

SENATE BILL No. 304

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11-4-1.5; IC 3-11.6; IC 3-12-1-17.5; IC 3-14-3-16.

Synopsis: Vote by mail municipal elections. Authorizes a county election board to provide that all municipal primary elections, municipal elections, and special elections for a public question held in the county in odd numbered years be held by all mail voting. Authorizes towns that conduct their own municipal elections to provide that all the town's municipal primary elections, municipal elections, and special elections for a public question held in the town in odd numbered years be held by all mail voting.

Effective: July 1, 2020.

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January 9, 2020, read first time and referred to Committee on Elections.



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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 304

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

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

1 SECTION 1. IC 3-11-4-1.5, AS ADDED BY P.L.169-2015,
2 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 1.5. **(a)** The provisions of this chapter relating to
4 an absentee ballot application do not apply to a voter who votes:
5 (1) in person under IC 3-11-10-26 or IC 3-11-10-26.3; and
6 (2) in a county using an electronic poll book.
7 **(b) The provisions of this chapter relating to an absentee ballot**
8 **application do not apply to a voter who votes by mail under**
9 **IC 3-11.6.**

10 SECTION 2. IC 3-11.6 IS ADDED TO THE INDIANA CODE AS
11 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
12 2020]:
13 **ARTICLE 11.6. ALL MAIL VOTING**
14 **Chapter 1. County Option for Establishing All Mail Voting in**
15 **Certain Elections**
16 **Sec. 1. (a) This article applies to the following:**
17 **(1) An election held in the county if the county election board**



1 **has adopted a resolution under section 2 of this chapter.**
2 **(2) A town election if both of the following apply:**
3 **(A) The town legislative body has adopted a resolution**
4 **under IC 3-10-7-5.5.**
5 **(B) The town election board has adopted a resolution**
6 **under section 3 of this chapter.**
7 **(b) This article does not apply in a county having a consolidated**
8 **city.**
9 **Sec. 2. (a) A county election board may adopt a resolution, by**
10 **unanimous vote of the entire membership of the board, to conduct**
11 **any of the following under this article:**
12 **(1) A municipal primary election.**
13 **(2) A municipal election.**
14 **(3) A special election for a public question.**
15 **(b) A resolution adopted under this section may be adopted only**
16 **in an odd numbered year during the following periods:**
17 **(1) Beginning January 1 and ending March 1.**
18 **(2) Beginning June 1 and ending August 15.**
19 **(c) The resolution does not apply to the election of a town's town**
20 **officers if the town has adopted a resolution under IC 3-10-7-5.5.**
21 **(d) A resolution adopted under this section expires December 31**
22 **after its adoption.**
23 **(e) A copy of a resolution adopted under this section must be**
24 **filed with the election division.**
25 **Sec. 3. (a) This section applies only to a town that has adopted**
26 **a resolution under IC 3-10-7-5.5.**
27 **(b) The town election board may adopt a resolution, by**
28 **unanimous vote of the entire membership of the board, to conduct**
29 **any of the following under this article:**
30 **(1) A municipal primary election.**
31 **(2) A municipal election.**
32 **(3) A special election for a public question held in the town.**
33 **(c) A resolution adopted under this section may be adopted only**
34 **in an odd numbered year during the following periods:**
35 **(1) Beginning January 1 and ending March 1.**
36 **(2) Beginning June 1 and ending August 15.**
37 **(d) A resolution adopted under this section expires December 31**
38 **after its adoption.**
39 **(e) A copy of the resolution adopted under this section must be**
40 **filed with the circuit court clerk.**
41 **Sec. 4. Except as otherwise provided in this article:**
42 **(1) a town election board conducting a municipal election**



1 under this article;
 2 (2) the town executive;
 3 (3) the town clerk-treasurer;
 4 (4) the town's voters; and
 5 (5) the members of the town's political parties;
 6 in a town where a municipal election is conducted under this article
 7 have the same rights and powers, shall perform the same duties,
 8 and are subject to the same qualifications and penalties as the
 9 county election board, the county executive, the circuit court clerk,
 10 or the members of a political party of the town in which an election
 11 is conducted by the county election board under this article.

12 **Sec. 5.** To the extent that they are in conflict with this article, the
 13 following statutes do not apply to a county that has adopted a
 14 resolution under section 2 of this chapter:

- 15 (1) IC 3-7-48.
 16 (2) IC 3-10-1.
 17 (3) IC 3-10-6.
 18 (4) IC 3-10-7.
 19 (5) IC 3-10-8.
 20 (6) IC 3-11-3.
 21 (7) IC 3-11-4.
 22 (8) IC 3-11-8.
 23 (9) IC 3-11-9.
 24 (10) IC 3-11-10.
 25 (11) IC 3-11-11.
 26 (12) IC 3-11-13.
 27 (13) IC 3-11.5.
 28 (14) IC 3-12-1-17.
 29 (15) IC 3-12-2.
 30 (16) IC 3-12-3-12.

