

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

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

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

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

SENATE ENROLLED ACT No. 398

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-2-5, AS AMENDED BY P.L.221-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. "Ballot label" means **any of the following**:

- (1) The printed strip or sheet of cardboard or paper, supplied for use on an electronic voting system, that contains the names of the candidates and the public questions on the ballot. ~~or~~
- (2) The material, supplied for use with a ballot card voting system, that contains those names and questions.
- (3) The digital image of the ballot on the screen of an electronic voting system or the interface of the marking device used with an optical scan voting system.**

SECTION 2. IC 3-5-2-31, AS AMENDED BY P.L.71-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31. **(a)** "Marking device" means:

- (1) a pencil or pen for marking a paper ballot or ballot card; or
- (2) an approved ~~touch-sensitive~~ device that automatically:
 - (A) registers ~~a the voter's~~ vote on an electronic voting system; or
 - (B) produces a marked optical scan ballot **indicating the choices of the voter.**

(b) A voter verifiable paper audit trail is not a marking device.

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SECTION 3. IC 3-5-2-50.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 50.3. "Voter with print disabilities" means an individual who is unable to independently mark a paper ballot or ballot card due to blindness, low vision, or a physical disability that impairs manual dexterity.**

SECTION 4. IC 3-5-2-53.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 53.5. "Web Content Guidelines" refers to version 2.1 of the recommendations for making web content accessible for individuals with disabilities published on June 5, 2018, by the Web Accessibility Initiative of the World Wide Web Consortium.**

SECTION 5. IC 3-5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as provided in sections 7 through 10 of this chapter, the county auditor shall pay the expenses of voter registration and for all election supplies, equipment, and expenses out of the county treasury in the manner provided by law. The county fiscal body shall make the necessary appropriations for these purposes.

(b) The county executive shall pay to the circuit court clerk or board of registration the expenses of:

(1) removing voters from the registration record under IC 3-7-43, IC 3-7-45, or IC 3-7-46; and

(2) performing voter list maintenance programs under IC 3-7; out of the county treasury without appropriation.

(c) Registration expenses incurred by a circuit court clerk or board of registration for:

(1) the salaries of members of a board of registration appointed under IC 3-7-12-9;

(2) the salaries of chief clerks appointed under IC 3-7-12-17; and

(3) the salaries of assistants employed under IC 3-7-12-19;

may not be charged to a municipality. However, the municipality may be charged for wages of extra persons employed to provide additional assistance reasonably related to the municipal election.

(d) A political subdivision that conducts or administers an election may not receive or expend funds received from a person for preparing, administering, or conducting elections, including registering voters. This subsection does not prohibit a political subdivision from receiving or expending funds from the state or from the federal government to prepare for, administer, or conduct an election.

SECTION 6. IC 3-5-4-9, AS AMENDED BY P.L.230-2005,



SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) This section applies whenever the individual who holds the office of circuit court clerk is a candidate on the ballot for any office.

(b) As used in this section, "ballot" refers to an absentee ballot, a ballot card, or any other form of ballot.

(c) Notwithstanding any law requiring the name or signature of the circuit court clerk to appear on a ballot for authentication or any other purpose, the name or signature of the individual who is circuit court clerk may not appear on the ballot except to indicate that the individual is a candidate for an office.

(d) The circuit court clerk shall substitute a uniform device or symbol prescribed by the ~~commission~~ **election division** for the circuit court clerk's printed name or signature to authenticate a ballot.

(e) A device or symbol approved by the commission under this section before January 1, 2021, is considered to be approved by the election division without any further action by the election division being required.

SECTION 7. IC 3-7-16-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 9.5. A voter with print disabilities may request a voter registration application in the manner set forth in IC 3-11-4-5.8.**

SECTION 8. IC 3-8-2-7, AS AMENDED BY P.L.74-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

- (1) The candidate's name, printed or typewritten as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward, if applicable, and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.
- (4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:



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

(B) The county chairman of:

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

(ii) the county in which the candidate resides;

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

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

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

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

(7) The following statements:

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

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

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

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

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a



candidate for a federal office or legislative office.

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

(D) A statement that the candidate:

- (i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
- (ii) agrees to comply with the provisions of IC 3-9.

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

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

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

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

(10) The candidate's signature.

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

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

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



the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 9. IC 3-8-2-19, AS AMENDED BY P.L.216-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

- (1) The title of each office.
- (2) The name of each individual who has filed a request to be placed on the presidential primary ballot.
- (3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot, except for an individual with a restricted address under IC 36-1-8.5.
- (4) The text of any public question to be placed on the ballot.
- (5) The date of the primary election.
- (6) The hours during which the polls will be open.
- (7) The dates, times, and locations of voting at the circuit court clerk's office and at satellite offices under IC 3-11-10-26.**

(b) The county election board shall do the following:

- (1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.
- (2) File a copy of the information described in subsection (a):
 - (A) with the election division; and
 - (B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

- (1) compilation of the information described in subsection (a) has occurred; or
- (2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

SECTION 10. IC 3-8-5-10.5, AS AMENDED BY P.L.278-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of



candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

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

(2) not later than:

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

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

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

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

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

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

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

(2) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward, if applicable, and town), county, and state.

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

(4) The majority party candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if one (1) of the following applies:

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

(B) The county chairman of:

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



(ii) the county in which the candidate resides;
 certifies in writing that the candidate is a member of the
 political party.

The declaration of candidacy must inform a candidate how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy whether clause (A) or (B) applies to the candidate. If a candidate claims party affiliation under clause (B), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (B).

(5) That the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) That the candidate has attached either of the following to the declaration:

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

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

(7) That the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office.

(8) That the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office.

(9) That the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

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

(10) A statement indicating whether or not the candidate:

(A) has been a candidate for state, legislative, local, or school board office in a previous primary, municipal, special, or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(11) The candidate's signature.

(e) This subsection does not apply to a town whose municipal



election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

- (1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.
- (2) Post a copy of the list in a prominent place in the circuit court clerk's office.
- (3) File a copy of each declaration of candidacy with the town clerk-treasurer.

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

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

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

- (1) noon August 1 before the municipal election if the town nominates its candidates by convention; and
- (2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

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

SECTION 11. IC 3-10-2-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Each county election board shall give notice of a general election and publish a statement in accordance with IC 5-3-1 ~~showing what~~ **stating the following information:**

- (1) The offices ~~are~~ to be filled. ~~and setting forth~~
- (2) The text of the judicial retention and other public questions to be submitted to the voters. ~~and by filing~~
- (3) **The dates, times, and locations of voting at the circuit court clerk's office and at satellite offices under IC 3-11-10-26.**

(b) **The county election board shall file a copy of this the information required by subsection (a):**

- (1) with the election division; and
- (2) in the minutes of the county election board.

~~(b)~~ (c) The county election board shall file the copies required under subsection ~~(a)~~ **(b) with the election division and in the minutes of the county election board** not later than noon, ten (10) days before election day. However, an election is not invalidated by the failure of the board to perform this duty.

SECTION 12. IC 3-10-8-4, AS AMENDED BY P.L.278-2019, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Each circuit court clerk who is required to conduct a special election under ~~state~~ **Indiana** law or receives a writ ordering a special election shall publish in accordance with IC 5-3-1 **the following information:**

- (1) Under the proper political party or independent candidate designation:
 - (A) the title of office; and
 - (B) the names and addresses of all candidates who have filed for election to the office, except for an individual with a restricted address under IC 36-1-8.5; if an elected office will be on the ballot at the special election.
- (2) The text of any public question to be submitted to the voters.
- (3) The date of the election. ~~and~~
- (4) The hours during which the polls will be open.
- (5) **The dates, times, and locations of voting at the circuit court clerk's office and at satellite offices under IC 3-11-10-26.**

(b) The county election board or town election board shall file a notice of a special election conducted under this chapter with the election division not later than noon seven (7) days after receiving the writ.



