



April 2, 2019

ENGROSSED SENATE BILL No. 558

DIGEST OF SB 558 (Updated March 28, 2019 11:48 am - DI 75)

Citations Affected: IC 3-6; IC 3-7; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-14; noncode.

Synopsis: Election security. Requires the secretary of state to refer suspected criminal violations of election law for investigation by the appropriate prosecuting attorney. Establishes an administrative enforcement mechanism for enforcement of election laws other than campaign finance laws. Requires the statewide voter registration file to employ multi-factor authentication to restrict access. Allows a declination to register by the voter in certain circumstances to be used in determining whether a voter's address is current. Requires a communication that includes an absentee ballot application form to state certain information regarding the identity of the sender. Provides for administrative remedies for violations of this requirement. Requires the inspector to record certain data during election day regarding the number of voters waiting to vote. Requires voting system vendors to disclose certain information about foreign nationals who may control or have an ownership interest in the vendor. Specifies procedure for counting of absentee ballots cast on an electronic voting system. Urges the legislative council to assign to the interim study committee on elections the task of studying the topic of means for verification of voter registration data.

Effective: Upon passage; July 1, 2019.

Houchin, Walker, Crane, Bohacek

(HOUSE SPONSOR — WESCO)

January 14, 2019, read first time and referred to Committee on Elections.
February 5, 2019, amended, reported favorably — Do Pass.
February 12, 2019, read second time, ordered engrossed. Engrossed.
February 14, 2019, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 7, 2019, read first time and referred to Committee on Elections and Apportionment.
April 1, 2019, amended, reported — Do Pass.

ES 558—LS 7417/DI 75



April 2, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 558

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

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

1 SECTION 1. IC 3-6-3.7-6 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 6. (a) If, upon investigation, the secretary of state
4 determines that a criminal violation of this title may have
5 occurred, the secretary of state and the co-directors of the election
6 division shall refer the facts drawn from the investigation to the
7 prosecuting attorney of the judicial circuit in which the crime may
8 have been committed.**

9 **(b) The secretary of state and election division shall assist the
10 prosecuting attorney in prosecuting an action under this section,
11 which may include an attorney employed by the secretary of state
12 or the election division serving as a special deputy prosecutor
13 appointed by the prosecuting attorney.**

14 SECTION 2. IC 3-6-4.9 IS ADDED TO THE INDIANA CODE AS
15 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2019]:

17 **Chapter 4.9. Administrative Enforcement of Election Law**

ES 558—LS 7417/DI 75



1 **Sec. 1. This chapter does not apply to enforcement of a provision**
2 **of IC 3-9.**

3 **Sec. 2. As used in this chapter, "agency" refers to the following:**

4 **(1) The election division, if the commission is the enforcement**
5 **authority.**

6 **(2) The county election board, if the county election board is**
7 **the enforcement authority.**

8 **Sec. 3. As used in this chapter, "enforcement authority" refers**
9 **to either of the following:**

10 **(1) The commission, which has exclusive jurisdiction under**
11 **this chapter for matters relating to elections and candidates**
12 **for state, legislative, and judicial offices.**

13 **(2) The county election board, which has jurisdiction under**
14 **this chapter for matters relating to elections and candidates**
15 **for local and school board offices.**

16 **Sec. 4. Proceedings of an enforcement authority under this**
17 **chapter are subject to IC 4-21.5.**

18 **Sec. 5. (a) If the commission is the enforcement authority, a**
19 **commission member, or the co-directors, with the authorization of**
20 **the commission, may conduct a hearing or an investigation, take**
21 **evidence, and report back to the commission for its consideration**
22 **and action.**

23 **(b) If a county election board is the enforcement authority, a**
24 **county election board member may conduct a hearing or an**
25 **investigation, take evidence, and report back to the board for its**
26 **consideration and action.**

27 **Sec. 6. If a civil penalty is imposed under this chapter, any**
28 **investigative costs incurred and documented by the agency shall be**
29 **added to the civil penalty imposed.**

30 **Sec. 7. Civil penalties and investigative costs shall be deposited**
31 **in the fund designated under this chapter.**

32 **Sec. 8. An enforcement authority may, upon the unanimous vote**
33 **of its entire membership, find that imposition of a civil penalty**
34 **required to be imposed under this chapter would be unjust under**
35 **the circumstances and do either of the following:**

36 **(1) Waive the penalty.**

37 **(2) Reduce the penalty to an amount specified by the**
38 **enforcement authority.**

39 **Sec. 9. (a) If a person is notified by the agency that the**
40 **enforcement authority may assess a proposed civil penalty under**
41 **this chapter against the person, the person may enter into an**
42 **agreement with the agency to pay the proposed penalty and waive**



1 a hearing before the enforcement authority.

2 (b) An agreement entered into under this section must:

3 (1) provide for the payment of the entire proposed civil
4 penalty not later than the date of the execution of the
5 agreement; and

6 (2) be presented to the enforcement authority by the agency
7 for ratification at the enforcement authority's next regularly
8 scheduled meeting.

9 Sec. 10. (a) This section does not apply to a person whose sole
10 act is, in the normal course of business, the printing, distribution,
11 or mailing of the communication containing the information.

12 (b) A person who violates IC 3-11-4-5.2 by mailing a
13 communication that does not contain the information in the
14 manner described by IC 3-11-4-5.2(b) or IC 3-11-4-5.2(c) is subject
15 to a civil penalty as provided in this section.

16 (c) If the enforcement authority determines that a person is
17 subject to a civil penalty under this section, the enforcement
18 authority may assess a civil penalty of not more than one thousand
19 dollars (\$1,000) for each communication circulated or published
20 (but not for each of the copies of the communication actually
21 circulated or published).

22 (d) Penalties and costs collected under this section shall be
23 deposited in the election administration assistance fund established
24 by IC 3-11-6.5-2.

25 SECTION 3. IC 3-6-6-28 IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2019]: Sec. 28. A member of a precinct election
27 board is entitled to compensation under sections 25 and 26 of this
28 chapter only if the member complies with the requirements of:

29 (1) IC 3-12-2-7;

30 (2) IC 3-12-3-10; and

31 (3) IC 3-12-3.5-4.

32 A person who violates IC 3-12-2-7, IC 3-12-3-10, or IC 3-12-3.5-4, as
33 determined by the county election board, may not be selected to serve
34 as a member of a precinct election board in the county where the
35 person committed the violation for five (5) years after the date of the
36 violation.

37 SECTION 4. IC 3-7-26.3-15, AS AMENDED BY P.L.128-2015,
38 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2019]: Sec. 15. (a) As required under 52 U.S.C. 21083, the
40 election division and each county voter registration office shall provide
41 adequate technological security measures to prevent unauthorized
42 access to the computerized list.



1 **(b) The computerized list must employ two-factor**
 2 **authentication methods to restrict access to the computerized list.**

3 **(c) A person may not access the computerized list without using**
 4 **a multi-factor authentication method approved by the secretary of**
 5 **state and the co-directors of the election division.**

6 **(d) The county voter registration officer shall file a statement**
 7 **with the election division setting forth the name and contact**
 8 **information of at least one (1) individual who is to serve as a point**
 9 **of contact for the state to communicate with the county regarding**
 10 **cybersecurity issues.**

11 SECTION 5. IC 3-7-26.4-4, AS AMENDED BY P.L.169-2015,
 12 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 4. (a) The election division may provide parts
 14 and reports from the voter registration information from the
 15 computerized list for the purposes specified under IC 3-7-26.3-29.

16 (b) Except as otherwise provided in this section, the parts and
 17 reports provided under this section may not include information
 18 described under section 8 of this chapter.

19 (c) The parts and reports may contain the information described in
 20 section 8 of this chapter if:

21 (1) the part or report is to be provided to an entity that:

22 (A) is described in section 6 of this chapter; and

23 (B) has previously submitted an application to the election
 24 division and paid any required fee to obtain the complete
 25 compilation; or

26 (2) the part or report is a purely statistical compilation that:

27 (A) includes the information described in section 8 of this
 28 chapter; and

29 (B) does not include any information:

30 (i) concerning an individual voter; or

31 (ii) that would permit the identification of an individual
 32 voter as a result of providing the compilation.

33 (d) The parts and reports provided under this section may not
 34 include the complete Social Security number of any individual.

35 (e) The election division may provide the registration information
 36 described in section 8 of this chapter, including an individual's voting
 37 history, as follows:

38 (1) To states and local governments in states that are
 39 implementing ~~the any~~ voter list maintenance program described
 40 in IC 3-7-38.2-5, **including a program implemented with**
 41 **information obtained from another state under**
 42 **IC 3-7-38.2-5(b).**



- 1 (2) Upon written request, to law enforcement officials conducting
2 an investigation.
- 3 SECTION 6. IC 3-7-27-15, AS AMENDED BY P.L.219-2013,
4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 15. (a) This section does not apply to a county
6 acting in accordance with section 21.1 or 22 of this chapter.
- 7 (b) The county voter registration office shall keep all original
8 affidavits or forms of registration (~~or duplicate affidavits or forms~~)
9 securely arranged and maintained in the office.
- 10 SECTION 7. IC 3-7-38.2-2, AS AMENDED BY P.L.201-2017,
11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program
13 conducted under this chapter must:
- 14 (1) be uniform, nondiscriminatory, and in compliance with the
15 Voting Rights Act of 1965 (52 U.S.C. 10101);
- 16 (2) not result in the removal of the name of a person from the
17 official list of voters solely due to the person's failure to vote; and
- 18 (3) be completed not later than ninety (90) days before a primary,
19 general, or municipal election.
- 20 (b) A county voter registration office may conduct a voter list
21 maintenance program that complies with subsection (a). In conducting
22 a voter list maintenance program, the county voter registration office
23 shall mail a notice described in subsection (d) to each voter whose
24 registration has not previously been canceled or designated as inactive
25 under this chapter at the mailing address:
- 26 (1) listed in the voter's registration record; and
- 27 (2) determined by the county voter registration office not to be the
28 voter's current residence address.
- 29 (c) A county voter registration office may use information only from
30 the following sources to make the determination under subsection
31 (b)(2):
- 32 (1) The United States Postal Service National Change of Address
33 Service.
- 34 (2) A court regarding jury duty notices returned because of an
35 unknown or insufficient address.
- 36 (3) The return of a mailing sent by the county voter registration
37 office to all active voters (as defined in IC 3-11-18.1-2) in the
38 county because of an unknown or insufficient address.
- 39 (4) The bureau of motor vehicles concerning the surrender of a
40 voter's Indiana license for the operation of a motor vehicle to
41 another jurisdiction.
- 42 (5) The return by the United States Postal Service after the



1 expiration of the seven (7) day pending period of a notice
 2 regarding the disposition of a voter registration application under
 3 IC 3-7-33-5 because of an unknown or insufficient address.

4 (6) The return of a mailing sent to voters of a precinct advising
 5 voters of a change of precinct boundary or the precinct polling
 6 place because of an unknown or insufficient address, if the county
 7 sends a similar mailing to the voters of each precinct when a
 8 boundary or polling place is changed.

9 (7) Information received from the election division under **section**
 10 **5 of this chapter or** section 16 of this chapter.

11 **(8) A declination to register by the voter stating that the voter**
 12 **resides at an address different from the address on the voter's**
 13 **registration record.**

14 (d) The notice described in subsection (b) must:

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

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

18 (A) is addressed to the county voter registration office;

19 (B) states a date (which must be at least thirty (30) days after
 20 the date the notice is mailed) by which the card must be
 21 returned or the voter's registration will become inactive until
 22 the information is provided to the county voter registration
 23 office; and

24 (C) permits the voter to provide the voter's current residence
 25 address.

26 (e) If a voter returns the card described in subsection (d)(2) and
 27 provides a current residence address that establishes that the voter
 28 resides:

29 (1) in the county, the county voter registration office shall update
 30 the voter's registration record; or

31 (2) outside the county, the county voter registration office shall
 32 cancel the voter's registration.

33 (f) If a card is returned as undeliverable due to an unknown or
 34 insufficient address by the United States Postal Service after the date
 35 specified in subsection (d)(2)(B), the county voter registration office
 36 shall, when registration reopens after the next primary, general, or
 37 municipal election, determine whether the voter voted or appeared to
 38 vote from the address set forth in the registration record at any election
 39 occurring after the final day for completing voter list maintenance
 40 activities, and if not, then designate the voter as inactive.

41 (g) If a voter does not return the card described in subsection (d)(2)
 42 by the date specified in subsection (d)(2)(B), the county voter



1 registration office shall indicate in the voter's registration record that
2 the voter's registration is inactive.

