2019,
 5 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 2. (a) A voter who wants to vote by absentee
 7 ballot must apply to the county election board for an official absentee
 8 ballot. Except as provided in subsection (b), the voter must sign the
 9 absentee ballot application.

10 (b) If a voter with disabilities is unable to sign the absentee ballot
 11 application and the voter has not designated an individual to serve as
 12 attorney in fact for the voter, the voter may designate an individual
 13 eligible to assist the voter under IC 3-11-9-2(a) to sign the application
 14 on behalf of the voter and add the individual's name to the application.
 15 If an individual applies for an absentee ballot as the properly
 16 authorized attorney in fact for a voter, the attorney in fact must attach
 17 a copy of the power of attorney to the application and comply with
 18 subsection (d).

19 (c) A person may provide an individual with an application for an
 20 absentee ballot with the following information already printed or
 21 otherwise set forth on the application when provided to the individual:

- 22 (1) The name of the individual.
- 23 (2) The voter registration address of the individual.
- 24 (3) The mailing address of the individual.
- 25 (4) The date of birth of the individual.

26 (d) A person may not provide an individual with an application for
 27 an absentee ballot with the following information already printed or
 28 otherwise set forth on the application when provided to the individual:

- 29 (1) The address to which the absentee ballot would be mailed, if
 30 different from the voter registration address of the individual.
- 31 (2) In a primary election, the major political party ballot requested
 32 by the individual.
- 33 (3) In a primary or general election, the types of absentee ballots
 34 requested by the individual.

35 (4) **If the voter is voting before an absentee voter board under**
 36 **IC 3-11-10-25**, the reason why the individual is entitled to vote
 37 an absentee ballot

38 (A) by mail; or

39 (B) before an absentee voter board ~~(other than an absentee~~
 40 ~~voter board located in the office of the circuit court clerk or a~~
 41 ~~satellite office);~~

42 in accordance with IC 3-11-4-18; IC 3-11-10-24; or under



1 IC 3-11-10-25.

2 (5) The voter identification number of the individual.

3 (e) If the county election board determines that an absentee ballot
4 application does not comply with subsection (d), the board shall deny
5 the application under section 17.5 of this chapter.

6 (f) A person who assists an individual in completing any
7 information described in subsection (d) on an absentee ballot
8 application shall state under the penalties for perjury the following
9 information on the application:

10 (1) The full name, residence and mailing address, and daytime
11 and evening telephone numbers (if any) of the person providing
12 the assistance.

13 (2) The date this assistance was provided.

14 (3) That the person providing the assistance has complied with
15 Indiana laws governing the submission of absentee ballot
16 applications.

17 (4) That the person has no knowledge or reason to believe that the
18 individual submitting the application:

19 (A) is ineligible to vote or to cast an absentee ballot; or

20 (B) did not properly complete and sign the application.

21 When providing assistance to an individual, the person must, in the
22 individual's presence and with the individual's consent, provide the
23 information listed in subsection (d) if the individual is unable to do so.

24 (g) This subsection does not apply to an employee of the United
25 States Postal Service or a bonded courier company acting in the
26 individual's capacity as an employee of the United States Postal Service
27 or a bonded courier company. A person who receives a completed
28 absentee ballot application from the individual who has applied for the
29 absentee ballot shall indicate on the application the date the person
30 received the application, and file the application with the appropriate
31 county election board or election division not later than:

32 (1) noon ten (10) days after the person receives the application;

33 or

34 (2) the deadline set by Indiana law for filing the application with
35 the board;

36 whichever occurs first. The election division, a county election board,
37 or a board of elections and registration shall forward an absentee ballot
38 application to the county election board or board of elections and
39 registration of the county where the individual resides.

40 (h) This subsection does not apply to an employee of the United
41 States Postal Service or a bonded courier company acting in the
42 individual's capacity as an employee of the United States Postal Service



1 or a bonded courier company, or to the election division, a county
 2 election board, or a board of elections and registration. A person filing
 3 an absentee ballot application, other than the person's own absentee
 4 ballot application, must include an affidavit with the application. The
 5 affidavit must be signed by the individual who received the completed
 6 application from the applicant. The affidavit must be in a form
 7 prescribed by the election division. The form must include the
 8 following:

9 (1) A statement of the full name, residence and mailing address,
 10 and daytime and evening telephone numbers (if any) of the person
 11 submitting the application.

12 (2) A statement that the person filing the affidavit has complied
 13 with Indiana laws governing the submission of absentee ballot
 14 applications.

15 (3) The date (or dates) that the absentee ballot applications
 16 attached to the affidavit were received.

17 (4) A statement that the person has no knowledge or reason to
 18 believe that the individual whose application is to be filed:

19 (A) is ineligible to vote or to cast an absentee ballot; or

20 (B) did not properly complete and sign the application.

21 (5) A statement that the person is executing the affidavit under the
 22 penalties of perjury.

23 (6) A statement setting forth the penalties for perjury.

24 (i) The county election board shall record the date and time of the
 25 filing of the affidavit.

26 SECTION 26. IC 3-11-4-18, AS AMENDED BY P.L.100-2018,
 27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2021]: Sec. 18. **(a) As used in this section, "IMb Tracing"**
 29 **refers to a real-time mail tracking service offered through the**
 30 **United States Postal Service.**

31 ~~(a) If a voter satisfies any of the qualifications described in~~
 32 ~~IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail; (b)~~
 33 The county election board shall, at the request of the voter, mail ~~the~~ **an**
 34 official ballot, postage fully prepaid, to the voter at the address stated
 35 in the application. Each ballot ~~may~~ **shall** be assigned a unique tracking
 36 number as prescribed by the election division using IMb Tracing ~~or a~~
 37 ~~similar automated tracking method~~ to provide real-time tracking
 38 information for the envelope containing the ballot. ~~As used in this~~
 39 ~~subsection, "IMb Tracing" refers to a real-time mail tracking service~~
 40 ~~offered through the United States Postal Service.~~