SECTION 13. IC 3-11-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. **(a)** The device of each political party or independent ticket described in section 6 of this chapter shall be:

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

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

- (1) there are no candidates of that political party; or**
- (2) the only candidates of the political party are for election to offices to which more than one (1) individual is to be elected and which will not be credited with a vote under IC 3-12-1-7 if a voter casts a straight party ticket.**

SECTION 14. IC 3-11-2-12, AS AMENDED BY P.L.278-2019, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.
 - (G) Attorney general.
 - (H) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Prosecuting attorney.
 - (E) Clerk of the circuit court.



- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner.
 - (I) County council member. ~~except as provided in section 12.4 of this chapter.~~
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.
 - (C) Township board member. ~~except as provided in section 12.4 of this chapter.~~
 - (D) Judge of the small claims court.
 - (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member. ~~except as provided in section 12.4 of this chapter.~~
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member. ~~except as provided in section 12.4 of this chapter.~~

SECTION 15. IC 3-11-2-12.2, AS AMENDED BY P.L.74-2017, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12.2. (a) Whenever candidates are to be elected to an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

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

SECTION 16. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016,



SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12.4. (a) This section applies whenever more than one (1) candidate may be elected to an office.

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

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

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

SECTION 17. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12.9. (a) School board offices to be elected at the general election shall be placed on the general election ballot after the offices described in section 12.4 of this chapter with each candidate for the office designated as "nonpartisan".

(b) If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."

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

SECTION 18. IC 3-11-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A public question shall be placed on the general election ballot in the following form:

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

☐ YES
☐ NO

(b) In addition to any other explanatory text required by law, the ballot must also contain a statement that reads substantially as follows:

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"To vote on this public question, make a voting mark on or in the square to the left of the word "YES" or "NO".".

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

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

SECTION 19. IC 3-11-4-1, AS AMENDED BY P.L.66-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot. Except as otherwise provided in this article, a voter voting by absentee ballot must vote in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2 **or IC 3-6-5.6**) or at a satellite office established under IC 3-11-10-26.3.

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

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

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

SECTION 20. IC 3-11-4-3, AS AMENDED BY P.L.283-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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 **or IC 3-6-5.6**, 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. twelve (12) days 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 every election held after December 31, 2019.~~ An application for an absentee ballot for the election may not be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) earlier than December 1 of the year before the election.

SECTION 21. IC 3-11-4-5.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5.8. (a) A voter with print disabilities may use electronic mail, fax, or web publication to request:**

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(1) a voter registration application; and

(2) an absentee ballot application;

from the election division, a county election board, a county board of elections and registration, or a county voter registration office.

(b) The election division, county election board, county board of elections and registration, or county voter registration office that receives an electronic mail or fax from a voter with print disabilities requesting a voter registration application or absentee ballot application by electronic mail or fax shall provide the requested application to the voter by:

(1) electronic mail address or fax number if the electronic mail address or fax number permits the office to send the application not later than the end of the first business day after the office receives the request from the voter; or

(2) United States Postal Service mail if the electronic mail address or fax number provided by the voter to the office does not permit the office to send the application in the time frame specified in subdivision (1).

(c) The election division, county election board, county board of elections and registration, or county voter registration office shall ensure that the procedures used to receive a request for a voter registration application or an absentee ballot application under this section and transmission of the application to a voter with print disabilities protect:

(1) the security and integrity of the application request processes; and

(2) the voter's identity and other personal data.

(d) The election division, county election board, county board of elections and registration, or county voter registration office shall include information concerning the use of electronic mail, fax, and web publication with all informational and instructional materials that are sent with a voter registration application or an absentee ballot application to a voter with print disabilities.

(e) The secretary of state, with the approval of the election division, shall develop a free access system that permits a voter with print disabilities to determine whether the voter's absentee ballot has been received by the appropriate county election board or board of elections and registration, regardless of the manner in which the absentee ballot was transmitted by the voter to the board. To the extent permitted by IC 3-7 and IC 5-14-3, the system must contain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected,



stored, or otherwise used on the system.

(f) The secretary of state, with the approval of the election division, shall develop a system that complies with the Web Content Guidelines.

SECTION 22. IC 3-11-4-6, AS AMENDED BY P.L.201-2017, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

- (1) An absent uniformed services voter.
- (2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).
- (3) An overseas voter.
- (4) A voter with print disabilities.**

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section. Except as provided in section 3(c) of this chapter, a person may apply for an absentee ballot at any time after the registration period resumes under IC 3-7-13-10.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election by filing either of the following:

- (1) A combined absentee registration form and absentee ballot request approved under 52 U.S.C. 20301(b)(2).
- (2) A form prescribed under IC 3-5-4-8 that identifies the applicant as an absent uniformed services voter, ~~or~~ an overseas voter, **or a voter with print disabilities**. A form prescribed under this subdivision must permit the applicant to designate whether the applicant wishes to receive the absentee ballot by electronic mail, fax, or United States mail.

(d) If the county election board receives an absentee ballot application from a person described by subsection (c), the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under section 15 of this chapter, unless the person has indicated under subsection (c) that the person wishes to receive the absentee ballot by electronic mail or fax.

(e) Whenever a voter files an application for an absentee ballot and indicates on the application that the voter is an absent uniformed services voter, ~~or~~ an overseas voter, **or a voter with print disabilities**, the application is an adequate application for an absentee ballot for an election conducted during the period that ends on December 31



following the date the application is filed, unless an absentee ballot mailed to the voter at the address set forth in the application is returned to the county election board during that period as undeliverable. The circuit court clerk and county election board shall process this application and send general election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for a change of address within the same county or for a change of name or other information set forth in the voter's registration record, the previously approved absentee ballot application remains effective for the same period, unless the acknowledgment notice sent to the voter at that address is returned by the United States Postal Service due to an unknown or insufficient address in accordance with IC 3-7-33-5. If a voter entitled to receive an absentee ballot under this subsection subsequently files a voter registration application for an address that is not located in the same county, the voter must file a new absentee ballot application under this section with the appropriate county election board.

(f) Whenever a voter described in subsection (a)(2) files an application for a primary election absentee ballot and indicates on the application that the voter is an address confidentiality program participant, the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the period that ends on December 31 following the date the application is filed. The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(g) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

- (1) To a law enforcement agency, upon request.
- (2) As directed by a court order.

(h) The county election board shall by fax or electronic mail



transmit an absentee ballot to and receive an absentee ballot from an absent uniformed services voter, ~~or~~ an overseas voter, **or a voter with print disabilities** by electronic mail or fax at the request of the voter indicated in the application filed under this section. If the voter wants to submit absentee ballots by fax or electronic mail, the voter must separately sign and date a statement submitted with the electronic mail or the fax transmission that states substantively the following: "I understand that by faxing or e-mailing my voted ballot I am voluntarily waiving my right to a secret ballot."

(i) The county election board shall send confirmation to a voter described in subsection (h) that the voter's absentee ballot has been received as follows:

- (1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.
- (2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.

(3) If:

- (A) the voter does not provide a fax number or an electronic mail address; or
- (B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's absentee ballot;

the county election board shall send the confirmation by United States mail.

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

(j) Upon approval of the voter's absentee ballot application, a county election board shall transmit an absentee ballot to an absent uniformed services voter or an overseas voter by electronic mail under a program authorized and administered by the Federal Voting Assistance Program of the United States Department of Defense or directly to the voter at the voter's electronic mail address, if requested to do so by the voter. A voter described by this section may transmit the voted absentee ballot to a county election board by electronic mail. If a voter described in this section transmits the voted absentee ballot through the United States Department of Defense program, the ballot must be transmitted in accordance with the procedures established under that program. An



electronic mail message transmitting a voted absentee ballot under this subsection must include a digital image of the voter's signature on the statement required under subsection (h).

(k) The secretary of state, with the approval of the election division, shall develop a system that complies with the Web Content Guidelines.

SECTION 23. IC 3-11-4-15, AS AMENDED BY P.L.66-2010, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The absentee ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2 **or IC 3-6-5.6**) at least fifty (50) days before a general, primary, special, or municipal election.

SECTION 24. IC 3-11-4-17.5, AS AMENDED BY P.L.157-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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, **IC 3-11-10-26.2, or IC 3-11-10-26.3**, the voter shall be permitted to cast a provisional ballot, which the county election board shall retain.