3 (h) A voter's registration that becomes inactive under subsection (f)
4 or (g) remains in inactive status from the date described in subsection
5 (d)(2)(B) until the earlier of the following:

6 (1) The date the county voter registration office updates or
7 cancels the voter's registration under subsection (e) after the voter
8 provides a current residence address.

9 (2) The day after the second general election in which the voter
10 has not voted or appeared to vote.

11 (i) After the date described in subsection (h)(2), the county voter
12 registration office shall remove the voter's registration from the voter
13 registration records.

14 SECTION 8. IC 3-7-39-7, AS AMENDED BY P.L.169-2015,
15 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 7. (a) This section applies to a voter who
17 changes residence to an address in the same precinct where the voter's
18 former residence was located, **except for a voter who changes**
19 **residence from a location within a municipality to a location**
20 **outside of the municipality but within the same precinct.**

21 (b) As required under 52 U.S.C. 20507(e)(1), a voter described in
22 subsection (a) may vote at the precinct polling place after the voter
23 makes an oral or a written affirmation of the change of address before
24 a member of the precinct election board.

25 (c) A person entitled to make a written affirmation under subsection
26 (b) may make an oral affirmation. The person must make the oral
27 affirmation before the poll clerks of the precinct. After the person
28 makes an oral affirmation under this subsection, the poll clerks shall:

29 (1) reduce the substance of the affirmation to writing at an
30 appropriate location on the poll list; and

31 (2) initial the affirmation.

32 (d) This subsection applies to a county that has adopted an order
33 under IC 3-7-29-6(a)(1) or is a vote center county under IC 3-11-18.1.
34 A voter described in subsection (a) may make a written affirmation of
35 the voter's change of residence on election day using the affidavit
36 prescribed by the election division under IC 3-10-11-6. If the voter
37 makes an oral affirmation under this subsection, the poll clerks shall
38 reduce the substance of the affirmation to writing using the affidavit
39 prescribed by the commission under IC 3-10-11-6 and initial the
40 affirmation.

41 SECTION 9. IC 3-10-1-7.2, AS AMENDED BY P.L.53-2009,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 7.2. (a) Except as provided in subsection (e), a
 2 voter who desires to vote an official ballot at a primary election shall
 3 provide proof of identification.

4 (b) Except as provided in subsection (e), before the voter proceeds
 5 to vote in a primary election, a precinct election officer shall ask the
 6 voter to provide proof of identification. The voter must produce the
 7 proof of identification before being permitted to sign the poll list.

8 (c) If:

9 (1) the voter is unable or declines to present the proof of
 10 identification; or

11 (2) a member of the precinct election board determines that the
 12 proof of identification presented by the voter does not qualify as
 13 proof of identification under IC 3-5-2-40.5;

14 a member of the precinct election board shall challenge the voter as
 15 prescribed by IC 3-11-8.

16 (d) If the voter executes a challenged voter's affidavit under section
 17 9 of this chapter or IC 3-11-8-22.1, the voter may:

18 (1) sign the poll list; and

19 (2) receive a provisional ballot.

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

25 SECTION 10. IC 3-10-1-31.1, AS AMENDED BY P.L.116-2018,
 26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 31.1. (a) This section applies only to election
 28 materials for elections held after December 31, 2003.

29 (b) The inspector of each precinct shall deliver the bags required by
 30 section 30(a) and 30(c) of this chapter in good condition, together with
 31 poll lists, tally sheets, and other forms, to the circuit court clerk when
 32 making returns.

33 (c) Except for unused ballots disposed of under IC 3-11-3-31 or
 34 affidavits received by the county election board under IC 3-14-5-2 for
 35 delivery to the foreman of a grand jury, the circuit court clerk shall seal
 36 the ballots (including provisional ballots) and other material (including
 37 election material related to provisional ballots) during the time allowed
 38 to file a verified petition or cross-petition for a recount of votes or to
 39 contest the election. Except as provided in subsection (d) and
 40 notwithstanding any other provision of state law, after the recount or
 41 contest filing period, the election material, including election material
 42 related to provisional ballots (except for ballots and provisional ballots,



1 which remain confidential) shall be made available for copying and
 2 inspection under IC 5-14-3. The circuit court clerk shall carefully
 3 preserve the sealed ballots and other material for twenty-two (22)
 4 months, as required by 52 U.S.C. 20701, after which the sealed ballots
 5 and other material are subject to IC 5-15-6 unless an order issued
 6 under:

7 (1) IC 3-12-6-19 or IC 3-12-11-16; or

8 (2) 52 U.S.C. 10301;

9 requires the continued preservation of the ballots or other material.

10 (d) If a petition for a recount or contest is filed, the material for that
 11 election remains confidential until completion of the recount or contest.

12 (e) Upon delivery of the poll lists, the county voter registration
 13 office shall unseal the envelopes containing the poll lists, inspect the
 14 poll lists, and update the registration records of the county. The county
 15 voter registration office shall use the poll lists and information on
 16 affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to
 17 update the registration record to include the voter's voter identification
 18 number if the voter's voter identification number is not already
 19 included in the registration record. Upon completion of the inspection,
 20 the poll list and affidavits shall be preserved with the ballots and other
 21 materials in the manner prescribed by subsection (c) for the period
 22 prescribed by subsections (c) and (d).

23 (f) In addition to the poll lists described in subsection (e), the county
 24 voter registration office shall use the affidavits described by
 25 IC 3-10-10-7, IC 3-10-11-4, and IC 3-10-12-3.4 to update the
 26 registration records of the county as soon as the affidavits are delivered
 27 to the county voter registration office.

28 (g) The county voter registration office shall retain a voter's paper
 29 registration records associated with the address at which the voter is
 30 registered to vote until all of the following are satisfied:

31 (1) The voter's registration at the address stated in the voter's
 32 registration application has been ~~cancelled~~. **canceled**.

33 (2) The general election immediately following the cancellation
 34 of the voter's registration under subdivision (1) has occurred.

35 (3) Twenty-four (24) months have elapsed following the general
 36 election described in subdivision (2).

37 (h) This subsection does not apply to ballots, including provisional
 38 ballots. Notwithstanding subsection (c), if a county voter registration
 39 office determines that the inspection and copying of precinct election
 40 material would reveal the political parties, candidates, and public
 41 questions for which an individual cast an absentee ballot, the county
 42 voter registration office shall keep confidential only that part of the



1 election material necessary to protect the secrecy of the voter's ballot.
 2 In addition, the county voter registration office shall keep confidential
 3 information contained in material related to provisional ballots that
 4 identifies an individual, except for the individual's name, address, and
 5 birth date.

6 (i) After the expiration of the period described in subsection (c) or
 7 (d), the ballots may be destroyed in the manner provided by
 8 IC 3-11-3-31 or transferred to a state educational institution as
 9 provided by IC 3-12-2-12.

10 (j) This subsection applies to a detachable recording unit or
 11 compartment used to record a ballot cast on a direct record electronic
 12 voting system. After the time allowed to file a verified petition or
 13 cross-petition for a recount of votes or to contest the election, the
 14 circuit court clerk shall transfer the data contained in the unit or
 15 compartment to a disc or other recording medium. After transferring
 16 the data, the clerk may clear or erase the unit or compartment. The
 17 circuit court clerk shall carefully preserve the disc or medium used to
 18 record the data for twenty-two (22) months, as required by 52 U.S.C.
 19 20701, after which time the disc or medium may be erased or
 20 destroyed, subject to IC 5-15-6, unless an order requiring the continued
 21 preservation of the disc or medium is issued under the following:

22 (1) IC 3-12-6-19.

23 (2) IC 3-12-11-16.

24 (3) 52 U.S.C. 10301.

25 SECTION 11. IC 3-11-4-5.2 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2019]: **Sec. 5.2. (a) This section does not apply to a direct mailing
 28 of one hundred (100) or less substantially similar pieces of mail.**

29 **(b) A communication including an absentee ballot application
 30 form:**

31 **(1) approved or authorized for use in Indiana; and**

32 **(2) transmitted through the United States Postal Service;**

33 **must include the information required by this section.**

34 **(c) The communication must set forth the name and mailing
 35 address of the person who mailed the communication and be
 36 presented in a clear and conspicuous manner to give the recipient
 37 adequate notice of the identity of the person who mailed the
 38 communication. A communication does not comply with this
 39 requirement if the information is difficult to read or is placed in a
 40 location which is easily overlooked.**

41 **(d) The communication must satisfy both of the following:**

42 **(1) The communication must contain the information**



1 **described in subsection (c) in at least 12 point type size that is**
 2 **clearly readable by the recipient of the mailing.**
 3 **(2) The information must be printed with a reasonable degree**
 4 **of color contrast between the background and the printed**
 5 **statement. A communication complies with this subdivision if**
 6 **the information is printed in black text on a white background**
 7 **or the degree of color contrast between the background and**
 8 **the text of the information is not less than the color contrast**
 9 **between the background and the largest text included in the**
 10 **mailing.**

11 SECTION 12. IC 3-11-4-17.5, AS AMENDED BY P.L.128-2015,
 12 SECTION 161, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2019]: Sec. 17.5. (a) Upon receiving an
 14 application for an absentee ballot, the county election board (or the
 15 absentee voter board in the office of the circuit court clerk) shall
 16 determine if:

- 17 (1) the applicant is a voter of the precinct in which the applicant
- 18 resides, according to the records of the county voter registration
- 19 office;
- 20 (2) the information set forth on the application appears to be true;
- 21 (3) the signature of the voter on the application substantially
- 22 conforms with the signature of the voter on the voter registration
- 23 record, or that any substantial difference between the signatures
- 24 can be accounted for by age or disability of the voter or the
- 25 execution of the affidavit by an individual acting under section
- 26 2(b) of this chapter; and
- 27 (4) the application has been completed and filed in accordance
- 28 with Indiana and federal law.

29 If the members of the absentee voter board are unable to agree about
 30 any of the determinations described in subdivisions (1) through (4), the
 31 issue shall be referred to the county election board for determination.
 32 If the application is submitted by a voter wanting to cast an absentee
 33 ballot under IC 3-11-10-26, the voter shall be permitted to cast a
 34 provisional ballot, which the county election board shall retain. ~~and not~~
 35 ~~transmit to the voter's precinct.~~

- 36 (b) If:
- 37 (1) the applicant is not a voter of the precinct according to the
- 38 registration record; or
- 39 (2) the application as completed and filed:
- 40 (A) contains a false statement; or
- 41 (B) does not otherwise comply with Indiana or federal law;
- 42 as alleged under section 18.5 of this chapter, the county election board



1 shall deny the application.

2 (c) A voter's failure to provide the information requested under
3 section 5.1(d) of this chapter does not affect a voter's ability to receive
4 an absentee ballot. A county election board may not deny an
5 application because the voter has not provided the information
6 requested under section 5.1(d) of this chapter as a part of the voter's
7 application for an absentee ballot.

8 (d) This subsection applies to an absentee ballot application
9 submitted by an absent uniformed services voter or an overseas voter.
10 In accordance with 52 U.S.C. 20302(d), if the application is denied, the
11 county election board shall provide the voter with the reasons for the
12 denial of the application. Unless the voter is present when the board
13 denies the application, the board shall send a written notice stating the
14 reasons for the denial to the voter. The notice must be sent:

15 (1) not later than forty-eight (48) hours after the application is
16 denied; and

17 (2) to the voter at the address at which the voter requested that the
18 absentee ballot be mailed.

19 (e) If the county election board determines that the applicant is a
20 voter of the precinct under subsection (a), the board shall then
21 determine whether:

22 (1) the applicant was required to file any additional
23 documentation under IC 3-7-33-4.5; and

24 (2) the applicant has filed this documentation according to the
25 records of the county voter registration office.

26 If the applicant has not filed the required documentation, the county
27 election board shall approve the application if the application otherwise
28 complies with this chapter. The board shall add a notation to the
29 application and to the record compiled under section 17 of this chapter
30 indicating that the applicant will be required to provide additional
31 documentation to the county voter registration office under
32 IC 3-7-33-4.5 before the absentee ballot may be counted.

33 (f) If the applicant:

34 (1) is a voter of the precinct according to the registration record;
35 and

36 (2) states on the application that the applicant resides at an
37 address that is within the same precinct but is not the same
38 address shown on the registration record;

39 the county election board shall direct the county voter registration
40 office to transfer the applicant's voter registration address to the
41 address within the precinct shown on the application. The applicant's
42 application for an absentee ballot shall be approved if the applicant is



1 otherwise eligible to receive the ballot under this chapter.