41 **(c) The election division shall incorporate a feature in the**
 42 **computerized list that enables county election officials and a voter**



1 **to use IMb Tracing to track the voter's absentee ballot from the**
 2 **time the absentee ballot was mailed to the voter until the time the**
 3 **absentee ballot was received by the county election officials.**

4 ~~(b)~~ **(d)** If the county election board mails an absentee ballot to a
 5 voter required to file additional documentation with the county voter
 6 registration office before voting by absentee ballot under this chapter,
 7 the board shall include a notice to the voter in the envelope mailed to
 8 the voter under section 20 of this chapter. The notice must inform the
 9 voter that the voter must file the additional documentation required
 10 under IC 3-7-33-4.5 with the county voter registration office not later
 11 than noon on election day for the absentee ballot to be counted as an
 12 absentee ballot, and that, if the documentation required under
 13 IC 3-7-33-4.5 is filed after noon and before ~~6 p.m.~~ **the close of the**
 14 **polls** on election day, the ballot will be processed as a provisional
 15 ballot. The election division shall prescribe the form of this notice
 16 under IC 3-5-4-8.

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

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

22 whichever is later. ~~If the election board determines that the county~~
 23 ~~voter registration office has received an application from the applicant~~
 24 ~~for registration at an address within the precinct indicated on the~~
 25 ~~application, and the election board determines that this application is~~
 26 ~~pending under IC 3-7-33, the ballot shall be mailed on the date the~~
 27 ~~county voter registration office indicates under IC 3-7-33-5(g) that the~~
 28 ~~applicant is a registered voter.~~

29 ~~(d)~~ **(f)** As required by 52 U.S.C. 21081, an election board shall
 30 establish a voter education program (specific to a paper ballot or
 31 optical scan ballot card provided as an absentee ballot under this
 32 chapter) to notify a voter of the effect of casting multiple votes for a
 33 single office.

34 ~~(e)~~ **(g)** As provided by 52 U.S.C. 21081, when an absentee ballot is
 35 transmitted under this section, the mailing must include:

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

40 SECTION 27. IC 3-11-8-8, AS AMENDED BY P.L.278-2019,
 41 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2021]: Sec. 8. (a) The polls in each precinct open at 6 a.m.



1 and close at 6 7 p.m. on election day.

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

5 SECTION 28. IC 3-11-8-15, AS AMENDED BY P.L.194-2013,
6 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2021]: Sec. 15. (a) Only the following persons are permitted
8 in the polls during an election:

9 (1) Members of a precinct election board.

10 (2) Poll clerks and assistant poll clerks.

11 (3) Election sheriffs.

12 (4) Deputy election commissioners.

13 (5) Pollbook holders and challengers.

14 (6) Watchers.

15 (7) Voters for the purposes of:

16 (A) voting; or

17 (B) **for voters registering to vote on election day under**
18 **IC 3-7-49, filing a copy of the documentation required by**
19 **IC 3-7-49-2(a) with the precinct election board in the**
20 **voter's precinct so that the voter's provisional ballot may**
21 **be counted under IC 3-11.7.**

22 (8) Minor children accompanying voters as provided under
23 IC 3-11-11-8.

24 (9) An assistant to a precinct election officer appointed under
25 IC 3-6-6-39.

26 (10) An individual authorized to assist a voter in accordance with
27 IC 3-11-9.

28 (11) A member of a county election board, acting on behalf of the
29 board.

30 (12) A mechanic authorized to act on behalf of a county election
31 board to repair a voting system (if the mechanic bears credentials
32 signed by each member of the board).

33 (13) Either of the following who have been issued credentials
34 signed by the members of the county election board:

35 (A) The county chairman of a political party.

36 (B) The county vice chairman of a political party.

37 However, a county chairman or a county vice chairman who is a
38 candidate for nomination or election to office at the election may
39 not enter the polls under this subdivision.

40 (14) The secretary of state, as chief election officer of the state,
41 unless the individual serving as secretary of state is a candidate
42 for nomination or election to an office at the election.



1 **(15) Nonpartisan election observers for educational purposes**
 2 **for any state accredited school (as defined in IC 20-18-2-18.8),**
 3 **a state educational institution, or an approved postsecondary**
 4 **educational institution (as defined in IC 21-7-13-6).**
 5 **Individuals described in this subdivision are permitted in the**
 6 **polls only with credentials issued by the unanimous vote of the**
 7 **entire membership of the county election board.**

8 **(16) A public health safety officer to monitor the public health**
 9 **only with credentials issued by the unanimous vote of the**
 10 **entire membership of the county election board.**

11 (b) This subsection applies to a simulated election for minors
 12 conducted with the authorization of the county election board. An
 13 individual participating in the simulated election may be in the polls for
 14 the purpose of voting. A person supervising the simulated election may
 15 be in the polls to perform the supervision.

16 (c) The inspector of a precinct has authority over all simulated
 17 election activities conducted under subsection (b) and shall ensure that
 18 the simulated election activities do not interfere with the election
 19 conducted in that polling place.

20 SECTION 29. IC 3-11-8-16, AS AMENDED BY P.L.230-2005,
 21 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 16. A person may not remain within a distance
 23 equal to the length of the chute (as defined in IC 3-5-2-10) of the
 24 entrance to the polls except for the purpose of:

25 **(1) offering to vote; or**

26 **(2) for voters registering to vote on election day under**
 27 **IC 3-7-49, filing a copy of the documentation required by**
 28 **IC 3-7-49-2(a) with the precinct election board in the voter's**
 29 **precinct so that the voter's provisional ballot may be counted**
 30 **under IC 3-11.7.**

31 SECTION 30. IC 3-11-8-25.1, AS AMENDED BY P.L.157-2019,
 32 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2021]: Sec. 25.1. (a) Except as provided in subsection (e), a
 34 voter who desires to vote an official ballot at an election shall provide
 35 proof of identification.