(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 25. IC 3-11-8-3.2, AS AMENDED BY P.L.278-2019, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.2. (a) A county election board shall give ~~ten (10)~~ **days** notice of the place of voting in each precinct by publication in the manner prescribed by ~~IC 5-3-1-4~~. **IC 5-3-1**. The notice must state whether the polls are located in an accessible facility.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

(d) The county election board shall enter the location of each polling place into the computerized system and update the information as promptly as practical after any change of location is made under this section.

SECTION 26. IC 3-11-10-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 4. (a) ~~Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.~~

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

~~(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the application for the absentee~~



ballot. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

SECTION 27. IC 3-11-10-4.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 4.5: (a) Upon receipt of an absentee ballot from a voter required to provide additional information to the county voter registration office under IC 3-7-33-4.5, the county election board shall contact the county voter registration office to determine if the additional information has been filed with the office by the voter.

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

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

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

SECTION 28. IC 3-11-10-8.5, AS ADDED BY P.L.169-2015, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This section does not apply to an application for an absentee ballot from a voter:

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

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

SECTION 29. IC 3-11-10-19 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 19: If a circuit court clerk has signed an absentee ballot and the ballot has been initialed as prescribed by IC 3-11-4-19, no other initialing is required.



SECTION 30. IC 3-11-10-24, AS AMENDED BY P.L.278-2019, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

- (1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
 - (A) a precinct election officer under IC 3-6-6;
 - (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 - (C) a challenger or pollbook holder under IC 3-6-7; or
 - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.
- (4) The voter is a voter with disabilities.
- (5) The voter is an elderly voter.
- (6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.
- (7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.
- (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- (9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.
- (10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).
- (11) The voter is a member of the ~~military~~ **Indiana National Guard deployed or on assignment inside Indiana** or a public safety officer.
- (12) The voter is a serious sex offender (as defined in IC 35-42-4-14(a)).
- (13) The voter is prevented from voting due to the unavailability of transportation to the polls.

(b) An absent uniformed services voter or overseas voter is entitled to vote by mail using the combined absentee registration form and absentee ballot request approved under 52 U.S.C.



20301(b)(2).

(c) A county shall mail an absentee ballot to a voter under this section by nonforwardable United States Postal Service mail.

~~(b)~~ **(d) Except as provided in subsection (l), a voter with disabilities who:**

- (1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and
- (2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

~~(e)~~ **(e) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:**

- (1) deposit the sealed envelope in the United States mail for delivery to the county election board; or
- (2) authorize a member of the voter's household, **family listed in IC 3-6-6-7(a)(4)**, or the individual designated as the voter's attorney in fact to:

- (A) deposit the sealed envelope in the United States mail; or
- (B) deliver the sealed envelope in person to the county election board at:

- (i) the office of the circuit court clerk or the office of the board of elections and registration under section 26 of this chapter;**
- (ii) a satellite office of the circuit court clerk designated under section 26.3 of this chapter; or**
- (iii) a satellite office of a vote center under IC 3-11-18.1-11.**

A voter who delivers the sealed envelope under this clause may request a replacement absentee ballot under IC 3-11.5-4-2 and cast a replacement absentee ballot at an office or vote center described in items (i) through (iii).

(f) A county election board shall reject an absentee ballot deposited in a drop box or other container or location that is not under the physical control and supervision of the county election board when the ballot is deposited.

(g) If a drop box or other container is located in a building under the control of a political subdivision in which a document may be deposited for other purposes related to the office of the circuit court clerk or an office of any other political subdivision,



the political subdivision in control of the drop box or container shall post a notice on or in a prominent location adjacent to the drop box or container saying substantially as follows: "Do not deposit a voted absentee ballot into this box or container. The absentee ballot will not be counted."

(h) If an absentee ballot is deposited into a box or container in violation of subsection (f) or (g), the county election board shall mark the absentee ballot security envelope as rejected and, if possible, promptly notify the individual whose name appears on the security envelope containing the absentee ballot.

~~(d)~~ (i) If a member of the voter's household, **family listed in IC 3-6-6-7(a)(4)**, or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the election division. The affidavit must contain the following information:

- (1) The name and residence address of the voter whose absentee ballot is being delivered.
- (2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.
- (3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household, **family listed in IC 3-6-6-7(a)(4)**, or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.
- (4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.
- (5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.
- (6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.
- (7) A statement setting forth the penalties for perjury.

~~(e)~~ (j) The county election board shall record the date and time that the affidavit under subsection ~~(d)~~ (i) was filed with the board.

~~(f)~~ (k) After a voter has mailed or delivered an absentee ballot to the office of the ~~circuit court clerk~~, **county election board**, the voter may not recast a ballot, except as provided in **IC 3-11-4-17.7, IC 3-11.5-4-2, and IC 3-11.5-4-21.**



(l) A voter with print disabilities may vote by using the system developed by the secretary of state under IC 3-11-4-6(k).

SECTION 31. IC 3-11-10-25, AS AMENDED BY P.L.169-2015, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25. (a) A voter who votes by absentee ballot because of:

- (1) illness or injury; or
- (2) caring for a confined person at a private residence;

and who is within the county ~~on election day~~ may vote before an absentee voter board or by mail.

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

- (1) during the regular office hours of the circuit court clerk;
- (2) at a time agreed to by the board and the voter;
- (3) on any of the nineteen (19) days immediately before election day; and
- (4) only once before an election, unless:
 - (A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or
 - (B) the board, in its discretion, decides to make an additional visit.

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

- (1) agreed to by the board and the voter; and
- (2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

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

(e) The county election board, by unanimous vote of the board's entire membership, may:

- (1) authorize an absentee voter board to visit the voter after first confirming that the individual is a registered voter of the**



county; and

(2) permit the voter to complete an absentee ballot application before the absentee voter board.

If both members of the absentee voter board approve the voter's application under this subsection, the board shall provide the voter with an absentee ballot.

~~(e)~~ **(f)** 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.

~~(f)~~ **(g)** 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.

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

SECTION 32. IC 3-11-10-26, AS AMENDED BY P.L.278-2019, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 **or IC 3-6-5.6** 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 **or IC 3-6-5.6** 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:

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- (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 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.

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

SECTION 33. IC 3-11-10-26.2, AS AMENDED BY P.L.157-2019, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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 **or marking device that produces a marked optical scan ballot** 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 **or marking device that produces a marked optical scan ballot** 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 **or marking device that produces a marked optical scan ballot** 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.

SECTION 34. IC 3-11-10-26.5, AS AMENDED BY P.L.278-2019, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 26.5. (a) This section applies to:

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

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

(c) If the election board adopts a resolution **or an amendment** under subsection (b), the board must include written findings of fact in the resolution **or amendment** stating:

- (1) the number of absentee ballot applications anticipated or



previously received for the election;

(2) the expense to be incurred by providing absentee ballot voting in the office during the entire period required under section 26 of this chapter; and

(3) that voters would experience little or no inconvenience by restricting absentee ballot voting in the office to the days and hours specified in the resolution **or amendment**.

SECTION 35. IC 3-11-10-26.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 26.7. (a) As used in this section, "facility" refers to the facility in which a voter may vote a ballot under section 26 or 26.3 of this chapter.**

(b) For purposes of this chapter, a facility is an "accessible facility" for elderly voters and voters with disabilities only if all the following apply:

(1) The facility meets the standards for accessibility for elderly voters and voters with disabilities established under 52 U.S.C. 20101 through 52 U.S.C. 20107.

(2) All the following are accessible to elderly voters and voters with disabilities in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters:

(A) Parking spaces, marked and available to conform with IC 5-16-9.

(B) The path to the facility that an individual must travel on the property where the facility is located.

(C) The entrances of the facility to be used by voters.

(D) The paths of travel within the facility to the rooms or areas where the voting systems are located.

(E) The rooms or areas in the facility where the voting systems are located.

(c) The requirements of subsection (b) are satisfied if a facility will comply with subsection (b) by implementing temporary measures.