2 SECTION 13. IC 3-11-4-17.7, AS AMENDED BY P.L.128-2015,
3 SECTION 162, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2019]: Sec. 17.7. (a) This section applies when
5 a voter:

6 (1) has been mailed the official ballot under this chapter; and

7 (2) notifies the county election board that:

8 (A) the ballot has been destroyed, spoiled, lost, or not received
9 by the voter after a reasonable time has elapsed for delivery of
10 the ballot by mail;

11 (B) **the absentee ballot does not bear the bipartisan initials**
12 **required under section 19 of this chapter; or**

13 (C) **the absentee ballot envelope was not signed by the**
14 **voter.**

15 (b) As required under 52 U.S.C. 21081, the voter may obtain a
16 replacement official ballot under the procedures set forth in this chapter
17 after the voter files a statement with the county election board. The
18 statement must affirm, under penalties of perjury, that the voter did not
19 receive the official ballot (or that the ballot was received by the voter,
20 but was destroyed, spoiled, or lost), and must set forth any facts known
21 by the voter concerning the destruction, spoiling, or loss of the ballot.

22 (c) After a voter files the statement required under subsection (b),
23 the county election board may issue a replacement official ballot to the
24 voter in accordance with this chapter and shall include information
25 regarding the official replacement ballot in the certification provided
26 to the precinct inspector under section 22 of this chapter. **circuit court**
27 **clerk shall do the following:**

28 (1) **Place the written request with the absentee voter's original**
29 **ballot.**

30 (2) **Mark "canceled" on the envelope containing the original**
31 **ballot.**

32 (3) **Preserve the original ballot with the other defective**
33 **ballots.**

34 (4) **Deliver a new ballot to the absentee voter.**

35 (d) After receiving the official replacement ballot, the voter shall
36 destroy any spoiled ballot in the possession of the voter or any lost or
37 delayed official ballot that comes into the possession of the voter.

38 SECTION 14. IC 3-11-4-17.8 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17.8. (a) This section
40 applies to a replacement ballot issued under section 17.7 of this
41 chapter.

42 (b) The county election board shall enclose the official replacement



1 ballot in an envelope that complies with section 20 of this chapter. The
 2 envelope must contain a notation that the envelope contains an official
 3 replacement ballot.

4 (c) If the county election board receives both an original absentee
 5 ballot and an official replacement ballot issued under section 17.7 of
 6 this chapter from the same voter, the board shall reject the original
 7 absentee ballot. ~~and deliver only the official replacement ballot to the~~
 8 ~~precinct election board.~~

9 SECTION 15. IC 3-11-4-19 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Subject to
 11 IC 3-5-4-9, a ballot that is mailed must bear the circuit court clerk's
 12 official seal and signature or facsimile signature on the back of the
 13 ballot. Before the ballot is mailed:

14 (1) the two (2) members of the absentee voter board in the office
 15 of the circuit court clerk; or

16 (2) the two (2) appointed members of the county election board
 17 or their designated representatives;

18 shall place their initials in ink on the back of the ballot. The initials
 19 must be in the persons' ordinary handwriting or printing and without a
 20 distinguishing mark of any kind. No other initialing of the absentee
 21 ballot is necessary.

22 (b) An absentee ballot that is voted before an absentee voter board
 23 under IC 3-11-10-25, ~~or IC 3-11-10-26, or IC 3-11-10-26.3~~, must bear
 24 the seal, signature, and initials prescribed by IC 3-11-10-27.

25 SECTION 16. IC 3-11-4-21, AS AMENDED BY P.L.169-2015,
 26 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2019]: Sec. 21. (a) On the other side of the
 28 envelope required by section 20 of this chapter shall be printed an
 29 affidavit in conformity with 52 U.S.C. 20302(b) and with the name of
 30 the precinct completed by the county election board, providing that the
 31 voter affirms under penalty of perjury that the following information is
 32 true:

33 (1) That the voter is:

34 (A) a resident of; or

35 (B) entitled under IC 3-10-11 or IC 3-10-12 to vote in;
 36 the precinct.

37 (2) The voter's complete residence address, including the name of
 38 the city or town and county.

39 (3) That the voter is entitled to vote in the precinct, the type of
 40 election to be held, and the date of the election.

41 (4) That:

42 (A) the voter has personally marked the enclosed ballot or



1 ballots in secret and has enclosed them in this envelope and
 2 sealed them without exhibiting them to any other person; **or**
 3 (B) the voter personally marked the enclosed ballot or ballots,
 4 enclosed them in this envelope, and sealed them with the
 5 assistance of an individual whose name is listed on the
 6 envelope and who affirms under penalty of perjury that the
 7 voter was not coerced or improperly influenced by the
 8 individual assisting the voter or any other person, in a manner
 9 prohibited by state or federal law, to cast the ballot for or
 10 against any candidate, political party, or public question. **or**
 11 ~~(C) as the properly authorized attorney in fact for the~~
 12 ~~undersigned under IC 30-5-5-14, the attorney in fact affirms~~
 13 ~~the voter personally marked the enclosed ballot or ballots in~~
 14 ~~secret and enclosed them in this envelope and sealed them~~
 15 ~~without exhibiting them to the attorney in fact or to any other~~
 16 ~~person.~~

- 17 (5) The date and the voter's signature.
- 18 (b) ~~If the affidavit is signed by an attorney in fact, the name of the~~
 19 ~~attorney in fact must be indicated.~~
- 20 (c) ~~A guardian or conservator of an individual may not sign an~~
 21 ~~affidavit for the individual under this section unless the guardian or~~
 22 ~~conservator also holds a power of attorney authorizing the guardian or~~
 23 ~~conservator to sign the affidavit.~~
- 24 ~~(d)~~ (b) The side of the envelope containing this affidavit must also
 25 set forth the penalties for perjury.

26 SECTION 17. IC 3-11-8-9 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. The inspector of
 28 each precinct shall **do both of the following:**

- 29 (1) Proclaim the opening and closing of the polls to the people
 30 outside the polls in a loud tone of voice.
- 31 (2) **Record the number of individuals who are waiting to vote,**
 32 **but have not yet signed the poll list, as of each of the following**
 33 **times:**
- 34 (A) **The opening of the polls.**
 35 (B) **12:30 p.m. on election day.**
 36 (C) **The closing of the polls.**

37 **The inspector shall record these numbers on a form**
 38 **prescribed under IC 3-5-4-8.**

39 SECTION 18. IC 3-11-8-25.1, AS AMENDED BY P.L.74-2017,
 40 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]: Sec. 25.1. (a) Except as provided in subsection (e), a
 42 voter who desires to vote an official ballot at an election shall provide



- 1 proof of identification.
- 2 (b) Except as provided in subsection (e), before the voter proceeds
3 to vote in the election, a precinct election officer shall ask the voter to
4 provide proof of identification. One (1) of each of the precinct election
5 officers nominated by each county chairman of a major political party
6 of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter
7 to provide proof of identification. The voter shall produce the proof of
8 identification to each precinct officer requesting the proof of
9 identification before being permitted to sign the poll list.
- 10 (c) If:
- 11 (1) the voter is unable or declines to present the proof of
12 identification; or
- 13 (2) a member of the precinct election board determines that the
14 proof of identification provided by the voter does not qualify as
15 proof of identification under IC 3-5-2-40.5;
- 16 a member of the precinct election board shall challenge the voter as
17 prescribed by this chapter.
- 18 (d) If the voter executes a challenged voter's affidavit under section
19 22.1 of this chapter, the voter ~~may~~: **shall**:
- 20 (1) sign the poll list; and
21 (2) receive a provisional ballot.
- 22 (e) A voter who votes in person at a precinct polling place, **vote**
23 **center, or satellite office established under IC 3-11-10-26.3** that is
24 located at a state licensed care facility where the voter resides is not
25 required to provide proof of identification before voting in an election.
- 26 (f) After a voter has passed the challengers or has been sworn in, the
27 voter shall be instructed by a member of the precinct election board to
28 proceed to the location where the poll clerks are stationed. In a vote
29 center county using an electronic poll list, two (2) election officers who
30 are not members of the same political party must be present when a
31 voter signs in on the electronic poll list. The voter shall announce the
32 voter's name to the poll clerks or assistant poll clerks. A poll clerk, an
33 assistant poll clerk, or a member of the precinct election board shall
34 require the voter to write the following on the poll list or to provide the
35 following information for entry into the electronic poll list:
- 36 (1) The voter's name.
37 (2) Except as provided in subsection (k), the voter's current
38 residence address.
- 39 (g) The poll clerk, an assistant poll clerk, or a member of the
40 precinct election board shall:
- 41 (1) ask the voter to provide or update the voter's voter
42 identification number;



- 1 (2) tell the voter the number the voter may use as a voter
2 identification number; and
3 (3) explain to the voter that the voter is not required to provide or
4 update a voter identification number at the polls.
5 (h) The poll clerk, an assistant poll clerk, or a member of the
6 precinct election board shall ask the voter to provide proof of
7 identification.
8 (i) In case of doubt concerning a voter's identity, the precinct
9 election board shall compare the voter's signature with the signature on
10 the voter's registration record provided by the county voter registration
11 office under IC 3-7-29. If the board determines that the voter's
12 signature is authentic, the voter may then vote. If either poll clerk
13 doubts the voter's identity following comparison of the signatures, the
14 poll clerk shall challenge the voter in the manner prescribed by section
15 21 of this chapter.
16 (j) If:
17 (1) the poll clerk does not execute a challenger's affidavit; or
18 (2) the voter executes a challenged voter's affidavit under section
19 22.1 of this chapter or executed the affidavit before signing the
20 poll list;
21 the voter may then vote.
22 (k) The electronic poll book (or each line on a poll list sheet
23 provided to take a voter's current address) must include a box under the
24 heading "Address Unchanged". A voter whose address is unchanged
25 shall check the box instead of writing the voter's current address on the
26 poll list, or if an electronic poll book is used, the poll clerk shall check
27 the box after stating to the voter the address shown on the electronic
28 poll book and receiving an oral affirmation from the voter that the
29 voter's residence address shown on the poll list is the voter's current
30 residence address instead of writing the voter's current residence
31 address on the poll list or reentering the address in the electronic poll
32 book.
33 (l) If the voter indicates that the voter's current residence is located
34 within another county in Indiana, the voter is considered to have
35 directed the county voter registration office of the county where the
36 precinct is located to cancel the voter registration record within the
37 county. The precinct election board shall provide the voter with a voter
38 registration application for the voter to complete and file with the
39 county voter registration office of the county where the voter's current
40 residence address is located.
41 (m) If the voter indicates that the voter's current residence is located
42 outside Indiana, the voter is considered to have directed the county



1 voter registration office of the county where the precinct is located to
2 cancel the voter registration record within the county.

3 SECTION 19. IC 3-11-8-25.2, AS AMENDED BY P.L.128-2015,
4 SECTION 178, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2019]: Sec. 25.2. (a) The poll clerk or assistant
6 poll clerk shall examine the list provided under IC 3-7-29-1 to
7 determine if the county election board has indicated that the voter is
8 required to provide additional personal identification under 52 U.S.C.
9 21083 and IC 3-7-33-4.5 before voting in person. If the list (or a
10 certification concerning absentee voters under IC 3-11-10-12) indicates
11 that the voter is required to present this identification before voting in
12 person, the poll clerk shall advise the voter that the voter must present,
13 in addition to the proof of identification required by section 25.1(a) of
14 this chapter, a piece of identification described in subsection (b) to the
15 poll clerk.

16 (b) As required by 52 U.S.C. 21083, and in addition to the proof of
17 identification required by section 25.1(a) of this chapter, a voter
18 described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5
19 before appearing at the polls on election day must present one (1) of the
20 following documents to the poll clerk:

- 21 (1) A current and valid photo identification.
- 22 (2) A current utility bill.
- 23 (3) **A current** bank statement.
- 24 (4) **A current** government check.
- 25 (5) **A current** paycheck. ~~or~~
- 26 (6) **A current** government document.

27 ~~that shows~~ The **document presented by the voter must show the**
28 name and **residence** address of the voter.

29 (c) If a voter presents a document under subsection (b), the poll
30 clerk shall add a notation to the list indicating the type of document
31 presented by the voter. The election division shall prescribe a
32 standardized coding system to classify documents presented under this
33 subsection for entry into the county voter registration system.

34 (d) If a voter required to present documentation under subsection (b)
35 is unable to present the documentation to the poll clerk while present
36 in the polls, the poll clerk shall notify the precinct election board. The
37 board shall provide a provisional ballot to the voter under IC 3-11.7-2.

38 (e) The precinct election board shall advise the voter that the voter
39 may file a copy of the documentation with the county voter registration
40 office to permit the provisional ballot to be counted under IC 3-11.7.