36 (b) Except as provided in subsection (e), before the voter proceeds
 37 to vote in the election, a precinct election officer shall ask the voter to
 38 provide proof of identification. One (1) of each of the precinct election
 39 officers nominated by each county chairman of a major political party
 40 of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter
 41 to provide proof of identification. The voter shall produce the proof of
 42 identification to each precinct officer requesting the proof of



1 identification before being permitted to sign the poll list.

2 (c) If:

3 (1) the voter is unable or declines to present the proof of
4 identification; or

5 (2) a member of the precinct election board determines that the
6 proof of identification provided by the voter does not qualify as
7 proof of identification under IC 3-5-2-40.5;

8 a member of the precinct election board shall challenge the voter as
9 prescribed by this chapter.

10 (d) If the voter executes a challenged voter's affidavit under section
11 22.1 of this chapter, the voter shall:

12 (1) sign the poll list; and

13 (2) receive a provisional ballot.

14 (e) A voter who votes in person at a precinct polling place, vote
15 center, or satellite office established under IC 3-11-10-26.3 that is
16 located at a state licensed care facility where the voter resides is not
17 required to provide proof of identification before voting in an election.

18 (f) After a voter has passed the challengers or has been sworn in, the
19 voter shall be instructed by a member of the precinct election board to
20 proceed to the location where the poll clerks are stationed. In a vote
21 center county using an electronic poll list, two (2) election officers who
22 are not members of the same political party must be present when a
23 voter signs in on the electronic poll list. The voter shall announce ~~the~~
24 ~~voter's name~~ to the poll clerks or assistant poll clerks **the voter's name**
25 **and whether the voter wants to register to vote at the polls. If the**
26 **voter wants to register and meets the conditions set forth in**
27 **IC 3-7-49, the poll clerk or other precinct election officer shall**
28 **register the voter in accordance with IC 3-7-49. If the voter is**
29 **already registered**, a poll clerk, an assistant poll clerk, or a member
30 of the precinct election board shall require the voter to write the
31 following on the poll list or to provide the following information for
32 entry into the electronic poll list:

33 (1) The voter's name.

34 (2) Except as provided in subsection (k), the voter's current
35 residence address.

36 (g) The poll clerk, an assistant poll clerk, or a member of the
37 precinct election board shall:

38 (1) ask the voter to provide or update the voter's voter
39 identification number;

40 (2) tell the voter the number the voter may use as a voter
41 identification number; and

42 (3) explain to the voter that the voter is not required to provide or



1 update a voter identification number at the polls.

2 (h) The poll clerk, an assistant poll clerk, or a member of the
3 precinct election board shall ask the voter to provide proof of
4 identification.

5 (i) In case of doubt concerning a voter's identity, the precinct
6 election board shall compare the voter's signature with the signature on
7 the voter's registration record provided by the county voter registration
8 office under IC 3-7-29. If the board determines that the voter's
9 signature is authentic, the voter may then vote. If either poll clerk
10 doubts the voter's identity following comparison of the signatures, the
11 poll clerk shall challenge the voter in the manner prescribed by section
12 21 of this chapter.

13 (j) If:

- 14 (1) the poll clerk does not execute a challenger's affidavit; or
15 (2) the voter executes a challenged voter's affidavit under section
16 22.1 of this chapter or executed the affidavit before signing the
17 poll list;

18 the voter may then vote.

19 (k) The electronic poll book (or each line on a poll list sheet
20 provided to take a voter's current address) must include a box under the
21 heading "Address Unchanged". A voter whose address is unchanged
22 shall check the box instead of writing the voter's current address on the
23 poll list, or if an electronic poll book is used, the poll clerk shall check
24 the box after stating to the voter the address shown on the electronic
25 poll book and receiving an oral affirmation from the voter that the
26 voter's residence address shown on the poll list is the voter's current
27 residence address instead of writing the voter's current residence
28 address on the poll list or reentering the address in the electronic poll
29 book.

30 (l) If the voter indicates that the voter's current residence is located
31 within another county in Indiana, the voter is considered to have
32 directed the county voter registration office of the county where the
33 precinct is located to cancel the voter registration record within the
34 county. The precinct election board shall provide the voter with a voter
35 registration application for the voter to complete and file with the
36 county voter registration office of the county where the voter's current
37 residence address is located.

38 (m) If the voter indicates that the voter's current residence is located
39 outside Indiana, the voter is considered to have directed the county
40 voter registration office of the county where the precinct is located to
41 cancel the voter registration record within the county.

42 SECTION 31. IC 3-11-8-25.5, AS AMENDED BY P.L.271-2013,



1 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 25.5. (a) If an individual signs the individual's
3 name and either:

- 4 (1) signs the individual's address; or
5 (2) checks the "Address Unchanged" box;

6 on the poll list or provides the information for entry by the poll clerk
7 into the electronic poll list under section 25.1 of this chapter and then
8 leaves the polls without casting a ballot or after casting a provisional
9 ballot, the voter may not be permitted to reenter the polls ~~to cast a~~
10 ~~ballot at the election.~~ **except as provided by subsection (b).**

11 **(b) An individual who:**

- 12 **(1) registers to vote on election day under IC 3-7-49; and**
13 **(2) casts a provisional ballot under IC 3-11.7 because the**
14 **individual is unable to present the documentation required**
15 **under IC 3-7-49-2(a);**

16 **is entitled to reenter the polls solely to file a copy of the**
17 **documentation required under IC 3-7-49-2(a) with the precinct**
18 **election board in the individual's precinct so that the individual's**
19 **provisional ballot may be counted under IC 3-11.7.**

20 SECTION 32. IC 3-11-10-1, AS AMENDED BY P.L.157-2019,
21 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2021]: Sec. 1. (a) A voter voting by absentee ballot shall make
23 and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter
24 then shall, except as provided in subsection (b), do the following:

- 25 (1) Mark the ballot in the presence of no other person.
26 (2) Fold each ballot separately.
27 (3) Fold each ballot so as to conceal the marking.
28 (4) Enclose each ballot, with the seal and signature of the circuit
29 court clerk on the outside, together with any unused ballot, in the
30 envelope provided.
31 (5) Securely seal the envelope.
32 (6) Do one (1) of the following:
33 (A) Deliver the envelope to the county election board, with not
34 more than one (1) ballot per envelope, by United States mail
35 or by a bonded courier company.
36 (B) Deliver the envelope to the county election board in
37 person.
38 (C) Deliver the envelope to a member of the voter's household
39 or a person designated as the attorney in fact for the voter
40 under IC 30-5 for delivery to the county election board:
41 (i) in person;
42 (ii) by United States mail; or



1 (iii) by a bonded courier company.