SECTION 36. IC 3-11-10-28, AS AMENDED BY P.L.221-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28. (a) A voter voting before an absentee voter board shall mark the voter's ballot in the presence of the board, but not in such a manner that either of the members of the board can see for whom the voter voted, unless the voter requests the help of the board in marking a ballot under IC 3-11-9. The voter shall fold each ballot separately in a manner to conceal the voter's markings.**



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

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

(d) This subsection applies to a voter required to present additional information under IC 3-7-33-4.5. If the voter does not present the required additional information before receiving the absentee ballot, the absentee ballot shall be processed in accordance with ~~section 4.5(c) of this chapter~~. **IC 3-11.5-4-3.5.**

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

- (1) listing the documentation the voter may submit to the county voter registration office to comply with IC 3-7-33-4.5; and
- (2) stating the address and hours of the county voter registration office.

SECTION 37. IC 3-11-10-29, AS AMENDED BY P.L.64-2014, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. (a) The envelope required by section 28 of this chapter must bear upon its face a printed affidavit containing the voter's affirmation under penalties of perjury that the following information is true:

The voter must indicate the voter's precinct and township (or ward and city or town) and indicate whether the voter is entitled to vote as a resident of the precinct or is entitled to vote under IC 3-10-11 or IC 3-10-12.

(b) The voter must sign and date the affidavit, and the absentee voter board members each must sign the affidavit and ~~after December 31, 2014~~, print the member's name.

(c) The absentee voter board must indicate on the affidavit if:

- (1) the board visited the voter in the manner authorized under section 25(b) of this chapter; and
- (2) the voter was a voter with disabilities who was unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope under ~~section 24(b)~~ **24(d)** of this chapter.

SECTION 38. IC 3-11-10-29.5, AS ADDED BY P.L.219-2013, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29.5. Each day after absentee voting concludes in the circuit court clerk's office ~~or a satellite office, or a vote center~~, the county election board shall direct that the vote history



be uploaded from each electronic poll list into the computerized list.

SECTION 39. IC 3-11-10-30 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 30: Even though the voter may have applied for and received an absentee ballot, a voter who returns to the voter's place of residence before the close of the polls on election day may vote in person under the conditions prescribed by section 31 of this chapter.

SECTION 40. IC 3-11-10-31 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 31: (a) If a voter has not returned an absentee ballot, then the voter may vote in person:

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

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

SECTION 41. IC 3-11-10-32 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 32: If a voter has marked and returned an absentee ballot, the voter may not vote in person at a precinct:

SECTION 42. IC 3-11-10-36 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 36: (a) Each county election board shall appoint absentee voter boards:

(b) The absentee voter boards must consist of two (2) voters of the county; one (1) from each of the two (2) political parties that have appointed members on the county election board. If a special election is held for a local public question, the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution to provide that the party membership requirement does not apply to absentee voter boards appointed to conduct the special election. A resolution adopted under this subsection may not be repealed and expires the day after the special election.

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

- (1) is unable to read, write, and speak the English language;
- (2) has any property bet or wagered on the result of the election;
- (3) is a candidate to be voted for at the election, except as an unopposed candidate for precinct committeeman or state convention delegate; or
- (4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the



election, except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption:

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

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

SECTION 43. IC 3-11-10-38, AS AMENDED BY P.L.278-2019, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 38. The voters appointed to the absentee voter boards under ~~section 36 of this chapter~~ **IC 3-11.5-4-22** shall be compensated in the following manner:

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

SECTION 44. IC 3-11-13-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 7.5. (a) This section applies to a marking device used in a voting system that:**

- (1) contains features of both a ballot card voting system and an electronic voting system; and**
- (2) produces a ballot card with the voter's choices as selected by the voter and marked on the card by the device.**

(b) The interface of the marking device used with an optical scan voting system must include all of the following:

- (1) The information required by IC 3-11-14-3.5.**
- (2) The instructions required by IC 3-11-2-8.**
- (3) The information and instructions required by**



IC 3-11-2-10.

(c) A marking device must comply with the same disability access standards as an electronic voting system under IC 3-11-15-13.6.

(d) Notwithstanding any other provision of this title, a ballot card used with a marking device must have either preprinted or printed by the marking device the following:

- (1) When the marking device is used for absentee voting under IC 3-11-10-26, the circuit court clerk's signature and seal required by IC 3-11-10-27.
- (2) When the marking device is used by a voter to cast a provisional ballot, the circuit court clerk's signature and seal required by IC 3-11-7-1-7.
- (3) A line or box for each poll clerk's initial as required by section 19 of this chapter.
- (4) When the marking device is used during a primary election, the name of the political party whose primary the voter is participating in or the word "nonpartisan" if the voter is voting a ballot that contains only a public question certified by the county election board under IC 3-10-9.

(e) If the voting system produces a ballot card, the ballot card must contain a summary ballot scan of the voter's ballot that includes all of the following:

- (1) The name or designation of each office on the voter's ballot.
- (2) The name of the candidate and the candidate's political party selected by the voter.
- (3) If the voter selects a straight party ticket, the name of the political party ticket the voter selected.
- (4) A description of the text of any public question or judicial retention question on the voter's ballot that the county election board determines reasonably conveys the content of the public question or judicial retention question and the response the voter selected for each question.

The ballot card may contain additional information described in subsection (b).

(f) Notwithstanding any other provision of this chapter, a ballot card used with the marking device may be a different dimension or size than other ballot cards:

- (1) approved by the county election board for use in an election; and
- (2) that are not designed to be marked by the marking device.



(g) A voter verifiable paper audit trail is not a marking device.

SECTION 45. IC 3-11-13-11, AS AMENDED BY P.L.141-2020, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

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

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

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), **IC 3-11-2-12.9(c)**, IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

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

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



(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.
- (2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.
- (3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).
- (4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).
- (5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.
- (6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.
- (7) The name of a write-in candidate may not be listed on the ballot.

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

- (1) candidate; or
- (2) ticket of candidates for:
 - (A) President and Vice President of the United States; or
 - (B) governor and lieutenant governor;

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

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

- (1) under the name of the office that the candidates are seeking;
- (2) in the order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.



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

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

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

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

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

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

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

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 must be placed on the ballot label. The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, do not make a mark in this section and proceed to voting the ballot by office.".

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board



may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

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

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

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

- (1) the names of political parties or candidates; or
- (2) the text of public questions;

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

SECTION 46. IC 3-11-13-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 11.5. A public question printed on a ballot shall be set forth without any quotation marks preceding or following the text of the public question.**

SECTION 47. IC 3-11-13-14, AS AMENDED BY P.L.21-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) In partisan elections, the ballot labels must include a voting square or position where a voter may by one (1) voting mark on each card record a straight party or an independent ticket vote for all the candidates of one (1) political party or the independent ticket, except for offices for which the voter:

- (1) is required to cast an individual vote for a candidate under IC 3-11-7-4(b); or
- (2) has voted individually for a candidate for any other office.

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

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

- (1) there are no candidates of that political party; or**
- (2) the only candidates of the political party are for election to offices to which more than one (1) individual is to be elected and which will not be credited with a vote under IC 3-12-1-7**



if a voter casts a straight party ticket.

SECTION 48. IC 3-11-14-2, AS AMENDED BY P.L.71-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as provided in subsection (c), a county election board may use an approved electronic voting system:

- (1) in any election;
- (2) in all or in some of the precincts within a political subdivision holding an election; and
- (3) instead of or in combination with any other voting method.

(b) A county election board may use an electronic voting system which includes a voter verifiable paper audit trail if the voting system:

- (1) otherwise complies with this chapter and IC 3-11-15; and
- (2) is certified by the Indiana election commission.

(c) A county election board may not use an approved electronic voting system purchased, leased, or otherwise acquired by the county after December 31, 2019, unless the system:

- (1) is certified by the Indiana election commission; and
- (2) includes a voter-verifiable paper audit trail.

This subsection does not prohibit a county election board from having maintenance performed on an electronic voting system purchased, leased, or otherwise acquired by the county before January 1, 2020.

(d) The voter verifiable paper audit trail must contain all of the following:

- (1) The name or code of the election as provided by the voting system.**
- (2) The date of the election.**
- (3) The date the voter verifiable paper audit trail was printed.**
- (4) A security code and record number specific to each paper receipt assigned by the voting system.**
- (5) The name or designation of the voter's precinct.**
- (6) The name or designation of each office on the voter's ballot.**
- (7) The name of the candidate and the designation of the candidate's political party selected by the voter.**
- (8) If the voter selects a straight party ticket, the name of the political party ticket the voter selected.**
- (9) The following information:**
 - (A) A description of the text of any public question or judicial retention question on the voter's ballot that:**
 - (i) contains not more than thirty (30) characters; and**
 - (ii) the county election board determines reasonably conveys the content of the public question or judicial**



retention question.