41 SECTION 20. IC 3-11-9-3, AS AMENDED BY P.L.221-2005,
42 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 3. (a) The following individuals shall assist
 2 a voter described by section 2 of this chapter who requests assistance
 3 in voting before entering the voting booth but does not wish to
 4 designate a person under that section.

5 (1) The two (2) judges if the voter is voting at a precinct.

6 (2) Two (2) members of the absentee voter board if the voter is
 7 voting absentee.

8 (b) ~~This subsection does not apply to a person designated by a voter~~
 9 ~~described by subsection (a) who is voting absentee before two (2)~~
 10 ~~members of the absentee voter board.~~ The individuals described in
 11 subsection (a) shall execute a sworn affidavit on a form provided by the
 12 precinct election board stating that, to the best of the individuals'
 13 knowledge, the voter:

14 (1) is a voter with disabilities or is unable to read or write English;

15 (2) has requested assistance in voting; and

16 (3) does not wish to designate a person to assist the voter in
 17 voting under section 2 of this chapter.

18 (c) The two (2) individuals described in subsection (a) shall then
 19 accompany the voter into the voting booth to assist the voter in marking
 20 the voter's paper ballot or ballot card or in registering the voter's vote
 21 on the electronic voting system.

22 SECTION 21. IC 3-11-10-1, AS AMENDED BY P.L.198-2005,
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 1. (a) A voter voting by absentee ballot shall make
 25 and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter
 26 then shall, except as provided in subsection (b), do the following:

27 (1) Mark the ballot in the presence of no other person.

28 (2) Fold each ballot separately.

29 (3) Fold each ballot so as to conceal the marking.

30 (4) Enclose each ballot, with the seal and signature of the circuit
 31 court clerk on the outside, together with any unused ballot, in the
 32 envelope provided.

33 (5) Securely seal the envelope.

34 (6) Do one (1) of the following:

35 (A) ~~Mail~~ **Deliver** the envelope to the county election board,
 36 with not more than one (1) ballot per envelope, **by United**
 37 **States mail or by a bonded courier company.**

38 (B) Deliver the envelope to the county election board in
 39 person.

40 (C) Deliver the envelope to a member of the voter's household
 41 or a person designated as the attorney in fact for the voter
 42 under IC 30-5 for delivery to the county election board:



- 1 (i) in person;
 2 (ii) by United States mail; or
 3 (iii) by a bonded courier company.

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

- 9 (1) Note the receipt of the absentee ballot in the records of the
 10 circuit court clerk as other absentee ballots received by the circuit
 11 court clerk are noted.
 12 (2) Fold each ballot received from the voter separately so as to
 13 conceal the marking.
 14 (3) Enclose each ballot in a blank absentee ballot envelope.
 15 (4) Securely seal the envelope.
 16 (5) Mark on the envelope: "Absentee Ballot Received by Fax or
 17 Electronic Mail".
 18 (6) Securely attach to the envelope the faxed affidavit received
 19 with the voter's absentee ballots.

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

24 SECTION 22. IC 3-11-10-26, AS AMENDED BY P.L.71-2017,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 26. (a) This subsection applies to all counties,
 27 except for a county to which IC 3-6-5.2 applies. As an alternative to
 28 voting by mail, a voter is entitled to cast an absentee ballot before an
 29 absentee voter board at any of the following:

- 30 (1) One (1) location of the office of the circuit court clerk
 31 designated by the circuit court clerk.
 32 (2) A satellite office established under section 26.3 of this
 33 chapter.

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

- 37 (1) The office of the board of elections and registration.
 38 (2) A satellite office established under section 26.3 of this
 39 chapter.

40 (c) Except for a location designated under subsection (a)(1), a
 41 location of the office of the circuit court clerk must be established as
 42 a satellite office under section 26.3 of this chapter in order to be used



1 as a location at which a voter is entitled to cast an absentee ballot
2 before an absentee voter board under this section.

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

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

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

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

17 (B) Sign the electronic poll book.

18 (C) Provide proof of identification.

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

23 (A) Sign the electronic poll book.

24 (B) Provide proof of identification.

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

26 (e) The county election board may:

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

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

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

37 (f) The voter may vote before the board not more than twenty-eight
38 (28) days nor later than noon on the day before election day. If the
39 close of a voter registration period is transferred under IC 3-5-4-1.5
40 from twenty-nine (29) days to a later date due to the Columbus Day
41 holiday, the voter may vote before the board on the first day following
42 the day on which the voter registration period closes.



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

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

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

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

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

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

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

42 (l) If:



- 1 (1) the voter is unable or declines to present the proof of
 2 identification; or
 3 (2) a member of the board determines that the proof of
 4 identification provided by the voter does not qualify as proof of
 5 identification under IC 3-5-2-40.5;
 6 the voter shall be permitted to cast ~~an absentee ballot and the voter's~~
 7 ~~absentee ballot shall be treated as~~ a provisional ballot.
- 8 (m) A voter casting an absentee ballot under this section is entitled
 9 to cast the voter's ballot in accordance with IC 3-11-9.
- 10 SECTION 23. IC 3-11-10-26.2, AS AMENDED BY P.L.169-2015,
 11 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2019]: Sec. 26.2. (a) A county election board
 13 or board of elections and registration shall comply with IC 3-11-9-6 by
 14 providing an electronic voting system for voting by absentee ballot in
 15 the office of the circuit court clerk, the board of elections and
 16 registration, or a satellite office established under section 26.3 of this
 17 chapter, by a voter with disabilities or any other qualified absentee
 18 voter who wishes to cast an absentee ballot on the electronic voting
 19 system.
- 20 (b) The county election board or board of elections and registration
 21 may adopt a resolution under this section to authorize the circuit court
 22 clerk to use an electronic voting system for voting by voters eligible to
 23 cast an absentee ballot before an absentee board under section 25 of
 24 this chapter. A resolution adopted under this section must be adopted
 25 by the unanimous vote of the board's entire membership.
- 26 (c) A county providing absentee ballot voting under this section
 27 must adopt procedures to do the following:
- 28 (1) Secure absentee votes cast on an electronic voting system that
 29 provide protection comparable to the protection provided to
 30 absentee votes cast by paper ballot.
- 31 (2) Compare the signature on an absentee ballot application (**or**
 32 **on an electronic poll book if no application was executed by**
 33 **the voter**) with the applicant's signature on the applicant's voter
 34 registration record.
- 35 (3) Ensure that an invalid ballot (as determined under IC 3-11.5)
 36 is not counted.
- 37 (4) Specify how a spoiled absentee ballot is to be canceled in the
 38 direct record electronic voting system if a voter casts and returns
 39 a replacement absentee ballot.
- 40 (d) A resolution adopted under this section may contain other
 41 provisions to implement this section that the board considers useful and
 42 that are not contrary to Indiana or federal law.



1 (e) If a resolution is adopted under this section, the circuit court
 2 clerk may use as many electronic voting machines for recording
 3 absentee votes as the clerk considers necessary, subject to the
 4 resolution adopted by the board.

5 (f) Notwithstanding any other law, an absentee ballot voted on an
 6 electronic voting system under this section is not required to bear the
 7 seal, signature, and initials prescribed by section 27 of this chapter.

8 (g) If a resolution is adopted under this section, the procedure for
 9 casting an absentee ballot on an electronic voting system must, except
 10 as provided in this section, be substantially the same as the procedure
 11 for casting an absentee ballot in the office of the circuit court clerk
 12 under section 26 of this chapter.

13 SECTION 24. IC 3-11-10-27, AS AMENDED BY P.L.169-2015,
 14 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) This section does not
 16 apply to a ballot mailed to a voter under this chapter.

17 (b) Subject to IC 3-5-4-9, before a ballot is voted under section 25
 18 of this chapter before an absentee voter board, it must bear the circuit
 19 court clerk's official seal and signature or facsimile signature and be
 20 initialed by the absentee voter board visiting the voter under section
 21 25(b) of this chapter (except in a county subject to subsection (d)).

22 (c) Subject to IC 3-5-4-9, before a ballot is:

23 (1) voted under section 26 **or 26.3** of this chapter; or

24 (2) placed in a secrecy envelope if it has been marked using a
 25 marking device for an optical scan ballot;

26 the ballot must bear the circuit court clerk's official seal and signature
 27 or facsimile signature and be initialed by the county election board or
 28 the board's designated representatives under IC 3-11-4-19.

29 (d) A county election board may adopt a resolution providing that
 30 the absentee ballots to be voted before an absentee voter board visiting
 31 the voter under section 25(b) of this chapter must be initialed by the
 32 county election board or the board's representatives under IC 3-11-4-19
 33 and not by the absentee voter board visiting the voter. A resolution
 34 adopted under this subsection remains in effect until rescinded by the
 35 county election board. The election board may not rescind the
 36 resolution during the final sixty (60) days before an election.

37 (e) The initials must be:

38 (1) in ink on the back of the ballot, in the person's ordinary
 39 handwriting or printing, and without a distinguishing mark of any
 40 kind; or

41 (2) in a vote center county using an electronic poll list:

42 (A) printed on the back of the ballot by a printer separate from



- 1 the electronic poll list, immediately before the ballot is
 2 delivered to the voter; and
 3 (B) the initials of the county election board or the board's
 4 representatives captured through the electronic signature pad
 5 or tablet at the time the county election board or the board's
 6 representatives log into the electronic poll book system.
- 7 (f) A resolution adopted under subsection (d) may also provide that
 8 a precinct designation is not required to be preprinted on absentee
 9 ballots printed immediately before the ballot is delivered to a voter, but
 10 may be added in the same manner as the initials of the county election
 11 board or the board's representatives under IC 3-11-4-19 are added
 12 under subsection (e).
- 13 (g) No other initialing of the absentee ballot is necessary.
- 14 SECTION 25. IC 3-11-17-2, AS AMENDED BY P.L.219-2013,
 15 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2019]: Sec. 2. In addition to any other penalty imposed, a
 17 vendor who knowingly, recklessly, or negligently:
- 18 (1) markets, sells, leases, installs, implements, or permits the use
 19 of a voting system or an electronic poll book in an election
 20 conducted in Indiana in violation of this title; **or**
 21 (2) **violates section 8 of this chapter;**
 22 is subject to a civil penalty under this chapter.
- 23 SECTION 26. IC 3-11-17-7.2 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 7.2. (a) This section applies to a**
 25 **person who, on July 1, 2019, is a vendor described in section 1 of**
 26 **this chapter.**
 27 **(b) The vendor shall file the statement required by section 8 of**
 28 **this chapter not later than noon August 1, 2019.**
 29 **(c) This section expires July 1, 2021.**
- 30 SECTION 27. IC 3-11-17-8 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2019]: **Sec. 8. (a) A vendor described in section 1 of this chapter**
 33 **shall file a statement with the election division that:**
 34 **(1) states the name of any person who:**
 35 **(A) is a foreign national; and**
 36 **(B) directly or indirectly owns or controls the vendor; and**
 37 **(2) states the nature and extent of the ownership or control of**
 38 **the foreign national.**
 39 **(b) The statement described in subsection (a) must be amended**
 40 **to reflect any change in the identity of a foreign national subject to**
 41 **this section or in the nature and extent of the ownership or control**
 42



1 **of the foreign national by filing an amended statement with the**
 2 **election division not later than noon thirty (30) days after the**
 3 **change occurs.**

4 SECTION 28. IC 3-11.5-4-1, AS AMENDED BY P.L.76-2014,
 5 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 1. Each circuit court clerk shall do the following:

7 (1) Keep a separate absentee ballot record for each precinct in the
 8 county.

9 (2) This subdivision applies to a county in which the county voter
 10 registration office prepares a certified list of all voters registered
 11 to vote in each precinct in the county under IC 3-7-29-1. **Either:**

12 **(A)** certify to each inspector or the inspector's representative,
 13 at the time that the ballots and supplies are delivered under
 14 IC 3-11-3, the names of the voters:

15 ~~(A)~~ **(i)** to whom absentee ballots were sent or who marked
 16 ballots in person; and

17 ~~(B)~~ **(ii)** whose ballots have been received by the county
 18 election board under IC 3-11-10; **or**

19 **(B) provide a certified list of voters that have been marked**
 20 **to designate the names of the voters described in clause**
 21 **(A).**

22 (3) This subdivision applies to a county that has adopted an order
 23 to use an electronic poll book under IC 3-7-29-6 or is a **voter vote**
 24 center county under IC 3-11-18.1. Certify at the time the county
 25 voter registration office downloads information to an electronic
 26 poll book under IC 3-7-29-6(c), the names of the voters:

27 (A) to whom absentee ballots were sent or who marked ballots
 28 in person; and

29 (B) whose ballots have been received by the county election
 30 board under IC 3-11-10.