2 **(D) Deliver the envelope to a designated absentee ballot**
 3 **drop box if authorized by the county election board under**
 4 **IC 3-11.5-9.**

5 (b) A voter permitted to transmit the voter's absentee ballots by fax
 6 or electronic mail under IC 3-11-4-6 is not required to comply with
 7 subsection (a). The individual designated by the circuit court clerk to
 8 receive absentee ballots transmitted by fax or electronic mail shall do
 9 the following upon receipt of an absentee ballot transmitted by fax:

10 (1) Note the receipt of the absentee ballot in the records of the
 11 circuit court clerk as other absentee ballots received by the circuit
 12 court clerk are noted.

13 (2) Fold each ballot received from the voter separately so as to
 14 conceal the marking.

15 (3) Enclose each ballot in a blank absentee ballot envelope.

16 (4) Securely seal the envelope.

17 (5) Mark on the envelope: "Absentee Ballot Received by Fax or
 18 Electronic Mail".

19 (6) Securely attach to the envelope the faxed affidavit received
 20 with the voter's absentee ballots.

21 (c) Except as otherwise provided in this title, absentee ballots
 22 received by fax or electronic mail shall be handled and processed as
 23 other absentee ballots received by the circuit court clerk are handled
 24 and processed.

25 SECTION 33. IC 3-11-10-24, AS AMENDED BY P.L.278-2019,
 26 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 24. (a) Except as provided in subsection (b), a
 28 voter who satisfies any of the following is entitled to vote by mail.

29 (1) The voter has a specific, reasonable expectation of being
 30 absent from the county on election day during the entire twelve
 31 (12) hours that the polls are open.

32 (2) The voter will be absent from the precinct of the voter's
 33 residence on election day because of service as:

34 (A) a precinct election officer under IC 3-6-6;

35 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

36 (C) a challenger or pollbook holder under IC 3-6-7; or

37 (D) a person employed by an election board to administer the
 38 election for which the absentee ballot is requested.

39 (3) The voter will be confined on election day to the voter's
 40 residence, to a health care facility, or to a hospital because of an
 41 illness or injury during the entire twelve (12) hours that the polls
 42 are open.



- 1 (4) The voter is a voter with disabilities.
 2 (5) The voter is an elderly voter.
 3 (6) The voter is prevented from voting due to the voter's care of
 4 an individual confined to a private residence because of illness or
 5 injury during the entire twelve (12) hours that the polls are open.
 6 (7) The voter is scheduled to work at the person's regular place of
 7 employment during the entire twelve (12) hours that the polls are
 8 open.
 9 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
 10 (9) The voter is prevented from voting due to observance of a
 11 religious discipline or religious holiday during the entire twelve
 12 (12) hours that the polls are open.
 13 (10) The voter is an address confidentiality program participant
 14 (as defined in IC 5-26.5-1-6).
 15 (11) The voter is a member of the military or public safety officer.
 16 (12) The voter is a serious sex offender (as defined in
 17 IC 35-42-4-14(a)).
 18 (13) The voter is prevented from voting due to the unavailability
 19 of transportation to the polls.
 20 (b) A voter with disabilities who:
 21 (1) is unable to make a voting mark on the ballot or sign the
 22 absentee ballot secrecy envelope; and
 23 (2) requests that the absentee ballot be delivered to an address
 24 within Indiana;
 25 must vote before an absentee voter board under section 25(b) of this
 26 chapter.
 27 (c) If a voter receives an absentee ballot by mail, the voter shall
 28 personally mark the ballot in secret and seal the marked ballot inside
 29 the envelope provided by the county election board for that purpose.
 30 The voter shall:
 31 (1) deposit the sealed envelope in the United States mail for
 32 delivery to the county election board; or
 33 (2) authorize a member of the voter's household or the individual
 34 designated as the voter's attorney in fact to:
 35 (A) deposit the sealed envelope in the United States mail; or
 36 (B) deliver the sealed envelope in person to the county
 37 election board.
 38 (d) If a member of the voter's household or the voter's attorney in
 39 fact delivers the sealed envelope containing a voter's absentee ballot to
 40 the county election board, the individual delivering the ballot shall
 41 complete an affidavit in a form prescribed by the election division. The
 42 affidavit must contain the following information:



- 1 (1) The name and residence address of the voter whose absentee
- 2 ballot is being delivered.
- 3 (2) A statement of the full name, residence and mailing address,
- 4 and daytime and evening telephone numbers (if any) of the
- 5 individual delivering the absentee ballot.
- 6 (3) A statement indicating whether the individual delivering the
- 7 absentee ballot is a member of the voter's household or is the
- 8 attorney in fact for the voter. If the individual is the attorney in
- 9 fact for the voter, the individual must attach a copy of the power
- 10 of attorney for the voter, unless a copy of this document has
- 11 already been filed with the county election board.
- 12 (4) The date and location at which the absentee ballot was
- 13 delivered by the voter to the individual delivering the ballot to the
- 14 county election board.
- 15 (5) A statement that the individual delivering the absentee ballot
- 16 has complied with Indiana laws governing absentee ballots.
- 17 (6) A statement that the individual delivering the absentee ballot
- 18 is executing the affidavit under the penalties of perjury.
- 19 (7) A statement setting forth the penalties for perjury.
- 20 (e) The county election board shall record the date and time that the
- 21 affidavit under subsection (d) was filed with the board.
- 22 (f) After a voter has mailed or delivered an absentee ballot to the
- 23 office of the circuit court clerk, the voter may not recast a ballot, except
- 24 as provided in IC 3-11.5-4-2.
- 25 SECTION 34. IC 3-11-10-26.3, AS AMENDED BY P.L.169-2015,
- 26 SECTION 123, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2021]: Sec. 26.3. (a) A county election board
- 28 ~~may shall~~ adopt a resolution to authorize the circuit court clerk to
- 29 establish satellite offices in the county where voters may cast absentee
- 30 ballots before an absentee voter board.
- 31 (b) ~~To be adopted under this section;~~ A resolution must **provide for**
- 32 **the satellite offices required by section 26.8 of this chapter. The**
- 33 **resolution may provide for more satellite offices than required by**
- 34 **section 26.8 of this chapter, but additional satellite offices and their**
- 35 **locations must be adopted authorized** by the unanimous vote of the
- 36 board's entire membership.
- 37 (c) A resolution adopted under this section must do the following:
- 38 (1) State the locations of the satellite offices.
- 39 (2) State the hours at which absentee voting may occur at the
- 40 satellite offices.
- 41 (d) The resolution may contain other provisions the board considers
- 42 useful.



1 (e) ~~If A resolution is adopted under this section for a primary~~
 2 ~~election must provide that~~ the locations of the satellite offices and the
 3 hours at which absentee voting may occur at the satellite offices
 4 established for the primary election must be used for the subsequent
 5 general or municipal election.

6 (f) ~~If a resolution is adopted under this section,~~ The procedure for
 7 casting an absentee ballot at a satellite office must, except as provided
 8 in this section, be substantially the same as the procedure for casting an
 9 absentee ballot in the office of the circuit court clerk under section 26
 10 of this chapter.

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

13 (h) A satellite office established by a circuit court clerk under this
 14 section must comply with the polling place accessibility requirements
 15 of IC 3-11-8.

16 (i) A resolution adopted under this section expires January 1 of the
 17 year immediately after the year in which the resolution is adopted.

18 SECTION 35. IC 3-11-10-26.8 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2021]: **Sec. 26.8. (a) As used in this section,**
 21 **"active voter" has the meaning set forth in IC 3-11-18.1-2.**

22 **(b) Each county shall establish at least one (1) satellite office as**
 23 **required under section 26.3 of this chapter to permit absentee**
 24 **voting as described in section 26 of this chapter.**

25 **(c) In addition to the requirement of subsection (b), a county**
 26 **shall establish the following satellite offices:**

27 **(1) One (1) satellite office for each twenty-five thousand**
 28 **(25,000) active voters in the county.**

29 **(2) One (1) satellite office for any remaining fraction of**
 30 **twenty-five thousand (25,000) active voters in the county.**

31 **(d) Of the number of satellite offices established under**
 32 **subsections (b) and (c), one (1) satellite office must be established**
 33 **in each township of the county that has at least twenty-five**
 34 **thousand (25,000) active voters. In each such township, a satellite**
 35 **office must be established for each twenty-five thousand (25,000)**
 36 **active voters in the township. A satellite office is not required to be**
 37 **established in the township for any remaining proper fraction of**
 38 **twenty-five thousand (25,000) active voters.**

39 **(e) The county election board may place the remaining number**
 40 **of satellite offices not allocated under subsection (d) in any location**
 41 **of the county, as determined by the county election board.**

42 **(f) In a county that is a vote center county, a satellite office**



1 **required by this section must be established at a vote center**
 2 **location in the county.**

3 SECTION 36. IC 3-11-14-19 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. Each county
 5 election board shall be at its office from 5 a.m. until ~~6 p.m.~~ **the close of**
 6 **the polls** on election day. Upon notice that an electronic voting system
 7 is out of order or fails to work, the board shall be ready between those
 8 hours to deliver to any precinct in the county:

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

13 SECTION 37. IC 3-11-18.1-4, AS AMENDED BY P.L.278-2019,
 14 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2021]: Sec. 4. The plan required by section 3
 16 of this chapter must include at least the following:

- 17 (1) The total number of vote centers to be established.
- 18 (2) The location of each vote center.
- 19 (3) The effective date of the order.
- 20 (4) The following information according to the computerized list
 21 (as defined in IC 3-7-26.3-2) as of the date of the order:
 - 22 (A) The total number of voters within the county.
 - 23 (B) The number of active voters within the county.
 - 24 (C) The number of inactive voters within the county.
- 25 (5) For each vote center designated under subdivision (2), the
 26 number of precinct election boards that will be appointed to
 27 administer an election at the vote center.
- 28 (6) For each precinct election board designated under subdivision
 29 (5), the number and name of each precinct the precinct election
 30 board will administer consistent with section 13 of this chapter for
 31 an election that is not being held in each precinct of the county.
- 32 (7) For each vote center designated under subdivision (2), the
 33 number and title of the precinct election officers who will be
 34 appointed to serve at the vote center.
- 35 (8) For each vote center designated under subdivision (2):
 - 36 (A) the number and type of ballot variations that will be
 37 provided at the vote center; and
 - 38 (B) whether these ballots will be:
 - 39 (i) delivered to the vote center before the opening of the
 40 polls; or
 - 41 (ii) printed on demand for a voter's use.
- 42 (9) A detailed description of any hardware, firmware, or software