(B) The response the voter selected for each question.

(e) The voter verifiable paper audit trail may contain additional information and instructions determined to be useful to the voter by the county election board subject to the design capabilities of the voter verifiable paper audit trail.

SECTION 49. IC 3-11-14-3.5, AS AMENDED BY P.L.141-2020, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

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

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

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

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

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for



this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

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

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

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

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

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

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

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

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

(1) candidate; or

(2) ticket of candidates for:

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

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name



of the candidate and must be printed in uniform size and type.

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

- (1) under the name of the office that the candidates are seeking;
- (2) in the party order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

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

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

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

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

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

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

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

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

- (1) touch, and the touch sensitive point or button must be identified by:
 - (1) the name of the political party or independent ticket; and
 - (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 must be



placed on the ballot label. The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, press "NEXT" (or replace "NEXT" with the term used by that voting system to permit a voter to skip a ballot screen) to continue voting."

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

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

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

SECTION 50. IC 3-11-14-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.7. A public question printed on a ballot shall be set forth without any quotation marks preceding or following the text of the public question.**

SECTION 51. IC 3-11-14-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 14.5. A ballot label must not include a touch sensitive point or button to permit a voter to cast a straight party ticket for a political party or independent ticket if:**

- (1) there are no candidates of that political party; or**
- (2) the only candidates of the political party are for election to offices to which more than one (1) individual is to be elected and which will not be credited with a vote under IC 3-12-1-7 if a voter casts a straight party ticket.**

SECTION 52. IC 3-11.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2. (a) This section applies to a voter voting by an absentee ballot that:**

- (1) is defective and ordered corrected under IC 3-11-2-16; or**
- (2) includes a candidate for election to office who:**
 - (1) (A) ceases to be a candidate; and**
 - (2) (B) is succeeded by a candidate selected under IC 3-13-1**



or IC 3-13-2; or

(3) is presented and surrendered at:

(A) the office of the circuit court clerk;

(B) the office of the board of elections and registration;

(C) a satellite office of a board established under IC 3-11-10-26.3; or

(D) a vote center established as a satellite office under IC 3-11-18.1-4(15);

in a sealed envelope and signed by the voter containing an absentee ballot previously mailed to the voter with a request by the voter for a replacement absentee ballot under this section to cast at the office or vote center.

(b) Through the last day before the election day, an absentee voter may recast the ballot during the period specified by IC 3-11-10-26. To obtain ~~another set of ballots;~~ **a replacement ballot**, the absentee voter must present a written request ~~to the county election board for another set of ballots from the circuit court clerk;~~ **a replacement ballot. However, in a primary election, if an application has been submitted to the county by or for a voter requesting the ballot of a political party, the voter may not change the choice of the voter's party when requesting a replacement ballot unless the county determines, based on the application of the voter, that the voter was issued an incorrect party ballot by the county.**

(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.

(2) Mark "canceled" on the original set of ballots.

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

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

SECTION 53. IC 3-11.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. **In accordance with IC 3-11-10-24, a county election board ~~must receive an absentee ballot before noon on election day.~~ shall reject an absentee ballot deposited in a drop box or other container or location that is not under the physical control and supervision of the county election board when the ballot is deposited.**

SECTION 54. IC 3-11.5-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. **(a) Upon receipt of an absentee ballot from a voter required to provide additional information to the county voter registration office under**



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

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

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

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

SECTION 55. IC 3-11.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. If a county election board finds that the signature on a ballot envelope or transmitted affidavit is not genuine, the board shall write upon the ballot envelope the words "The county election board has ~~rejected this ballot because~~ found the signature of this voter is not genuine. **This ballot is subject to IC 3-11.5-4-13.5 or IC 3-11.5-4-13.6.**"

SECTION 56. IC 3-11.5-4-5, AS AMENDED BY P.L.157-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Upon receipt of the absentee ballot and not later than election day, the county election board, or the absentee board members in the office of the circuit court clerk, shall compare the signature of the voter on the absentee ballot application, or, if there is no application, with the signature on the electronic poll book, with the signature on:**

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

~~(a)~~ (b) 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. **If the county election board does not unanimously determine that the signature on a ballot envelope is genuine, the board shall also write on the ballot envelope described in subsection (c) or the transmitted affidavit from a voter under IC 3-11-4-6, the words "SIGNATURE DISPUTED".** The board ~~may~~ **shall** enclose in the same carrier envelope all absentee ballot envelopes and applications for the same precinct.

~~(b)~~ **(c)** 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 57. IC 3-11.5-4-10, AS AMENDED BY P.L.64-2014, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. **(a) This subsection applies to a county that:**

- (1) uses a paper list of voters provided under IC 3-7-29-2;**
- (2) has not adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); and**
- (3) is not a vote center county under IC 3-11-18.1.**

Subject to IC 3-10-8-7.5, IC 3-12-1-17, and section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after ~~noon~~ **6 p.m.** on election day are considered as arriving too late and may not be counted.

(b) This subsection applies to a county described in subsection (a). An absentee ballot that is returned to the county election board between noon and 6 p.m. on election day may not be reviewed or counted under this article until all of the following have occurred:

- (1) The polls in each precinct have closed.**
- (2) The poll list for the precinct with an absentee ballot that has not been counted has been returned to the county election board.**
- (3) The county election board confirms whether the voter cast a ballot at the polls on election day.**

(c) This subsection applies 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.**

Subject to IC 3-10-8-7.5 and IC 3-12-1-17, absentee ballots received by mail or by fax or electronic mail under IC 3-11-4 after 6 p.m. on election day are considered as arriving too late and may not be counted.



SECTION 58. IC 3-11.5-4-11, AS AMENDED BY P.L.278-2019, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. **(a) Upon receipt of the absentee ballot and not later than election day, the county election board shall examine the signature on the absentee ballot.**

~~(a)~~ **(b) This subsection applies to a county that has not adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1) or is a vote center county under IC 3-11-18.1.** Except as provided in subsection ~~(b)~~; (c), ~~or (d), or (e)~~, 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 **ballot** application or, **if there is no application, with the signature on the** electronic poll book with the signature upon the: ~~affidavit on the~~

(A) voter's absentee ballot envelope; ~~transmitted affidavit under IC 3-11-4-6(h); or voter registration record; or~~

(B) if there is no envelope, computerized list.

~~(b)~~ **(c) This subsection applies to a county (other than a county described in subsection ~~(e)~~ or (d) or (e)) 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;

and has not updated the computerized list to reflect absentee ballots received on election day. 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)~~ **(d) 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 sections 12 and 12.5 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)~~ **(e)** 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)~~ **(f)** A resolution adopted under subsection ~~(d)~~ **(e)** may be repealed or amended only by the unanimous vote of the entire membership of the county election board.

SECTION 59. IC 3-11.5-4-12.5, AS ADDED BY P.L.278-2019, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12.5. ~~(a) This section applies only in a county containing a consolidated city.~~

~~(b)~~ **(a)** Notwithstanding section 12(b) of this chapter and subject to subsection ~~(e)~~; **(b)**, absentee ballot envelopes may be opened by machine instead of by the absentee ballot counters. For purposes of certification of voting systems under this article, a machine, the only function of which is the opening of envelopes, is not considered to be a voting system or part of a voting system.

~~(e)~~ **(b)** After making the applicable findings under section 12(b) of this chapter, the absentee ballot counters shall take out each ballot enclosed in an envelope opened under subsection ~~(b)~~ **(a)** without unfolding or permitting a ballot to be unfolded or examined. The absentee ballots shall then continue to be processed as provided under section 12 and other applicable provisions of this chapter.