31 SECTION 29. IC 3-11.5-4-5, AS AMENDED BY P.L.64-2014,
 32 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2019]: Sec. 5. (a) If a county election board unanimously finds
 34 that the signature on a ballot envelope or transmitted affidavit is
 35 genuine, the board shall enclose immediately the accepted and
 36 unopened ballot envelope, together with the voter's application for the
 37 absentee ballot, in a large or carrier envelope. The board may enclose
 38 in the same carrier envelope all absentee ballot envelopes and
 39 applications **for the same precinct.**

40 (b) The envelope shall be securely sealed and endorsed with the
 41 name and official title of the circuit court clerk and the following
 42 words: "This envelope contains an absentee ballot and must be opened



- 1 only on election day under IC 3-11.5."
- 2 SECTION 30. IC 3-11.5-4-9, AS AMENDED BY P.L.169-2015,
 3 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) This section does not apply
 5 to a county that:
- 6 (1) has adopted an order to use an electronic poll book under
 7 IC 3-7-29-6(a)(1); or
 8 (2) is a vote center county under IC 3-11-18.1;
 9 if the electronic poll book used at a polling place or vote center is
 10 immediately updated to indicate that the county received, not later than
 11 noon on election day, an absentee ballot from a voter.
- 12 (b) Upon delivery of the certificates under section 8 of this chapter
 13 to a precinct election board, the inspector shall do the following in the
 14 presence of the poll clerks:
- 15 (1) Mark the poll list.
 16 (2) Attach the certificates of voters who have registered and voted
 17 under IC 3-7-36-14 to the poll list.
 18 **(3) Indicate next to the voter's name on either:**
 19 **(A) the certificate prepared under section 1 of this chapter;**
 20 **or**
 21 **(B) the certificate delivered under section 8 of this chapter;**
 22 **that the voter has voted in person at the polls if a person listed**
 23 **in either certificate has voted in person at the polls.**
- 24 The poll clerks shall sign the statement printed on the certificate
 25 indicating that the inspector marked the poll list and attached the
 26 certificates under this section in the presence of both poll clerks to
 27 indicate that the absentee ballot of the voter has been received by the
 28 county election board.
- 29 (c) The inspector shall then deposit:
 30 (1) the certificate prepared under section 1 of this chapter, **if any**
 31 **was provided by the circuit court clerk;**
 32 (2) the certificate prepared under section 8 of this chapter; and
 33 (3) any challenge affidavit executed by a qualified person under
 34 section 15 of this chapter;
 35 in an envelope in the presence of both poll clerks.
- 36 (d) The inspector shall seal the envelope. The inspector and each
 37 poll clerk shall then sign a statement printed on the envelope indicating
 38 that the inspector or poll clerk has complied with the requirements of
 39 this chapter governing the marking of the poll list and certificates.
- 40 (e) The couriers shall immediately return the envelope described in
 41 subsection (c) to the county election board. Upon delivering the
 42 envelope to the county election board, each courier shall sign a



1 statement printed on the envelope indicating that the courier has not
 2 opened or tampered with the envelope since the envelope was delivered
 3 to the courier.

4 SECTION 31. IC 3-11.5-4-11, AS AMENDED BY P.L.210-2018,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (b),
 7 (c), or (d), at any time after the couriers return the certificate under
 8 section 9 of this chapter, absentee ballot counters appointed under
 9 section 22 of this chapter, in the presence of the county election board,
 10 shall, except for a ballot rejected under section 13 of this chapter:

- 11 (1) open the outer or carrier envelope containing an absentee
 12 ballot envelope and application;
 13 (2) announce the absentee voter's name; and
 14 (3) compare the signature upon the application **or electronic poll**
 15 **book** with the signature upon the affidavit on the ballot envelope,
 16 **or** transmitted affidavit **under IC 3-11-4-6(h), or voter**
 17 **registration record.**

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

- 20 (1) has adopted an order to use an electronic poll book under
 21 IC 3-7-29-6(a)(1); or
 22 (2) is a vote center county under IC 3-11-18.1.

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

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

- 32 (1) has adopted an order to use an electronic poll book under
 33 IC 3-7-29-6(a)(1); or
 34 (2) is a vote center county under IC 3-11-18.1.

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



1 question.

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

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

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

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

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

21 SECTION 32. IC 3-11.5-4-13, AS AMENDED BY P.L.194-2013,
22 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2019]: Sec. 13. (a) If the absentee ballot counters find under
24 section 11 of this chapter that any of the following applies, the ballots
25 shall be rejected:

26 (1) The affidavit is insufficient or that the ballot has not been
27 endorsed with the initials of:

28 (A) the two (2) members of the absentee voter board in the
29 office of the clerk of the circuit court under IC 3-11-4-19 or
30 IC 3-11-10-27;

31 (B) the two (2) members of the absentee voter board visiting
32 the voter under IC 3-11-10-25; or

33 (C) the two (2) appointed members of the county election
34 board or their designated representatives under IC 3-11-4-19.

35 (2) The signatures do not correspond or there is no signature.

36 (3) The absentee voter is not a qualified voter in the precinct.

37 (4) The absentee voter has voted in person at the election.

38 (5) The absentee voter has not registered.

39 (6) The ballot is open or has been opened and resealed. This
40 subdivision does not permit an absentee ballot transmitted by fax
41 or electronic mail under IC 3-11-4-6 to be rejected because the
42 ballot was sealed in the absentee ballot envelope by the individual



- 1 designated by the circuit court to receive absentee ballots
 2 transmitted by fax or electronic mail.
- 3 (7) The ballot envelope contains more than one (1) ballot of any
 4 kind for the same office or public question.
- 5 (8) In case of a primary election, if the absentee voter has not
 6 previously voted, the voter failed to execute the proper
 7 declaration relative to age and qualifications and the political
 8 party with which the voter intends to affiliate.
- 9 (9) The ballot has been challenged and there is no absentee ballot
 10 application from the voter to support the absentee ballot.
- 11 (b) Subsection (c) applies whenever a voter with a disability is
 12 unable to make a signature:
- 13 (1) on an absentee ballot application that corresponds to the
 14 voter's signature in the records of the county voter registration
 15 office; or
- 16 (2) on an absentee ballot security envelope that corresponds with
 17 the voter's signature:
- 18 (A) in the records of the county voter registration office; or
 19 (B) on the absentee ballot application.
- 20 (c) The voter may request that the voter's signature or mark be
 21 attested to by any of the following:
- 22 (1) The absentee voter board under section 22 of this chapter.
 23 (2) A member of the voter's household.
 24 (3) An individual serving as attorney in fact for the voter.
- 25 (d) An attestation under subsection (c) provides an adequate basis
 26 for the absentee ballot counters to determine that a signature or mark
 27 complies with subsection (a)(2).
- 28 (e) If the absentee ballot counters are unable to agree on a finding
 29 described under this section or section 12 of this chapter, the county
 30 election board shall make the finding.
- 31 (f) The absentee ballot counters or county election board shall issue
 32 a certificate to a voter whose ballot:
- 33 (1) has been rejected under this section; or
 34 (2) **has not been received by the county by noon on election**
 35 **day and will not be counted under section 10 of this chapter;**
 36 if the voter appears in person before the board not later than 5 p.m. on
 37 election day. The certificate must state that the voter's absentee ballot
 38 has been rejected and that the voter may vote in person under section
 39 21 of this chapter if otherwise qualified to vote.
- 40 SECTION 33. IC 3-11.5-4-21, AS AMENDED BY P.L.1-2009,
 41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 21. If an envelope containing ~~an~~ a voter's



1 absentee ballot has been marked "Rejected" **or a voter's absentee**
 2 **ballot has been received by noon on election day and will not be**
 3 **counted under section 10 of this chapter**, and the voter appears in
 4 person at the precinct before the polls close, the voter may vote as any
 5 other voter voting in person if the voter presents the precinct election
 6 board with the certificate issued under section 13(f) of this chapter.

7 SECTION 34. IC 3-11.5-4-24, AS AMENDED BY P.L.169-2015,
 8 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) This section does not apply
 10 to a county that:

- 11 (1) has adopted an order to use an electronic poll book under
 12 IC 3-7-29-6(a)(1); or
 13 (2) is a vote center county under IC 3-11-18.1.

14 (b) **This subsection does not apply if the circuit court clerk has**
 15 **provided a marked poll list under section 1(2)(B) of this chapter.**
 16 In addition to the preparations described in IC 3-11-11-2,
 17 IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

- 18 (1) mark the poll list; and
 19 (2) attach the certificates of voters who have registered and voted
 20 under IC 3-7-36-14 to the poll list;

21 in the presence of the poll clerks to indicate the voters of the precinct
 22 whose absentee ballots have been received by the county election board
 23 according to the certificate supplied under section 1 of this chapter.

24 (c) The poll clerks shall sign the statement printed on the certificate
 25 supplied under section 1 of this chapter indicating that the inspector:

- 26 (1) marked the poll list; and
 27 (2) attached the certificates described in subsection (b)(2);

28 under this section in the presence of both poll clerks.

29 (d) The inspector shall retain custody of the certificate supplied
 30 under section 1 of this chapter until the certificate is returned under
 31 section 9 of this chapter.

32 SECTION 35. IC 3-11.5-8 IS ADDED TO THE INDIANA CODE
 33 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]:

35 **Chapter 8. Counting of Absentee Ballots Cast on Electronic**
 36 **Voting Systems**

37 **Sec. 1. (a) The county election board shall make an initial**
 38 **determination concerning whether any absentee ballot cast on an**
 39 **electronic voting system must be rejected for any grounds under**
 40 **IC 3-11.5-4-13.**

41 **(b) If the county election board makes an initial determination**
 42 **under subsection (a) that an absentee ballot must be rejected, the**



1 county election board shall void the absentee ballot on the
2 electronic voting system.

3 **Sec. 2. After making an initial determination under section 1 of**
4 **this chapter, the county election board shall process the remaining**
5 **absentee ballots by producing a printout for each precinct in which**
6 **an absentee ballot cast on an electronic voting system has been**
7 **cast.**

8 **Sec. 3. After making an initial determination under section 1 of**
9 **this chapter and process the ballots under section 2 of this chapter,**
10 **the county election board shall tabulate the valid absentee ballots**
11 **cast on the electronic voting system.**

12 SECTION 36. IC 3-11.7-2-2, AS AMENDED BY P.L.128-2015,
13 SECTION 202, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A provisional voter shall do
15 the following:

16 (1) **Execute the affidavit described in IC 3-10-1-9 or**
17 **IC 3-11-8-23.**

18 (2) **Sign the poll list.**

19 (3) **Mark the ballot in the presence of no other person, unless**
20 **the voter requests help in marking a ballot under IC 3-11-9.**

21 (4) **Fold each ballot separately.**

22 (5) **Fold each ballot so as to conceal the marking.**

23 (6) **Enclose each ballot, with the seal and signature of the**
24 **circuit court clerk on the outside, together with any unused ballot,**
25 **in the envelope provided by the county election board under**
26 **IC 3-11.7-1-8.**

27 (7) **Securely seal the envelope.**

28 (b) A provisional voter may mark a ballot with a pen or a lead
29 pencil.

30 (c) This subsection applies to a provisional voter described in
31 section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52
32 U.S.C. 21082, a precinct election officer shall give the provisional
33 voter a copy of the written instructions prescribed by the county
34 election board under IC 3-11.7-6-3 after the voter returns the envelope
35 containing the provisional voter's ballots.

36 SECTION 37. IC 3-11.7-5-2.5, AS AMENDED BY P.L.169-2015,
37 SECTION 147, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) A voter who:

39 (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26
40 as a result of the voter's inability or declination to provide proof
41 of identification; and

42 (2) cast a provisional ballot;



1 may personally appear before the circuit court clerk or the county
2 election board not later than noon ten (10) days following the election.

3 (b) Except as provided in subsection (c) or (e), if the voter:

4 (1) provides proof of identification to the circuit court clerk or
5 county election board; and

6 (2) executes an affidavit before the clerk or board, in the form
7 prescribed by the election division, affirming under the penalties
8 of perjury that the voter is the same individual who:

9 (A) personally appeared before the precinct election board;
10 and

11 (B) cast the provisional ballot on election day;

12 the county election board shall find that the voter's provisional ballot
13 is valid and direct that the provisional ballot be opened under section
14 4 of this chapter and processed in accordance with this chapter.