- 1 used:
- 2 (A) to create an electronic poll list for each precinct whose
- 3 polls are to be located at a vote center; or
- 4 (B) to manage data in an electronic poll book through a secure
- 5 electronic connection between the county election board and
- 6 the precinct election officials administering a vote center.
- 7 (10) A description of the equipment and procedures to be used to
- 8 ensure that information concerning a voter entered into any
- 9 electronic poll book used by precinct election officers at a vote
- 10 center is immediately accessible to:
- 11 (A) the county election board; and
- 12 (B) the electronic poll books used by precinct election officers
- 13 at all other vote centers in the county.
- 14 (11) This subdivision applies to a county in which ballot cards are
- 15 used at a vote center. For each vote center designated under
- 16 subdivision (2), whether each ballot card printed will have the
- 17 printed initials of the poll clerks captured through the electronic
- 18 signature pad or tablet at the time the poll clerks log into the
- 19 electronic poll book system printed on the back of the ballot card
- 20 immediately before the ballot card is delivered to a voter.
- 21 (12) The security and contingency plans to be implemented by the
- 22 county to do all of the following:
- 23 (A) Prevent a disruption of the vote center process.
- 24 (B) Ensure that the election is properly conducted if a
- 25 disruption occurs.
- 26 (C) Prevent access to an electronic poll book without the
- 27 coordinated action of two (2) precinct election officers who are
- 28 not members of the same political party.
- 29 (13) A certification that the vote center complies with the
- 30 accessibility requirements applicable to polling places under
- 31 IC 3-11-8.
- 32 (14) A sketch depicting the planned layout of the vote center,
- 33 indicating the location of:
- 34 (A) equipment; and
- 35 (B) precinct election officers;
- 36 within the vote center.
- 37 (15) The total number and locations of satellite offices to be
- 38 established under IC 3-11-10-26.3, **and subject to**
- 39 **IC 3-11-10-26.8**, at vote center locations designated under
- 40 subdivision (2) to allow voters to cast absentee ballots in
- 41 accordance with IC 3-11. ~~However;~~ **In addition to the**
- 42 **requirements of IC 3-11-10-26.8**, a plan must provide for **that**



1 at least one (1) vote center ~~to~~ **must** be established as a satellite
 2 office under IC 3-11-10-26.3 on the two (2) Saturdays
 3 immediately preceding an election day.

4 (16) The method and timing of providing voter data to persons
 5 who are entitled to receive the data under this title. Data shall be
 6 provided to all persons entitled to the data without unreasonable
 7 delay.

8 (17) In a county in which a majority of votes are cast on optical
 9 scan ballot cards, any additional procedures to provide for
 10 efficient and secure voting at each vote center, including ballot on
 11 demand printing.

12 SECTION 38. IC 3-11.5-2-1.5 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. As used in this article,**
 15 **"absentee ballot drop box" refers to a container with the following**
 16 **specifications:**

17 **(1) The container must be made of durable metal or another**
 18 **durable material.**

19 **(2) The container must be tamper proof.**

20 **(3) The container must be constructed to prevent fraud,**
 21 **including a place where a seal can be placed across the**
 22 **opening from which absentee ballot envelopes are removed.**

23 **(4) The container must have fire suppression features.**

24 **(5) The container must have at least two (2) locks of different**
 25 **kinds and combinations, so that the key to one (1) lock will not**
 26 **unlock the other lock.**

27 **(6) The container must have an opening in the lid sufficient**
 28 **for only a single ballot return envelope.**

29 **(7) The container must have the capacity to hold at least five**
 30 **hundred (500) ballot return envelopes.**

31 SECTION 39. IC 3-11.5-2-6 IS ADDED TO THE INDIANA CODE
 32 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2021]: **Sec. 6. As used in this article, "travel box" means a**
 34 **container with a lid that can be securely fastened so the contents of**
 35 **the container will not fall out if the container is turned over.**

36 SECTION 40. IC 3-11.5-4-6, AS AMENDED BY P.L.278-2019,
 37 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Each circuit court clerk shall
 39 keep all accepted ballot envelopes securely sealed in the clerk's office
 40 until the ballot envelopes are opened by absentee ballot counters in
 41 accordance with this chapter.

42 (b) A county election board may ~~not~~ scan a voted absentee ballot



1 card using an optical scan ballot scanner before election day. **However,**
 2 **such ballots may not be tabulated before election day.**

3 SECTION 41. IC 3-11.5-4-17 IS REPEALED [EFFECTIVE JULY
 4 1, 2021]. Sec. 17. (a) If proof is given to the absentee ballot counters
 5 that an absentee voter marked and forwarded an absentee ballot but
 6 died before election day, the ballot of the deceased voter shall be
 7 rejected under section 13 of this chapter and retained with the other
 8 rejected ballots under section 14 of this chapter.

9 (b) The casting of an absentee ballot by a deceased voter does not
 10 invalidate an election.

11 SECTION 42. IC 3-11.5-9 IS ADDED TO THE INDIANA CODE
 12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]:

14 **Chapter 9. Absentee Ballot Drop Box**

15 **Sec. 1. This chapter applies only if the county election board**
 16 **adopts this chapter by the unanimous vote of the entire**
 17 **membership of the board.**

18 **Sec. 2. A voter may return a completed absentee ballot sealed in**
 19 **an absentee ballot envelope to the county election board by**
 20 **depositing the absentee ballot envelope in an absentee ballot drop**
 21 **box.**

22 **Sec. 3. Not later than forty-five (45) days before the election, the**
 23 **county election board shall make arrangements to place absentee**
 24 **ballot drop boxes in various locations in the county. The locations**
 25 **must satisfy the following:**

26 (1) The absentee ballot drop boxes must be located on
 27 property owned by the county or another political subdivision
 28 located in the county.

29 (2) The location must have site security and a security camera
 30 continuously monitoring the absentee ballot drop box.

31 **Sec. 4. (a) The county election board shall assign as many**
 32 **courier teams as necessary to collect all absentee ballot return**
 33 **envelopes deposited in an absentee ballot drop box each day.**

34 (b) Beginning twenty-eight (28) days before the election, the
 35 county election board shall make arrangements for courier teams
 36 to open each absentee ballot drop box between 6 p.m. and 7:30 p.m.
 37 each day through election day. On election day, an absentee ballot
 38 drop box must be opened at the time of the closing of the polls.