SECTION 60. IC 3-11.5-4-13, AS AMENDED BY P.L.157-2019, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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, **and the signature mismatch or missing signature is not cured by the deadline established under section 13.5 or 13.6 of this chapter.**
 - (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) **This subsection does not apply to an absentee ballot rejected under this section based on a finding that the voter's signature on the absentee ballot security envelope affidavit does not correspond to any signature on the voter's absentee ballot application.** 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 61. IC 3-11.5-4-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 13.5. (a) This section applies to an absentee ballot where there is a finding that the voter's signature on the absentee ballot security envelope affidavit does not correspond to the signature on the voter's absentee ballot application or electronic poll book, or any signature by the voter maintained in the statewide voter registration system.**

(b) If the absentee voter board, the absentee ballot counters, or the county election board determine that a voter's signature on the absentee ballot security envelope affidavit does not correspond to:

- (1) the voter's signature on the absentee ballot application;**
- (2) the voter's signature on the electronic poll book; or**
- (3) any signature of the voter maintained in the statewide voter registration system;**

the absentee ballot security envelope shall not be opened and the



ballot shall not be counted.

(c) The absentee voter board, the absentee ballot counters, or the county election board shall write the date and cause of the mismatched signature on the face of the security envelope after completing the procedures set forth in this section.

(d) The county election board or board of elections and registration shall send a notice produced from the computerized system established by IC 3-7-26.3 to the voter of the determination of the absentee voter board, absentee ballot counters, county election board, or board of elections and registration that an absentee ballot signature mismatch has occurred. The county election board shall:

- (1) mail the notice by first class United States mail to the registration address of the voter;
- (2) send the notice by electronic mail to the voter if an electronic mail address for the voter is available; and
- (3) call the voter by telephone to provide notice of the signature mismatch determination, if a telephone number for the voter is available;

not later than the close of business two (2) business days after the signature mismatch determination by the county occurs.

(e) An absentee ballot sealed inside an absentee ballot security envelope affidavit with a signature mismatch shall be treated as a provisional ballot under IC 3-11.7. The signature mismatch may be cured under this section and the absentee ballot counted if the ballot is otherwise valid.

(f) A voter notified by the county election board or board of elections and registration under subsection (d) must verify the voter's signature under this section on:

- (1) the absentee ballot security envelope affidavit;
- (2) the absentee ballot application or electronic poll book; or
- (3) both;

by filing an affidavit with the county election board or board of elections and registration not later than noon, prevailing local time, eight (8) days after election day.

(g) The notice under subsection (d) is subject to IC 3-5-4-8 and must contain the following information:

- (1) A statement from the county election board or board of elections and registration notifying the voter that the county has determined that a signature mismatch has occurred between the signature of the voter on the absentee ballot security envelope affidavit and the voter's signature on the



absentee ballot application or electronic poll book, or any signature made by the voter on file in the statewide voter registration system.

(2) A statement that the voter's absentee ballot will be rejected and not counted unless the voter cures the signature mismatch under this section by filing a signed signature verification affidavit with the county election board or board of elections and registration not later than noon, local prevailing time, eight (8) days after election day, and specifying the date on which the eighth day will fall.

(3) A signature line for the voter to print the voter's name and date and sign the signature verification affidavit.

(4) A statement that the signature verification affidavit must be:

(A) placed into a mailing envelope addressed to the county election board or board of elections and registration, and either mailed with sufficient postage or hand delivered to the board; or

(B) sent to the board by electronic mail or facsimile transmission.

(5) Information provided by the board setting forth the mailing address, electronic mail address, or facsimile number of the board.

(6) The name of the voter.

(h) The signature verification affidavit shall be prescribed by the election division under IC 3-5-4-8, shall be produced from the computerized list established under IC 3-7-26.3, must substantially be in the following form, and may be included on the same page as the notice and instructions:

SIGNATURE VERIFICATION AFFIDAVIT

I, [voter's name], am a registered voter of [voter's county of residence] County, State of Indiana. I declare under the penalties of perjury that I requested and returned an absentee ballot. I am a resident of the precinct in which I have voted (or I am entitled to vote in this precinct under Indiana law), and I am the person whose name appears on the absentee ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment, a fine, or both. I understand that my failure to sign this statement means my absentee ballot will not be counted.



Voter's Signature

Voter's Printed Name

Voter's Registration Address

If there is a reason why your signature does not match, please explain here. Examples include age or disability of the voter or execution of the absentee affidavit by the person holding the voter's power of attorney or any person assisting a voter under IC 3-11-4-2(b) or a member of the voter's immediate household or power of attorney attesting to the voter's signature on the absentee by mail return envelope under IC 3-11.5-4-13(c). The computerized list shall preprint the name of the voter in the appropriate parts of the affidavit.

(i) The county election board or board of elections and registration may not reject an absentee ballot with a nonconforming security envelope signature if each of the following conditions are satisfied:

- (1) The voter delivers:
 - (A) in person;
 - (B) by mail;
 - (C) by facsimile transmission; or
 - (D) by electronic mail;

a signature verification affidavit signed by the voter and the county election board or board of elections and registration receives the affidavit not later than noon, prevailing time, eight (8) days after election day, or the voter, before the close of the polls on election day, completes and files a signature verification affidavit with the inspector or other chief election official of the precinct or vote center within the county. The inspector or vote center official shall forward the signature verification statement to the county election board or board of elections and registration with the other materials from the precinct.

(2) Upon receipt of the signature verification statement, the county election board or county board of elections and registration shall open the provisional ballot envelope to access the voter's absentee ballot security envelope to:

- (A) compare the signature on the verification statement with the signature on the affidavit of the ballot envelope;
- or



(B) if the ballot is for a military or overseas voter who transmitted the ballot by facsimile or electronic mail, compare the affidavit found under IC 3-11-4-6(h) and, if applicable, the signature found in the voter's registration record or the signature on the absentee ballot application.

(j) If, upon conducting the comparison of signatures, the board determines that the signatures match and no other challenges have been made to the ballot, the board shall open the absentee ballot security envelope and add the votes cast on the ballot to the tally for the voter's precinct.

(k) A ballot may not be removed from the security envelope until the time for processing ballots. If, upon conducting the comparison of the signatures under this section, the election officials determine that the signatures are mismatched, the voter's absentee ballot security envelope may not be opened and the ballot shall not be counted. The election officials shall write "this ballot has been rejected because of a mismatched signature" on the face of the security envelope. The absentee ballot security envelope must be resealed and the status of the rejected provisional ballot must be made under the "County Election Board Findings" on the affidavit.

(l) A mismatched absentee ballot security envelope is to be treated as a provisional ballot and is subject to the same confidentiality restrictions under IC 3-11.7-6-3.

(m) If the county election board or board of elections and registration determines that the signatures match, the board shall provide a copy of the statement to the county voter registration officer in any county where there is a separate board of registration. The voter registration officer shall then use the signature in the signature verification statement, even if returned untimely, to update the voter's signature in the voter's registration record.

SECTION 62. IC 3-11.5-4-13.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13.6. (a) This section applies to an absentee ballot where there is a finding that the voter's signature on the absentee ballot security envelope affidavit is missing and therefore does not correspond to the signature on the voter's absentee ballot application or electronic poll book.

(b) Section 13.5(c), 13.5(d), and 13.5(f) of this chapter apply to this section.

(c) The county election board or board of elections and



registration shall not reject an absentee ballot with a missing security envelope signature if either of the following conditions is satisfied and the county election board or board of elections and registration determines that the unsigned absentee ballot affidavit is truthful and otherwise in compliance with this section:

(1) The voter delivers:

- (A) in person;
- (B) by mail;
- (C) by facsimile; or
- (D) by electronic mail;

an affidavit of unsigned ballot that is signed by the voter, and the county election board or board of elections and registration receives the affidavit not later than noon eight (8) days after election day.

(2) Before the close of the polls on election day, the voter completes and files an affidavit of unsigned ballot with the inspector or other chief election official of the precinct or vote center within the county. The inspector or vote center official shall forward the affidavit of unsigned ballot to the county election board or board of elections and registration with the other materials from the precinct.