15 (c) If the voter executes an affidavit before the circuit court clerk or
16 county election board, in the form prescribed by the election division,
17 affirming under the penalties of perjury that:

18 (1) the voter is the same individual who:

19 (A) personally appeared before the precinct election board **or**
20 **absentee board**; and

21 (B) cast the provisional ballot on election day; and

22 (2) the voter:

23 (A) is:

24 (i) indigent; and

25 (ii) unable to obtain proof of identification without the
26 payment of a fee; or

27 (B) has a religious objection to being photographed;

28 the county election board shall determine whether the voter has been
29 challenged for any reason other than the voter's inability or declination
30 to present proof of identification to the precinct election board **or**
31 **absentee board**.

32 (d) If the county election board determines that the voter described
33 in subsection (c) has been challenged solely for the inability or
34 declination of the voter to provide proof of identification, the county
35 election board shall:

36 (1) find that the voter's provisional ballot is valid; and

37 (2) direct that the provisional ballot be:

38 (A) opened under section 4 of this chapter; and

39 (B) processed in accordance with this chapter.

40 (e) If the county election board determines that a voter described in
41 subsection (b) or (c) has been challenged for a cause other than the
42 voter's inability or declination to provide proof of identification, the



- 1 board shall:
- 2 (1) note on the envelope containing the provisional ballot that the
- 3 voter has complied with the proof of identification requirement;
- 4 and
- 5 (2) proceed to determine the validity of the remaining challenges
- 6 set forth in the challenge affidavit before ruling on the validity of
- 7 the voter's provisional ballot.
- 8 (f) If a voter described by subsection (a) fails by the deadline for
- 9 counting provisional ballots referenced in subsection (a) to:
- 10 (1) appear before the county election board; and
- 11 (2) execute an affidavit in the manner prescribed by subsection
- 12 (b) or (c);
- 13 the county election board shall find that the voter's provisional ballot
- 14 is invalid.
- 15 SECTION 38. IC 3-14-5-1, AS AMENDED BY P.L.230-2005,
- 16 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2019]: Sec. 1. (a) This section applies during an election
- 18 whenever a voter makes an affidavit before the inspector in a precinct
- 19 that a person who has ~~voted~~ **offered to vote** is an illegal voter in the
- 20 precinct. This section does not apply to an affidavit executed by an
- 21 individual who:
- 22 (1) is subject to the requirements set forth in IC 3-7-33-4.5;
- 23 (2) is challenged solely as a result of the individual's inability or
- 24 refusal to comply with IC 3-7-33-4.5; and
- 25 (3) subsequently complies with IC 3-7-33-4.5 before the close of
- 26 the polls on election day.
- 27 (b) Immediately after the close of the polls the inspector shall
- 28 deliver the affidavit to the county election board. ~~for delivery by~~ **After**
- 29 **the final date and hour for filing a recount or contest and the**
- 30 **county election board has completed the county election board's**
- 31 **canvas of the returns, the county election board shall forward the**
- 32 **affidavits to** the prosecuting attorney for the county ~~to the grand jury~~
- 33 under section 2 of this chapter. The prosecuting attorney for the county
- 34 shall:
- 35 (1) proceed as if the affidavit had been made before the
- 36 prosecuting attorney; and
- 37 (2) ensure that the grand jury notifies the NVRA official under
- 38 section 2 of this chapter if a violation of NVRA appears to have
- 39 occurred.
- 40 SECTION 39. IC 3-14-5-2, AS AMENDED BY P.L.230-2005,
- 41 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2019]: Sec. 2. (a) Each precinct election board shall, at the



1 close of the polls, place ~~all affidavits~~ **any affidavit** prescribed by ~~this~~
 2 ~~title IC 3-6-6-12~~ for use on election day to determine the eligibility of
 3 a precinct election officer ~~(or a person who wishes to cast a ballot)~~ **and**
 4 **any affidavit prescribed by IC 3-10-1-9 to challenge the party**
 5 **affiliation of a person wishing to cast a ballot in a primary election**
 6 in a strong paper bag or envelope and securely seal it. Each member
 7 shall endorse that member's name on the back of the bag or envelope.

8 **(b) Each precinct election board shall, at the close of the polls,**
 9 **place any affidavit other than an affidavit described in subsection**
 10 **(a) that is challenging the eligibility of a person who has offered to**
 11 **vote at a primary election in a strong paper bag or envelope and**
 12 **securely seal it. Each member shall endorse that member's name**
 13 **on the back of the bag or envelope.**

14 ~~(b)~~ **(c)** The inspector and judge of the opposite political party shall
 15 deliver the sealed ~~bag bags~~ or ~~envelope envelopes~~ to the county
 16 election board. The county election board shall do the following:

- 17 (1) Remove the affidavits from the bag or envelope.
- 18 (2) Mail a copy of each affidavit to the secretary of state.
- 19 (3) Replace the affidavits within the bag or envelope.
- 20 (4) Reseal the bag or envelope with the endorsement of the name
 21 of each county election board member on the back of the bag or
 22 envelope.
- 23 (5) Carefully preserve the resealed bag or envelope and deliver it,
 24 with the county election board's seal unbroken, to the foreman of
 25 the grand jury when next in session.

26 ~~(c)~~ **(d)** The grand jury shall inquire into the truth or falsity of the
 27 affidavits, and the court having jurisdiction over the grand jury shall
 28 specially charge the jury as to its duties under this section.

29 ~~(d)~~ **(e)** The grand jury shall file a report of the result of its inquiry
 30 with:

- 31 (1) the court; and
- 32 (2) the NVRA official if a violation of NVRA appears to have
 33 occurred.

34 **(f) The prosecuting attorney shall preserve the affidavits and**
 35 **envelopes in accordance with IC 3-10-1-31.1, and shall return the**
 36 **affidavits and envelopes to the circuit court clerk after the**
 37 **prosecuting attorney has completed any proceeding resulting from**
 38 **the investigation of the affidavits and envelopes.**

39 SECTION 40. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
 40 **SECTION, "study committee" refers to the interim study**
 41 **committee on elections, established by IC 2-5-1.3-4(6).**

42 **(b) The legislative council is urged to assign to the study**



1 **committee the task of studying the topic of means for verification**
2 **of voter registration data.**

3 **(c) This SECTION expires January 1, 2020.**

4 **SECTION 41. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 558, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, delete "and" and insert "**and the co-directors of**".

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 3. IC 3-6-6-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 28. A member of a precinct election board is entitled to compensation under sections 25 and 26 of this chapter only if the member complies with the requirements of:

- (1) IC 3-12-2-7;
- (2) **IC 3-12-3-10; and**
- (3) **IC 3-12-3.5-4.**

A person who violates IC 3-12-2-7, **IC 3-12-3-10, or IC 3-12-3.5-4**, as determined by the county election board, may not be selected to serve as a member of a precinct election board in the county where the person committed the violation for five (5) years after the date of the violation."

Page 3, delete lines 32 through 35, begin a new paragraph and insert:

"(c) A person may not access the computerized list without using a multi-factor authentication method approved by the secretary of state and the co-directors of the election division."

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 5. IC 3-7-26.4-4, AS AMENDED BY P.L.169-2015, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The election division may provide parts and reports from the voter registration information from the computerized list for the purposes specified under IC 3-7-26.3-29.

(b) Except as otherwise provided in this section, the parts and reports provided under this section may not include information described under section 8 of this chapter.

(c) The parts and reports may contain the information described in section 8 of this chapter if:

- (1) the part or report is to be provided to an entity that:
 - (A) is described in section 6 of this chapter; and
 - (B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or



- (2) the part or report is a purely statistical compilation that:
- (A) includes the information described in section 8 of this chapter; and
 - (B) does not include any information:
 - (i) concerning an individual voter; or
 - (ii) that would permit the identification of an individual voter as a result of providing the compilation.
- (d) The parts and reports provided under this section may not include the complete Social Security number of any individual.
- (e) The election division may provide the registration information described in section 8 of this chapter, including an individual's voting history, as follows:
- (1) To states and local governments in states that are implementing ~~the any~~ voter list maintenance program described in IC 3-7-38.2-5, **including a program implemented with information obtained from another state under IC 3-7-38.2-5(b).**
 - (2) Upon written request, to law enforcement officials conducting an investigation.

SECTION 6. IC 3-7-27-15, AS AMENDED BY P.L.219-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) This section does not apply to a county acting in accordance with section 21.1 or 22 of this chapter.

(b) The county voter registration office shall keep all original affidavits or forms of registration ~~(or duplicate affidavits or forms)~~ securely arranged and maintained in the office."

Page 4, line 16, after "(c)" insert ",".

Page 4, line 18, delete "." and insert "**for that individual. A report produced under this subdivision may contain only information concerning the individual's absentee application or ballot.**".

Page 4, between lines 25 and 26, begin a new paragraph and insert:

"(e) This subsection applies to a person described in IC 3-7-26.4-6 who:

(1) has paid a subscription fee required under IC 3-7-26.4-12 and whose subscription has not expired; and

(2) is either:

(A) a state committee of a major political party; or

(B) the state organization of a bona fide political party.

The person shall provide an absentee ballot report to each candidate of that political party for nomination or election to an office upon the request of the candidate, in accordance with a uniform and nondiscriminatory policy adopted by the party.



SECTION 8. IC 3-7-38.2-2, AS AMENDED BY P.L.201-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (52 U.S.C. 10101);
- (2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary, general, or municipal election.

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

- (1) listed in the voter's registration record; and
- (2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

- (1) The United States Postal Service National Change of Address Service.
- (2) A court regarding jury duty notices returned because of an unknown or insufficient address.
- (3) The return of a mailing sent by the county voter registration office to all active voters (as defined in IC 3-11-18.1-2) in the county because of an unknown or insufficient address.
- (4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.
- (5) The return by the United States Postal Service after the expiration of the seven (7) day pending period of a notice regarding the disposition of a voter registration application under IC 3-7-33-5 because of an unknown or insufficient address.
- (6) The return of a mailing sent to voters of a precinct advising voters of a change of precinct boundary or the precinct polling place because of an unknown or insufficient address, if the county sends a similar mailing to the voters of each precinct when a boundary or polling place is changed.
- (7) Information received from the election division under **section**



5 of this chapter or section 16 of this chapter.

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

- (d) The notice described in subsection (b) must:
- (1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and
 - (2) include a postage prepaid return card that:
 - (A) is addressed to the county voter registration office;
 - (B) states a date (which must be at least thirty (30) days after the date the notice is mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and
 - (C) permits the voter to provide the voter's current residence address.
- (e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:
- (1) in the county, the county voter registration office shall update the voter's registration record; or
 - (2) outside the county, the county voter registration office shall cancel the voter's registration.
- (f) If a card is returned as undeliverable due to an unknown or insufficient address by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, then designate the voter as inactive.
- (g) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.
- (h) A voter's registration that becomes inactive under subsection (f) or (g) remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:
- (1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.
 - (2) The day after the second general election in which the voter



has not voted or appeared to vote.

(i) After the date described in subsection (h)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 9. IC 3-7-39-7, AS AMENDED BY P.L.169-2015, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section applies to a voter who changes residence to an address in the same precinct where the voter's former residence was located, **except for a voter who changes residence from a location within a municipality to a location outside of the municipality but within the same precinct.**

(b) As required under 52 U.S.C. 20507(e)(1), a voter described in subsection (a) may vote at the precinct polling place after the voter makes an oral or a written affirmation of the change of address before a member of the precinct election board.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under IC 3-7-29-6(a)(1) or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation of the voter's change of residence on election day using the affidavit prescribed by the election division under IC 3-10-11-6. If the voter makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

SECTION 10. IC 3-10-1-7.2, AS AMENDED BY P.L.53-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a precinct election officer shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of



identification; or

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

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

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

SECTION 11. IC 3-10-1-31.1, AS AMENDED BY P.L.116-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots (including provisional ballots) and other material (including election material related to provisional ballots) during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d) and notwithstanding any other provision of state law, after the recount or contest filing period, the election material, including election material related to provisional ballots (except for ballots and provisional ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 52 U.S.C. 20701, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

(1) IC 3-12-6-19 or IC 3-12-11-16; or

(2) 52 U.S.C. 10301;

requires the continued preservation of the ballots or other material.

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(d) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) Upon delivery of the poll lists, the county voter registration office shall unseal the envelopes containing the poll lists, inspect the poll lists, and update the registration records of the county. The county voter registration office shall use the poll lists and information on affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list and affidavits shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) In addition to the poll lists described in subsection (e), the county voter registration office shall use the affidavits described by IC 3-10-10-7, IC 3-10-11-4, and IC 3-10-12-3.4 to update the registration records of the county as soon as the affidavits are delivered to the county voter registration office.