39 (c) Each of the appointed members of the county election board
 40 shall keep one (1) of the keys for each absentee ballot drop box.
 41 Each appointed member shall keep the key securely in the manner
 42 determined by that appointed member. If an appointed member



1 cannot be present each day, then that member shall designate
 2 someone from the member's political party to be present with the
 3 key to the lock at the time the courier team arrives to pick up the
 4 supplies described in subsection (e).

5 (d) A courier team shall arrive at the circuit court clerk's office
 6 not later than 5 p.m. before visiting an absentee ballot drop box.

7 (e) The appointed members shall give the following to members
 8 of the courier team:

9 (1) A new seal to replace the seal that will be broken when the
 10 courier team opens the absentee ballot drop box.

11 (2) One (1) of the keys necessary to open the absentee ballot
 12 drop box to one (1) of the members of the courier team.

13 (3) The other key necessary to open the absentee ballot drop
 14 box to the other courier.

15 (4) A log for the courier team to note all of the following:

16 (A) The date and time the courier team arrived at the
 17 absentee ballot drop box.

18 (B) The date and time the courier team broke the seal and
 19 opened the absentee ballot drop box.

20 (C) The number on the seal that was broken.

21 (D) A place to mark "yes" or "no" to the statement, "Was
 22 the seal on the absentee ballot drop box broken when you
 23 arrived to collect the absentee ballots?".

24 (E) The time the absentee ballot drop box was relocked and
 25 sealed by the courier team.

26 (F) The number of the seal applied to the absentee ballot
 27 drop box after it is relocked.

28 (G) A place for each member of the courier team to sign
 29 the log.

30 (5) A travel box.

31 (f) After receiving the materials from the circuit court clerk
 32 under subsection (e), the courier team shall visit the absentee ballot
 33 drop box assigned to the courier team.

34 (g) After unlocking the absentee ballot drop box, the courier
 35 team shall transfer all absentee ballot return envelopes in the
 36 absentee ballot drop box to the travel box.

37 (h) The courier team shall close the opening of the absentee
 38 ballot drop box, lock the absentee ballot drop box, and apply a new
 39 seal to the absentee ballot drop box.

40 (i) Immediately after the requirements in subsection (h) are
 41 completed, the courier team shall return the travel box to the
 42 circuit court clerk's office.



1 **Sec. 5. (a) This section applies when a courier team finds and**
 2 **reports on the log provided under section 4(e)(4) of this chapter**
 3 **that a seal to the absentee ballot drop box was broken before the**
 4 **absentee ballot drop box was unlocked.**

5 **(b) Absentee ballots found in the drop box shall be treated as**
 6 **provisional ballots under IC 3-11.7.**

7 **Sec. 6. (a) Not later than three (3) days after the election, the**
 8 **circuit court clerk shall have each absentee ballot drop box**
 9 **collected and returned to the clerk's office.**

10 **(b) Not later than five (5) days after the election, the circuit**
 11 **court clerk (or the clerk's designee) shall unlock each absentee**
 12 **ballot drop box.**

13 **(c) If an absentee ballot return envelope is found in an absentee**
 14 **ballot drop box when opened under subsection (b), the absentee**
 15 **ballot return envelope shall be delivered to the county election**
 16 **board.**

17 **(d) The county election board shall:**

18 **(1) reject the absentee ballot;**

19 **(2) have the statement "Rejected by the county election**
 20 **board" printed on the absentee ballot return envelope; and**

21 **(3) have the circuit court clerk seal the absentee ballot**
 22 **envelope with any other ballots rejected under this title.**

23 **Sec. 7. Each circuit court clerk shall certify the names of the**
 24 **voters whose absentee ballots have been received at an absentee**
 25 **ballot drop box when making the certification under**
 26 **IC 3-11.5-4-6(b).**

27 **Sec. 8. Each circuit court clerk shall keep all accepted absentee**
 28 **ballot envelopes securely in the clerk's office until the absentee**
 29 **ballot envelopes are opened by absentee ballot counters in**
 30 **accordance with this article.**

31 SECTION 43. IC 3-11.7-2-1, AS AMENDED BY P.L.128-2015,
 32 SECTION 201, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) ~~As provided by 52 U.S.C.~~
 34 ~~21082~~; This section applies to the following individuals:

35 (1) An individual:

36 (A) whose name does not appear on the registration list; and

37 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the
 38 voter makes an oral or a written affirmation under IC 3-7-48-5
 39 or IC 3-7-48-7 or after the voter produces a certificate of error
 40 under IC 3-7-48-1.

41 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
 42 IC 3-11-8-27.5 who is challenged as not eligible to vote.



1 (3) An individual who seeks to vote in an election as a result of a
 2 court order (or any other order) extending the time established for
 3 closing the polls under IC 3-11-8-8.

4 **(4) An individual who is registering to vote at the polls but has**
 5 **not presented identification required under IC 3-7-49-2.**

6 (b) ~~As required by 52 U.S.C. 21083~~; A voter who has registered to
 7 vote but has not:

8 (1) presented identification required under 52 U.S.C. 21083 to the
 9 poll clerk before voting in person under IC 3-11-8-25.1; ~~or~~

10 (2) filed a copy of the identification required under 52 U.S.C.
 11 21083 to the county voter registration office before the voter's
 12 absentee ballot is cast; ~~or~~

13 **(3) presented identification required under IC 3-7-49-2 to the**
 14 **poll clerk before voting in person under IC 3-11-8-25.1;**

15 is entitled to vote a provisional ballot under this article.