(d) Upon receipt of the affidavit of unsigned ballot, the county election board or county board of elections and registration shall open the provisional ballot envelope to access the voter's absentee ballot security envelope to:

- (1) compare the signature on the affidavit of unsigned ballot with the most recent signature on the voter's registration record in the statewide voter registration system, or the signature on the absentee ballot application; or
- (2) if the ballot is for a military or overseas voter who transmitted the ballot by facsimile or electronic mail, compare the affidavit found under IC 3-11-4-6(h) and, if applicable, the signature found in the voter's registration record or the signature on the absentee ballot application.

(e) If, upon conducting the comparison of the signatures, the board determines that the signatures match and there are no other challenges that have been made to the ballot, the board shall open the absentee ballot security envelope and add the votes cast on the ballot to the tally for the voter's precinct.

(f) If, upon conducting the comparison of the signatures, the board determines that the signatures are mismatched, the voter's absentee ballot security envelope shall not be opened and the ballot



may not be counted. The board shall write "this ballot has been rejected because of a mismatched signature" on the face of the security envelope. The provisional ballot envelope must be resealed and the status of the rejected ballot must be set forth under the "County Election Board Findings" on the affidavit.

(g) The affidavit of unsigned ballot shall be prescribed by the election division under IC 3-5-4-8, shall be produced from the computerized list established under IC 3-7-26.3, must be in substantially the following form, and may be included on the same page as the notice and instructions:

AFFIDAVIT OF UNSIGNED BALLOT

I, [voter's name], am a registered voter of [voter's county of residence] County, State of Indiana. I declare under the penalties of perjury that I requested and returned an absentee ballot. I am a resident of the precinct in which I have voted (or I am entitled to vote in this precinct under Indiana law), and I am the person whose name appears on the absentee ballot envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment, a fine, or both. I understand that my failure to sign this statement means that my absentee ballot will not be counted.

Voter's Signature

Voter's Printed Name

Voter's Registration Address

The computerized list shall preprint the name of the voter in the appropriate parts of the affidavit.

(h) The following instructions, prescribed by the election division under IC 3-5-4-8 and produced from the computerized list established under IC 3-7-26.3, shall accompany the affidavit of unsigned ballot in substantially the following form:

**NOTICE FROM COUNTY ELECTION BOARD
REGARDING AN AFFIDAVIT OF UNSIGNED BALLOT
FOR ABSENTEE BALLOT**

Read these instructions carefully before completing the statement. Failure to follow these instructions may cause your ballot to not be counted.

(1) We have determined that your signature is missing on



your absentee ballot security envelope. To ensure that your absentee ballot will be counted, you must complete and return an affidavit of unsigned ballot.

(2) Your affidavit of unsigned ballot must be received by the county election board or board of elections and registration not later than noon, local prevailing time, eight (8) days after the election, with the statement specifying the day on which the eighth day after the election will fall.

(3) You must sign your name where specified on the affidavit of unsigned ballot.

(4) Place the affidavit of unsigned ballot into a mailing envelope addressed to your county election official. Mail, hand deliver, or have your completed affidavit delivered to the board. Be sure to include sufficient postage if mailed, and include the address of the county election board provided below.

(5) If you do not wish to send your affidavit of unsigned ballot by mail or have it hand delivered, you may submit your completed affidavit by electronic mail or facsimile transmission to the county election board using the following information provided by your county [insert county electronic mail address and facsimile number].

(6) Include your name on the affidavit.

(i) A ballot may not be removed from the security envelope until the time for processing the ballot.

(j) Except where clearly inapplicable under IC 3-11.7, an unsigned absentee ballot security envelope is to be treated as a provisional ballot and is subject to the same confidentiality restrictions under IC 3-11.7-6-3. The affidavit of unsigned ballot and the signature verification statement executed by the voter are confidential under IC 3-11.7-6-3.

SECTION 63. IC 3-11.5-4-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. ~~If the inspector a voter has marked the poll list to indicate that the and returned an absentee ballot, cast by the voter has been received by the county election board;~~ the voter may not vote in person except as provided in section 21 of this chapter.

SECTION 64. IC 3-11.5-4-22, AS AMENDED BY P.L.169-2015, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. (a) Except as provided in subsection (b), each county election board shall appoint:



(1) absentee voter boards;
 (2) teams of absentee ballot counters; and
 (3) teams of couriers;
 consisting of two (2) voters of the county, one (1) from each of the two
 (2) political parties that have appointed members on the county
 election board.

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

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

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

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

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

(c) An otherwise qualified person is eligible to serve on an absentee
 voter board or as an absentee ballot counter or a courier unless the
 person:

(1) is unable to read, write, and speak the English language;

(2) has any property bet or wagered on the result of the election;

(3) is a candidate to be voted for at the election except as an
 unopposed candidate for **a city office, town office, township
 office, school board office**, precinct committeeman, or state
 convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child,
 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
 of a candidate or declared write-in candidate to be voted for at the
 election except as an unopposed candidate. This subdivision
 disqualifies a person whose relationship to the candidate is the
 result of birth, marriage, or adoption.

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

(1) the candidate is seeking nomination or election to an office in
 an election district that does not consist of the entire county; and

(2) the county election board restricts the duties of the person as
 an absentee voter board member to performing functions that
 could have no influence on the casting or counting of absentee
 ballots within the election district.

SECTION 65. IC 3-11.5-4-23, AS AMENDED BY P.L.147-2020,
 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2021]: Sec. 23. (a) Not later than noon fifty (50) days before election day, each county election board shall notify the county chairmen of the two (2) political parties that have appointed members on the county election board of the number of:

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

to be appointed under section 22 of this chapter.

(b) The county chairmen shall make written recommendations for the appointments to the county election board not later than forty-six (46) days before election day. The county election board shall make the appointments as recommended.

(c) If a county chairman fails to make any recommendations, then the county election board may appoint any voters of the county who comply with section 22 of this chapter.

(d) The county election board may permit an individual who is not a voter to serve as an **absentee board member, other than a member of a board under IC 3-11-10-25**, an absentee ballot counter, or a courier if the individual:

- (1) satisfies the requirements under IC 3-6-6-39; and
- (2) is approved by the unanimous vote of the entire membership of the county election board.

(e) An individual appointed to serve as **an absentee board member, other than the member of a board under IC 3-11-10-25**, an absentee ballot counter or a courier under subsection (d), while serving as an absentee ballot counter or courier:

- (1) is not required to obtain an employment certificate under IC 22-2-18 (before its expiration on June 30, 2021); and
- (2) is not subject to the limitations on time and duration of employment under IC 22-2-18 (before its expiration on June 30, 2021) or IC 22-2-18.1.

(f) The county election board is not required to register as an employer under IC 22-2-18.1.

SECTION 66. IC 3-11.5-5-3 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 3: (a) Except as provided in subsection (b); immediately after:

- (1) the couriers have returned the certificate from a precinct under ~~IC 3-11.5-4-9~~; and
- (2) the absentee ballot counters or the county election board have made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under



~~IC 3-11.5-4-12;~~

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct.

(b) This section applies 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.

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.

SECTION 67. IC 3-11.5-6-3 IS REPEALED [EFFECTIVE JULY 1, 2021]. See: 3: (a) Except as provided in subsection (b), (c), or (d), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

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

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 IC 3-11.5-4-11(c) 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 IC 3-11.5-4-11(d) 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 68. IC 3-11.7-3-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 8. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, the position of absentee ballot counter or provisional ballot counter is not a lucrative office.**

SECTION 69. IC 3-12-3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) Not later than ten (10) days before any election at which ballot cards will be



tabulated at a central counting location, the county election board shall designate the counting location to be used for the processing or counting of ballots.

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

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

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

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

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

SECTION 70. IC 3-12-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) Each petitioner shall furnish a cash deposit for the payment of costs of the recount chargeable to the petitioner. The minimum amount of the cash deposit is one hundred dollars (\$100). The cash deposit shall be deposited in the state recount fund.

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

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



cast for the candidate nominated or elected and the petitioner is not more than one percent (1%) of the total votes cast for all candidates for the nomination or office.

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

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

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

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

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

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

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

(1) If the recount results in a reduction of at least fifty percent (50%) but less than one hundred percent (100%) of the margin of the total certified votes, the petitioner shall receive a refund of that percentage of the unexpended balance.