(g) The county voter registration office shall retain a voter's paper registration records associated with the address at which the voter is registered to vote until all of the following are satisfied:

- (1) The voter's registration at the address stated in the voter's registration application has been ~~cancelled~~: **canceled**.
- (2) The general election immediately following the cancellation of the voter's registration under subdivision (1) has occurred.
- (3) Twenty-four (24) months have elapsed following the general election described in subdivision (2).

(h) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

(i) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.



(j) This subsection applies to a detachable recording unit or compartment used to record a ballot cast on a direct record electronic voting system. After the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election, the circuit court clerk shall transfer the data contained in the unit or compartment to a disc or other recording medium. After transferring the data, the clerk may clear or erase the unit or compartment. The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 52 U.S.C. 20701, after which time the disc or medium may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the disc or medium is issued under the following:

- (1) IC 3-12-6-19.
- (2) IC 3-12-11-16.
- (3) 52 U.S.C. 10301.

SECTION 12. IC 3-11-4-2, AS AMENDED BY P.L.169-2015, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

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

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

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

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

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.



(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

(4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

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

in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

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

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

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

(2) The date this assistance was provided.

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

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

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

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

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

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



- (1) noon ten (10) days after the person receives the application;
or
- (2) the deadline set by Indiana law for filing the application with the board;

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

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must ~~sign~~ **include** an affidavit ~~at the time of filing the application.~~ **with the application. The affidavit must be signed by the individual who received the completed application from the applicant.** The affidavit must be in a form prescribed by the election division. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
- (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
- (3) The date (or dates) that the absentee ballot applications attached to the affidavit were received.
- (4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
- (5) A statement that the person is executing the affidavit under the penalties of perjury.
- (6) A statement setting forth the penalties for perjury.

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

SECTION 13. IC 3-11-4-3, AS AMENDED BY P.L.201-2017, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (c) and section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) not earlier than



the date the registration period resumes under IC 3-7-13-10 nor later than the following:

- (1) Noon on election day if the voter registers to vote under IC 3-7-36-14.
- (2) Noon on the day before election day if the voter:
 - (A) completes the application in the office of the circuit court clerk under IC 3-11-10-26; or
 - (B) is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by electronic mail or fax under section 6(h) of this chapter.
- (3) Noon on the day before election day if:
 - (A) the application is a mailed, transmitted by **electronic mail or fax**, or hand delivered application from a confined voter or voter caring for a confined person; and
 - (B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board under IC 3-11-10-25.
- (4) 11:59 p.m. on the eighth day before election day if the application is:
 - (A) a mailed application;
 - (B) transmitted by electronic mail;
 - (C) transmitted by fax; or
 - (D) hand delivered;

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

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

(c) This subsection applies to the primary election held before the general election conducted in 2018 and every four (4) years thereafter. An application for an absentee ballot for the primary election may not be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) earlier than December 1 of the year before the primary election."

Page 5, between lines 11 and 12, begin a new paragraph and insert:
"SECTION 15. IC 3-11-4-17.5, AS AMENDED BY P.L.128-2015,



SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true;
- (3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual acting under section 2(b) of this chapter; and
- (4) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (4), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast a provisional ballot, which the county election board shall retain. ~~and not transmit to the voter's precinct.~~

(b) If:

- (1) the applicant is not a voter of the precinct according to the registration record; or
- (2) the application as completed and filed:
 - (A) contains a false statement; or
 - (B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) A voter's failure to provide the information requested under section 5.1(d) of this chapter does not affect a voter's ability to receive an absentee ballot. A county election board may not deny an application because the voter has not provided the information requested under section 5.1(d) of this chapter as a part of the voter's application for an absentee ballot.

(d) This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 52 U.S.C. 20302(d), if the application is denied, the county election board shall provide the voter with the reasons for the



denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

- (1) not later than forty-eight (48) hours after the application is denied; and
- (2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

(e) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

- (1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and
- (2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(f) If the applicant:

- (1) is a voter of the precinct according to the registration record; and
- (2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 16. IC 3-11-4-17.7, AS AMENDED BY P.L.128-2015, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17.7. (a) This section applies when a voter:

- (1) has been mailed the official ballot under this chapter; and
- (2) notifies the county election board that:
 - (A) the ballot has been destroyed, spoiled, lost, or not received by the voter after a reasonable time has elapsed for delivery of the ballot by mail;
 - (B) the absentee ballot does not bear the bipartisan initials



**required under section 19 of this chapter; or
(C) the absentee ballot envelope was not signed by the voter.**

(b) As required under 52 U.S.C. 21081, the voter may obtain a replacement official ballot under the procedures set forth in this chapter after the voter files a statement with the county election board. The statement must affirm, under penalties of perjury, that the voter did not receive the official ballot (or that the ballot was received by the voter, but was destroyed, spoiled, or lost), and must set forth any facts known by the voter concerning the destruction, spoiling, or loss of the ballot.

(c) After a voter files the statement required under subsection (b), the county election board may issue a replacement official ballot to the voter in accordance with this chapter and shall include information regarding the official replacement ballot in the certification provided to the precinct inspector under section 22 of this chapter. **circuit court clerk shall do the following:**

(1) Place the written request with the absentee voter's original ballot.

(2) Mark "canceled" on the envelope containing the original ballot.

(3) Preserve the original ballot with the other defective ballots.

(4) Deliver a new ballot to the absentee voter.

(d) After receiving the official replacement ballot, the voter shall destroy any spoiled ballot in the possession of the voter or any lost or delayed official ballot that comes into the possession of the voter.

SECTION 17. IC 3-11-4-17.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17.8. (a) This section applies to a replacement ballot issued under section 17.7 of this chapter.

(b) The county election board shall enclose the official replacement ballot in an envelope that complies with section 20 of this chapter. The envelope must contain a notation that the envelope contains an official replacement ballot.

(c) If the county election board receives both an original absentee ballot and an official replacement ballot issued under section 17.7 of this chapter from the same voter, the board shall reject the original absentee ballot. **and deliver only the official replacement ballot to the precinct election board."**

Page 6, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 19. IC 3-11-4-21, AS AMENDED BY P.L.169-2015, SECTION 104, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2019]: Sec. 21. (a) On the other side of the envelope required by section 20 of this chapter shall be printed an affidavit in conformity with 52 U.S.C. 20302(b) and with the name of the precinct completed by the county election board, providing that the voter affirms under penalty of perjury that the following information is true:

- (1) That the voter is:
 - (A) a resident of; or
 - (B) entitled under IC 3-10-11 or IC 3-10-12 to vote in; the precinct.
- (2) The voter's complete residence address, including the name of the city or town and county.
- (3) That the voter is entitled to vote in the precinct, the type of election to be held, and the date of the election.
- (4) That:
 - (A) the voter has personally marked the enclosed ballot or ballots in secret and has enclosed them in this envelope and sealed them without exhibiting them to any other person; **or**
 - (B) the voter personally marked the enclosed ballot or ballots, enclosed them in this envelope, and sealed them with the assistance of an individual whose name is listed on the envelope and who affirms under penalty of perjury that the voter was not coerced or improperly influenced by the individual assisting the voter or any other person, in a manner prohibited by state or federal law, to cast the ballot for or against any candidate, political party, or public question. **or**
 - ~~(C) as the properly authorized attorney in fact for the undersigned under IC 30-5-5-14, the attorney in fact affirms the voter personally marked the enclosed ballot or ballots in secret and enclosed them in this envelope and sealed them without exhibiting them to the attorney in fact or to any other person.~~
- (5) The date and the voter's signature.
 - ~~(b) If the affidavit is signed by an attorney in fact, the name of the attorney in fact must be indicated.~~
 - ~~(c) A guardian or conservator of an individual may not sign an affidavit for the individual under this section unless the guardian or conservator also holds a power of attorney authorizing the guardian or conservator to sign the affidavit.~~
 - ~~(d) (b) The side of the envelope containing this affidavit must also set forth the penalties for perjury.~~

SECTION 20. IC 3-11-4-22 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. Each circuit court clerk shall ~~do both of the following:~~

- ~~(1) keep a separate absentee ballot record for each precinct in the county.~~
- ~~(2) Certify to each inspector, at the time that the absentee ballots are delivered, all the following:~~
 - ~~(A) The number of absentee ballots sent to each absentee voter.~~
 - ~~(B) The number of absentee ballots marked before the clerk.~~
 - ~~(C) The names of the voters to whom the ballots were sent or who marked ballots in person."~~

Page 6, between lines 16 and 17, begin a new paragraph and insert:
 "SECTION 22. IC 3-11-8-25.1, AS AMENDED BY P.L.74-2017, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

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

(c) If:

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

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

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

- (1) sign the poll list; and
- (2) receive a provisional ballot.

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

(f) After a voter has passed the challengers or has been sworn in, the



voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll list. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

(1) The voter's name.

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

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

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

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

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

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

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

(j) If:

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) The electronic poll book (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged". A voter whose address is unchanged shall check the box instead of writing the voter's current address on the poll list, or if an electronic poll book is used, the poll clerk shall check



the box after stating to the voter the address shown on the electronic poll book and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll book.

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

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

SECTION 23. IC 3-11-8-25.2, AS AMENDED BY P.L.128-2015, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 52 U.S.C. 21083 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 52 U.S.C. 21083, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) a current and valid photo identification; **or**
- (2) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and **residence** address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document



presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection (b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11-7-2.

(e) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11-7-2.

Page 6, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 25. IC 3-11-10-1, AS AMENDED BY P.L.198-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A voter voting by absentee ballot shall make and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter then shall, except as provided in subsection (b), do the following:

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

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

- (1) Note the receipt of the absentee ballot in the records of the circuit court clerk as other absentee ballots received by the circuit



court clerk are noted.

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

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

(4) Securely seal the envelope.

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

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

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

SECTION 26. IC 3-11-10-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) This section applies to a voter:

(1) voting by an absentee ballot that includes a candidate for election to an office who:

(A) ceases to be a candidate; and

(B) is succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2; or

(2) casting a replacement absentee ballot under IC 3-11-2-16.

(b) If:

(1) the original absentee ballot has not been delivered to the appropriate precinct; and

(2) the absentee voter's name has not been marked on the poll list under section 16 of this chapter;

the absentee voter may recast the voter's ballot under this section. To obtain another ~~set of ballots~~ **ballot**, the absentee voter must present a written request for another ~~set of ballots~~ **ballot** from the circuit court clerk.

(c) Upon receiving a written request under subsection (b), the circuit court clerk shall do the following:

(1) Place the written request with the absentee voter's original ~~ballots:~~ **ballot**.

(2) Mark "canceled" on the original ~~set of ballots:~~ **ballot**.

(3) Preserve the original ~~ballots~~ **ballot** with the other defective ballots.

(4) Deliver a new ~~set of ballots~~ **ballot** to the absentee voter.

SECTION 27. IC 3-11-10-26, AS AMENDED BY P.L.71-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 26. (a) This subsection applies to all counties,



except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

- (1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.
- (2) A satellite office established under section 26.3 of this chapter.

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

- (1) The office of the board of elections and registration.
- (2) A satellite office established under section 26.3 of this chapter.

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

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

- (1) This subdivision does not apply to a county that uses electronic poll books for voting under this section. Sign an application on the form prescribed by the election division under IC 3-11-4-5.1. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.
- (2) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an electronic voting system. The voter must do the following:

- (A) If the county election board has prescribed an affidavit under subsection (e) that includes a unique identifier to comply with section 26.2(c)(3) of this chapter, make and subscribe to the affidavit.
- (B) Sign the electronic poll book.
- (C) Provide proof of identification.

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

- (A) Sign the electronic poll book.
- (B) Provide proof of identification.
- (C) Sign the affidavit prescribed by section 29 of this chapter.

(e) The county election board may:



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

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

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

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

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

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

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

- (1) permitted to verify in a private and independent manner the



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

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

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

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

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

(l) If:

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

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

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

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

SECTION 28. IC 3-11-10-26.2, AS AMENDED BY P.L.169-2015, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 26.2. (a) A county election board or board of elections and registration shall comply with IC 3-11-9-6 by providing an electronic voting system for voting by absentee ballot in the office of the circuit court clerk, the board of elections and registration, or a satellite office established under section 26.3 of this chapter, by a voter with disabilities or any other qualified absentee voter who wishes to cast an absentee ballot on the electronic voting system.

(b) The county election board or board of elections and registration may adopt a resolution under this section to authorize the circuit court clerk to use an electronic voting system for voting by voters eligible to cast an absentee ballot before an absentee board under section 25 of this chapter. A resolution adopted under this section must be adopted by the unanimous vote of the board's entire membership.