16 (c) A precinct election officer shall inform an individual described
 17 by subsection (a)(1) or (a)(2) that the individual may cast a provisional
 18 ballot if the individual:

19 (1) is eligible to vote under IC 3-7-13-1;

20 (2) submitted a voter registration application during the
 21 registration period described by IC 3-7-13-10; and

22 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

23 (d) A precinct election officer shall inform an individual described
 24 by subsection (a)(3) that the individual may cast a provisional ballot.

25 SECTION 44. IC 3-12-3-1.2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.2. This section
 27 applies to a precinct where votes have been cast on a ballot card system
 28 that is designed to allow the counting and tabulation of votes by the
 29 precinct election board. ~~Except as provided in section 14 of this~~
 30 ~~chapter~~, If the polls for more than one (1) precinct are located in the
 31 same room, the inspector of a precinct using the room may not begin
 32 the vote counting procedure until all the polls in the room are officially
 33 closed and no more persons are waiting in line to vote.

34 SECTION 45. IC 3-12-3-14 IS REPEALED [EFFECTIVE JULY 1,
 35 2021]. ~~Sec. 14. (a) The precinct election board may count absentee~~
 36 ~~ballots before the polls have closed.~~

37 ~~(b) If the precinct election board counts absentee ballots under this~~
 38 ~~section, a member of the precinct election board may not, before the~~
 39 ~~polls have closed, provide any person other than a member of the~~
 40 ~~precinct election board with information concerning the number of~~
 41 ~~votes:~~

42 ~~(+) a candidate received for an office; or~~



1 (2) cast to approve or reject a public question;
2 on absentee ballots counted under this section:

3 SECTION 46. IC 3-12-3.5-1.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. ~~Except as provided~~
5 ~~in section 7 of this chapter~~; If the polls for more than one (1) precinct
6 are located in the same room, the inspector of a precinct using the room
7 may not begin the vote counting procedure until all the polls in the
8 room are officially closed and no more persons are waiting in line to
9 vote.

10 SECTION 47. IC 3-12-3.5-7 IS REPEALED [EFFECTIVE JULY
11 1, 2021]. ~~Sec. 7: (a) The precinct election board may count absentee~~
12 ~~ballots before the polls have closed:~~

13 ~~(b) If the precinct election board counts absentee ballots under this~~
14 ~~section; a member of the precinct election board may not, before the~~
15 ~~polls have closed; provide any person other than a member of the~~
16 ~~precinct election board with information concerning the number of~~
17 ~~votes:~~

18 ~~(1) a candidate received for an office; or~~
19 ~~(2) cast to approve or reject a public question;~~
20 ~~on absentee ballots counted under this section:~~

21 SECTION 48. IC 3-12-4-6 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) ~~At 6 p.m. the~~
23 ~~close of the polls~~ on each election day, the county election board shall
24 assemble in a room to canvass the certificates, poll lists, and tally
25 papers returned by each inspector in the county and to declare the
26 results of the election as provided in this chapter.

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

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

35 SECTION 49. IC 3-14-3-16, AS AMENDED BY P.L.194-2013,
36 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2021]: Sec. 16. (a) As used in this section, "electioneering"
38 includes expressing support or opposition to any candidate or political
39 party or expressing approval or disapproval of any public question in
40 any manner that could reasonably be expected to convey that support
41 or opposition to another individual. The term includes wearing or
42 displaying an article of clothing, sign, button, or placard that states the



1 name of any political party or includes the name, picture, photograph,
 2 or other likeness of any currently elected federal, state, county, or local
 3 official. The term does not include expressing support or opposition to
 4 a candidate or a political party or expressing approval or disapproval
 5 of a public question in:

- 6 (1) material mailed to a voter; or
 7 (2) a telephone or an electronic communication with a voter.

8 (b) A person who knowingly does any electioneering:

9 (1) on election day within:

10 (A) the polls; or

11 (B) the chute;

12 (2) within an area in the office of the circuit court clerk or a
 13 satellite office of the circuit court clerk established under
 14 IC 3-11-10-26.3 used by an absentee voter board to permit an
 15 individual to cast an absentee ballot; ~~or~~

16 (3) except for a voter who is:

17 (A) the person's spouse;

18 (B) an incapacitated person (as defined in IC 29-3-1-7.5) for
 19 whom the person has been appointed the guardian (as defined
 20 in IC 29-3-1-6); or

21 (C) a member of the person's household;

22 in the presence of a voter whom the person knows possesses an
 23 absentee ballot provided to the voter in accordance with Indiana
 24 law; ~~or~~

25 **(4) in an area within one hundred (100) feet of an absentee**
 26 **ballot drop box established under IC 3-11.5-9;**

27 commits a Class A misdemeanor.

28 SECTION 50. IC 3-14-4-10, AS AMENDED BY P.L.158-2013,
 29 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2021]: Sec. 10. A person who knowingly violates:

31 (1) IC 3-11.5-5;

32 (2) IC 3-11.5-6; ~~or~~

33 (3) IC 3-12-2-1;

34 ~~(4) IC 3-12-3-14; or~~

35 ~~(5) IC 3-12-3.5-7;~~

36 by providing any other person with information concerning the number
 37 of votes a candidate received for an office or cast to approve or reject
 38 a public question on absentee ballots counted under IC 3-11.5-5,
 39 IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a Level
 40 6 felony.

41 SECTION 51. IC 9-24-2.5-4, AS AMENDED BY P.L.71-2019,
 42 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 4. (a) As required under 52 U.S.C. 20504(e)(1),
2 the manager or designated license branch employee shall transmit an
3 electronic version of the ~~completed~~ voter registration ~~portion of~~
4 **information from** each application **or renewal** for a driver's license
5 or an identification card for nondrivers issued under this article to the
6 county voter registration office of the county in which the individual's
7 residential address (as indicated on the application) is located.
8 (b) The voter registration ~~application~~ **information** shall be
9 transmitted to the county voter registration office in an electronic
10 format and on an expedited basis (as defined by IC 3-5-2-23.2) using
11 the computerized list established under IC 3-7-26.3.