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

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

(f) A member of the commission may appoint an individual to serve as a proxy of record in the member's place as a member of the commission by filing with the election division a written instrument appointing the proxy of record. The proxy of record has the same authority to act and vote on all matters as does the



member. The member may revoke the authority of the proxy of record at any time. The authority of the proxy of record may either be limited or general concerning the duration or subject matter as set forth by the member in the written instrument appointing the proxy.

SECTION 71. IC 3-14-2-16, AS AMENDED BY P.L.158-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. A person who knowingly does any of the following commits a Level 6 felony:

- (1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.
- (2) Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.
- (3) Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.
- (4) Receives from a voter a ballot prepared by the voter for voting, except:
 - (A) the inspector;
 - (B) a member of the precinct election board temporarily acting for the inspector;
 - (C) a member or an employee of a county election board (acting under the authority of the board and state law) or an absentee voter board member acting under IC 3-11-10; or
 - (D) a member of the voter's household **or family listed in IC 3-6-6-7(a)(4)**, an individual designated as attorney in fact for the voter, or an employee of:
 - (i) the United States Postal Service; or
 - (ii) a bonded courier company;
 (acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.
- (5) Receives a ballot from a person other than one (1) of the poll clerks or authorized assistant poll clerks.
- (6) Delivers a ballot to a voter to be voted, unless the person is:
 - (A) a poll clerk or authorized assistant poll clerk; or
 - (B) a member of a county election board or an absentee voter board acting under IC 3-11-10.
- (7) Delivers a ballot (other than an absentee ballot) to an inspector



that is not the ballot the voter receives from the poll clerk or assistant poll clerk.

(8) Delivers an absentee ballot to a team of absentee ballot counters appointed under IC 3-11.5-4-22, a county election board, a circuit court clerk, or an absentee voting board under IC 3-11-10 that is not the ballot cast by the absentee voter.

(9) Delivers an absentee ballot prepared by the voter for voting to a county election board, except for:

(A) the inspector;

(B) a member of the precinct election board temporarily acting for the inspector;

(C) a member or an employee of a county election board (acting under the authority of the board and in accordance with state law) or an absentee voter board member acting under IC 3-11-10; or

(D) a member of the voter's household **or family listed in IC 3-6-6-7(a)(4)**, or an individual designated as attorney in fact for the voter, an employee of:

(i) the United States Postal Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(10) Possesses an unmarked absentee ballot on or before the date of the election for which the absentee ballot has been printed, unless the person is authorized to possess the absentee ballot under this title as any of the following:

(A) A printer, when arranging for the delivery of unmarked absentee ballots to a county election board under IC 3-11-2.

(B) A county election board member or employee (acting under the authority of the board and in accordance with state law).

(C) An absentee voter board member.

(D) An employee of:

(i) the United States Postal Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot.

(E) An individual authorized under IC 3-11-10-24 to deliver an absentee ballot.



(F) An absentee ballot counter under IC 3-11.5.

(G) A provisional ballot counter.

(H) A precinct election officer.

(I) The voter who applied for the absentee ballot.

(11) Completes or signs an absentee ballot application for a voter, or assists a voter in completing an absentee ballot application in violation of IC 3-11.

SECTION 72. IC 3-14-3-19, AS AMENDED BY P.L.158-2013, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. A person who, for the purpose of inducing or procuring another person to:

(1) apply for or cast an absentee ballot; or

(2) vote or refrain from voting for or against a candidate or for or against a public question at:

(A) an election;

(B) a caucus;

(C) an appointment of a candidate by a political party chairman or central committee officers; or

(D) a political convention;

authorized or required by this title;

gives, offers, or promises to any person any money or other property commits a Level 6 felony.

SECTION 73. IC 5-3-1-2, AS AMENDED BY P.L.21-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), (h), or (i), notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, **at least ten (10) not later than twenty-one (21) days before the date of the election day.**

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made



at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If any officer charged with the duty of publishing any notice required by law is unable to procure publication of notice:

- (1) at the price fixed by law;
- (2) because all newspapers or locality newspapers that are qualified to publish the notice refuse to publish the notice; or
- (3) because the newspapers or locality newspapers referred to in subdivision (2) refuse to post the notice on the newspapers' or locality newspapers' Internet web sites (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers or locality newspapers and on an Internet web site (if required under section 1.5 of this chapter).

(k) This subsection applies if an officer described in subsection (j) or the officer's designee submits a notice to a newspaper or locality newspaper in a timely manner and the newspaper or locality newspaper does not refuse to publish the notice but subsequently fails to publish the notice. If, within the same period required for publishing notice under this section, the officer or officer's designee posts:

- (1) printed notices in three (3) prominent places in the political subdivision; or
- (2) notice on the political subdivision's Internet web site in a location where the notice is easily accessible and identifiable;

the notice is sufficient, and publication of the notice in newspapers or



locality newspapers and on the newspapers' Internet web sites (if required under section 1.5 of this chapter) is not required.

SECTION 74. IC 6-1.1-20-1.9, AS AMENDED BY P.L.41-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.9. (a) As used in this chapter, "registered voter" means the following:

(1) In the case of a petition under section 3.1 of this chapter to initiate a petition and remonstrance process, an individual who is registered to vote in the political subdivision on the date the county voter registration board makes the determination under section 3.1(b)(8) of this chapter regarding whether persons who signed the petition are registered voters.

(2) In the case of:

(A) a petition under section 3.2 of this chapter in favor of the proposed debt service or lease payments; or

(B) a remonstrance under section 3.2 of this chapter against the proposed debt service or lease payments;

an individual who is registered to vote in the political subdivision on the date the county voter registration board makes the determination under section 3.2(b)(5) of this chapter regarding whether persons who signed the petition or remonstrance are registered voters.

(3) In the case of a petition under section 3.5 of this chapter requesting the application of the local public question process under section 3.6 of this chapter concerning proposed debt service or lease payments, an individual who is registered to vote in the political subdivision on the date the county voter registration board makes the determination under section 3.5(b)(8) of this chapter regarding whether persons who signed the petition are registered voters.

(b) As used in this chapter, in the case of an election on a public question held under section 3.6 of this chapter, "eligible voter" means an individual who:

(1) is eligible to vote in the election in the political subdivision in which the public question will be held, as determined under IC 3; and

(2) resides within the boundaries of the political subdivision for which the public question is being considered.

The term does not include an individual who changes residence from a location within a school corporation for a location outside of the school corporation less than thirty (30) days before an election under this chapter.



(c) As used in this chapter, "owner of property" means a person that owns:

- (1) real property;
- (2) a mobile home assessed as personal property, used as a principal place of residence, and receiving the standard property tax deduction under IC 6-1.1-12-37; or
- (3) a manufactured home assessed as personal property, used as a principal place of residence, and receiving the standard property tax deduction under IC 6-1.1-12-37.

SECTION 75. IC 6-1.1-20-3.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.9. An individual who changes residence from a location within a school corporation to a location outside the school corporation less than thirty (30) days before an election under this chapter is not an eligible voter and may not vote on a public question.**

SECTION 76. IC 20-46-1-16, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 16. (a)** The individuals entitled to vote in the referendum are all of the registered voters resident in the appellant school corporation.

(b) An individual who changes residence from a location within a school corporation to a location outside of the school corporation less than thirty (30) days before an election under this chapter may not vote on the public question.

SECTION 77. IC 20-46-9-14, AS ADDED BY P.L.272-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 14. (a)** The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the school corporation are entitled to vote after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than noon:

- (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or
- (2) August 1 if the question is to be placed on the general or municipal election ballot.

(b) However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the



ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon:

(1) sixty (60) days before a special election to be held in May (if the special election is to be held in May); or

(2) August 1 (if the special election is to be held in November).

(c) If the referendum is not conducted at a primary election, general election, or municipal election, the school corporation in which the referendum is to be held shall pay all the costs of holding the referendum.

SECTION 78. IC 20-46-9-16, AS ADDED BY P.L.272-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. **(a)** The individuals entitled to vote in the referendum are all of the registered voters resident in the school corporation.

(b) An individual who changes residence from a location within a school corporation to a location outside of the school corporation less than thirty (30) days before an election under this chapter may not vote on the public question.

SECTION 79. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 398 — Concur