(c) A county providing absentee ballot voting under this section



must adopt procedures to do the following:

- (1) Secure absentee votes cast on an electronic voting system that provide protection comparable to the protection provided to absentee votes cast by paper ballot.
- (2) Compare the signature on an absentee ballot application (**or on an electronic poll book if no application was executed by the voter**) with the applicant's signature on the applicant's voter registration record.
- (3) Ensure that an invalid ballot (as determined under IC 3-11.5) is not counted.
- (4) Specify how a spoiled absentee ballot is to be canceled in the direct record electronic voting system if a voter casts and returns a replacement absentee ballot.

(d) A resolution adopted under this section may contain other provisions to implement this section that the board considers useful and that are not contrary to Indiana or federal law.

(e) If a resolution is adopted under this section, the circuit court clerk may use as many electronic voting machines for recording absentee votes as the clerk considers necessary, subject to the resolution adopted by the board.

(f) Notwithstanding any other law, an absentee ballot voted on an electronic voting system under this section is not required to bear the seal, signature, and initials prescribed by section 27 of this chapter.

(g) If a resolution is adopted under this section, the procedure for casting an absentee ballot on an electronic voting system must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk under section 26 of this chapter."

Page 9, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 30. IC 3-11.5-4-1, AS AMENDED BY P.L.76-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. Each circuit court clerk shall do the following:

- (1) Keep a separate absentee ballot record for each precinct in the county.
- (2) This subdivision applies to a county in which the county voter registration office prepares a certified list of all voters registered to vote in each precinct in the county under IC 3-7-29-1. **Either:**
 - (A) certify to each inspector or the inspector's representative, at the time that the ballots and supplies are delivered under IC 3-11-3, the names of the voters:
 - ~~(A)~~ (i) to whom absentee ballots were sent or who marked ballots in person; and



~~(B)~~ (ii) whose ballots have been received by the county election board under IC 3-11-10; or

(B) provide a certified list of voters that have been marked to designate the names of the voters described in clause (A).

(3) This subdivision applies to a county that has adopted an order to use an electronic poll book under IC 3-7-29-6 or is a ~~voter vote~~ center county under IC 3-11-18.1. Certify at the time the county voter registration office downloads information to an electronic poll book under IC 3-7-29-6(c), the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

SECTION 31. IC 3-11.5-4-5, AS AMENDED BY P.L.64-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) If a county election board unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope, together with the voter's application for the absentee ballot, in a large or carrier envelope. The board may enclose in the same carrier envelope all absentee ballot envelopes and applications **for the same precinct.**

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

SECTION 32. IC 3-11.5-4-9, AS AMENDED BY P.L.169-2015, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) This section does not apply to a county that:

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

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

if the electronic poll book used at a polling place or vote center is immediately updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter.

(b) Upon delivery of the certificates under section 8 of this chapter to a precinct election board, the inspector shall do the following in the presence of the poll clerks:

(1) Mark the poll list.

(2) Attach the certificates of voters who have registered and voted



under IC 3-7-36-14 to the poll list.

(3) Indicate next to the voter's name on either:

(A) the certificate prepared under section 1 of this chapter;
or

(B) the certificate delivered under section 8 of this chapter;
that the voter has voted in person at the polls if a person listed
in either certificate has voted in person at the polls.

The poll clerks shall sign the statement printed on the certificate indicating that the inspector marked the poll list and attached the certificates under this section in the presence of both poll clerks to indicate that the absentee ballot of the voter has been received by the county election board.

(c) The inspector shall then deposit:

- (1) the certificate prepared under section 1 of this chapter, **if any was provided by the circuit court clerk;**
- (2) the certificate prepared under section 8 of this chapter; and
- (3) any challenge affidavit executed by a qualified person under section 15 of this chapter;

in an envelope in the presence of both poll clerks.

(d) The inspector shall seal the envelope. The inspector and each poll clerk shall then sign a statement printed on the envelope indicating that the inspector or poll clerk has complied with the requirements of this chapter governing the marking of the poll list and certificates.

(e) The couriers shall immediately return the envelope described in subsection (c) to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

SECTION 33. IC 3-11.5-4-11, AS AMENDED BY P.L.210-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (b), (c), or (d), at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the application **or electronic poll book** with the signature upon the affidavit on the ballot envelope, **or** transmitted affidavit **under IC 3-11-4-6(h), or voter**



registration record.

(b) This subsection applies to a county (other than a county described in subsection (c) or (d)) that:

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

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

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

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

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

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

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

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



question.

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

SECTION 34. IC 3-11.5-4-13, AS AMENDED BY P.L.194-2013, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be rejected:

(1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;

(B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) The signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and there is no absentee ballot application from the voter to support the absentee ballot.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with



the voter's signature:

- (A) in the records of the county voter registration office; or
- (B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by any of the following:

- (1) The absentee voter board under section 22 of this chapter.
- (2) A member of the voter's household.
- (3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot:

- (1) has been rejected under this section; or
- (2) **has not been received by the county by noon on election day and will not be counted under section 10 of this chapter;**

if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 35. IC 3-11.5-4-21, AS AMENDED BY P.L.1-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21. If an envelope containing **an a voter's** absentee ballot has been marked "Rejected" **or a voter's absentee ballot has been received by noon on election day and will not be counted under section 10 of this chapter,** and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person if the voter presents the precinct election board with the certificate issued under section 13(f) of this chapter.

SECTION 36. IC 3-11.5-4-24, AS AMENDED BY P.L.169-2015, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) This section does not apply to a county that:

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

(b) **This subsection does not apply if the circuit court clerk has provided a marked poll list under section 1(2)(B) of this chapter.** In addition to the preparations described in IC 3-11-11-2,



IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

- (1) mark the poll list; and
- (2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;

in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board according to the certificate supplied under section 1 of this chapter.

(c) The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

- (1) marked the poll list; and
- (2) attached the certificates described in subsection (b)(2);

under this section in the presence of both poll clerks.

(d) The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

SECTION 37. IC 3-11.5-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 8. Counting of Absentee Ballots Cast on Electronic Voting Systems

Sec. 1. (a) The county election board shall make an initial determination concerning whether any absentee ballot cast on an electronic voting system must be rejected for any grounds under IC 3-11.5-4-13.

(b) If the county election board makes an initial determination under subsection (a) that an absentee ballot must be rejected, the county election board shall void the absentee ballot on the electronic voting system.

Sec. 2. After making an initial determination under section 1 of this chapter, the county election board shall process the remaining absentee ballots by producing a printout for each precinct in which an absentee ballot cast on an electronic voting system has been cast.

Sec. 3. After making an initial determination under section 1 of this chapter and process the ballots under section 2 of this chapter, the county election board shall tabulate the valid absentee ballots cast on the electronic voting system.

SECTION 38. IC 3-11.7-2-2, AS AMENDED BY P.L.128-2015, SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A provisional voter shall do the following:

- (1) Execute the affidavit described in IC 3-10-1-9 or



IC 3-11-8-23.**(2) Sign the poll list.**

(+) **(3)** Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.

(-) **(4)** Fold each ballot separately.

(-) **(5)** Fold each ballot so as to conceal the marking.

(+) **(6)** Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.

(-) **(7)** Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52 U.S.C. 21082, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

SECTION 39. IC 3-11.7-5-2.5, AS AMENDED BY P.L.169-2015, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) A voter who:

(1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and

(2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than noon ten (10) days following the election.

(b) Except as provided in subsection (c) or (e), if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the election division, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the election division,



affirming under the penalties of perjury that:

- (1) the voter is the same individual who:
 - (A) personally appeared before the precinct election board **or absentee board**; and
 - (B) cast the provisional ballot on election day; and
- (2) the voter:
 - (A) is:
 - (i) indigent; and
 - (ii) unable to obtain proof of identification without the payment of a fee; or
 - (B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board **or absentee board**.

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

- (1) find that the voter's provisional ballot is valid; and
- (2) direct that the provisional ballot be:
 - (A) opened under section 4 of this chapter; and
 - (B) processed in accordance with this chapter.

(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

- (1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and
- (2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

- (1) appear before the county election board; and
- (2) execute an affidavit in the manner prescribed by subsection (b) or (c);

the county election board shall find that the voter's provisional ballot is invalid."

Page 9, between lines 31 and 32, begin a new paragraph and insert:
"SECTION 42. IC 3-14-5-1, AS AMENDED BY P.L.230-2005,



SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section applies during an election whenever a voter makes an affidavit before the inspector in a precinct that a person who has ~~voted~~ **offered to vote** is an illegal voter in the precinct. This section does not apply to an affidavit executed by an individual who:

- (1) is subject to the requirements set forth in IC 3-7-33-4.5;
- (2) is challenged solely as a result of the individual's inability or refusal to comply with IC 3-7-33-4.5; and
- (3) subsequently complies with IC 3-7-33-4.5 before the close of the polls on election day.

(b) Immediately after the close of the polls the inspector shall deliver the affidavit to the county election board. ~~for delivery by~~ **After the final date and hour for filing a recount or contest and the county election board has completed the county election board's canvass of the returns, the county election board shall forward the affidavits to** the prosecuting attorney for the county ~~to the grand jury~~ under section 2 of this chapter. The prosecuting attorney for the county shall:

- (1) proceed as if the affidavit had been made before the prosecuting attorney; and
- (2) ensure that the grand jury notifies the NVRA official under section 2 of this chapter if a violation of NVRA appears to have occurred.

SECTION 43. IC 3-14-5-2, AS AMENDED BY P.L.230-2005, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Each precinct election board shall, at the close of the polls, place ~~an affidavit~~ **any affidavit** prescribed by ~~this title IC 3-6-6-12~~ **any affidavit prescribed by IC 3-10-1-9** for use on election day to determine the eligibility of a precinct election officer ~~(or a person who wishes to cast a ballot)~~ **to challenge the party affiliation of a person wishing to cast a ballot in a primary election** in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

(b) Each precinct election board shall, at the close of the polls, place any affidavit other than an affidavit described in subsection (a) that is challenging the eligibility of a person who has offered to vote at a primary election in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

~~(b)~~ (c) The inspector and judge of the opposite political party shall deliver the sealed ~~bag bags~~ **envelope envelopes** to the county



election board. The county election board shall do the following:

- (1) Remove the affidavits from the bag or envelope.
- (2) Mail a copy of each affidavit to the secretary of state.
- (3) Replace the affidavits within the bag or envelope.
- (4) Reseal the bag or envelope with the endorsement of the name of each county election board member on the back of the bag or envelope.
- (5) Carefully preserve the resealed bag or envelope and deliver it, with the county election board's seal unbroken, to the foreman of the grand jury when next in session.

(c) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.

(d) The grand jury shall file a report of the result of its inquiry with:

- (1) the court; and
- (2) the NVRA official if a violation of NVRA appears to have occurred.

(e) The prosecuting attorney shall preserve the affidavits and envelopes in accordance with IC 3-10-1-31.1, and shall return the affidavits and envelopes to the circuit court clerk after the prosecuting attorney has completed any proceeding resulting from the investigation of the affidavits and envelopes."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 558 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 7, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 558, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "If" and insert "If,".

Page 5, delete lines 10 through 42.

Page 6, delete lines 1 through 8.

Page 11, delete lines 24 through 42.

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Delete pages 12 through 14.

Page 15, delete lines 1 through 6.

Page 19, delete lines 4 through 21.

Page 19, line 22, delete "(b) (d)" and insert "(b)".

Page 20, delete lines 26 through 37.

Page 23, delete lines 28 through 36, begin a new paragraph and insert:

"(b) As required by 52 U.S.C. 21083, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill.
- (3) **A current** bank statement.
- (4) **A current** government check.
- (5) **A current** paycheck. ~~or~~
- (6) **A current** government document.

~~that shows~~ **The document presented by the voter must show the name and residence address of the voter."**

Page 25, delete lines 32 through 42.

Page 26, delete lines 1 through 15.

Page 31, delete lines 6 through 23.

Page 40, delete lines 25 through 42.

Page 41, delete lines 1 through 7.

Page 42, line 19, strike "(c)" and insert "**(d)**".

Page 42, line 22, strike "(d)" and insert "**(e)**".

Page 42, line 26, delete "(e)" and insert "**(f)**".

Page 42, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 39. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "study committee" refers to the interim study committee on elections, established by IC 2-5-1.3-4(6).

(b) The legislative council is urged to assign to the study committee the task of studying the topic of means for verification



of voter registration data.

(c) This SECTION expires January 1, 2020."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 558 as printed February 6, 2019.)

WESCO

Committee Vote: yeas 9, nays 0.