31 **Sec. 6.** An absent uniformed services voter or overseas voter is
 32 not subject to the following:

- 33 (1) IC 3-11.6-3.
 34 (2) IC 3-11.6-4.
 35 (3) IC 3-11.6-5.
 36 (4) IC 3-11.6-6.
 37 (5) IC 3-11.6-7.

38 **Sec. 7.** All ballots cast under this article shall be treated in the
 39 same manner as absentee ballots are treated and counted at a
 40 central location as provided in IC 3-11.5.

41 **Sec. 8.** As required by 52 U.S.C. 21081, a county election board
 42 shall establish a voter education program (specific to a paper ballot



1 or optical scan ballot card provided as a ballot under this article)
 2 to notify a voter of the effect of casting multiple votes for a single
 3 office.

4 **Sec. 9. (a) The election division shall prescribe a statement**
 5 **known as the "Voter's Bill of Rights During an All Mail Election".**

6 **(b) The Voter's Bill of Rights During an All Mail Election must**
 7 **be in a form prescribed by the election division and include the**
 8 **following:**

9 **(1) A statement summarizing the rights and responsibilities of**
 10 **the voter when casting and returning the voter's ballot.**

11 **(2) A summary of Indiana and federal laws concerning**
 12 **providing assistance to the voter, completion of the ballot in**
 13 **secret, intimidation of voters, and the return of the ballot to**
 14 **the county election board.**

15 **(3) Information concerning how to report violations of**
 16 **election laws.**

17 **Sec. 10. A voter is not required to provide proof of identification**
 18 **when:**

19 **(1) mailing or delivering a ballot to the county election board**
 20 **under this article; or**

21 **(2) voting at an accessible voting site under IC 3-11.6-5.**

22 **Sec. 11. For purposes of this article, except as specifically**
 23 **provided in this article, a reference to a "circuit court clerk" or a**
 24 **"county election board" is a reference to the board of elections and**
 25 **registration in a county that has a board of elections and**
 26 **registration.**

27 **Chapter 2. Definitions**

28 **Sec. 1. The definitions in this chapter apply throughout this**
 29 **article.**

30 **Sec. 2. "Accessible voting site" refers to a location established**
 31 **under IC 3-11.6-5.**

32 **Sec. 3. "Ballot counter" refers to an individual designated under**
 33 **IC 3-11.5-4-22.**

34 **Sec. 4. "Ballot dropbox" refers to a box made of durable metal**
 35 **that has the capacity to hold at least five hundred (500) ballot**
 36 **return envelopes.**

37 **Sec. 5. A ballot is considered "sent" to a voter if the ballot is:**

38 **(1) sent by United States mail addressed to the voter; or**

39 **(2) personally given to the voter.**

40 **Sec. 6. "SVRS" refers to the statewide voter registration list**
 41 **established under IC 3-7-26.3.**

42 **Sec. 7. "Travel box" means a container with a lid that can be**



1 securely fastened so the contents of the container will not fall out
2 if the container is turned over.

3 Sec. 8. As used in this article, "voter board" refers to the
4 individuals designated under IC 3-11.6-5-14.

5 Chapter 3. Preparation of Ballots and Other Materials

6 Sec. 1. (a) The following may be used to conduct an election
7 under this article:

8 (1) Paper ballots.

9 (2) Optical scan ballots.

10 (3) Both paper and optical scan ballots.

11 (b) Direct record electronic voting systems shall be made
12 available for use by voters with disabilities:

13 (1) at accessible voting sites; and

14 (2) when visited by a voter board under this article.

15 (c) Paper ballots printed for use in an election conducted under
16 this article must conform to all requirements established under
17 IC 3-10-1 and IC 3-11 for paper ballots.

18 (d) Optical scan ballots printed for use in an election conducted
19 under this article must conform to all requirements established
20 under IC 3-10-1 and IC 3-11 for optical scan ballots.

21 (e) Direct record electronic voting systems used under this
22 article must conform to all requirements established under
23 IC 3-10-1 and IC 3-11 for electronic voting systems.

24 Sec. 2. (a) The circuit court clerk shall:

25 (1) not less than sixty (60) days before the date on which a
26 primary or municipal election is held; or

27 (2) not more than three (3) days after the date on which a
28 special election is ordered;

29 estimate the number of ballots that will be required in the county
30 for the election.

31 (b) The circuit court clerk shall update the estimate made under
32 subsection (a) not later than twenty-five (25) days before the
33 election.

34 Sec. 3. (a) All ballots shall be prepared and printed under the
35 direction of the county election board.

36 (b) After completing the estimate required by section 2(a) of this
37 chapter, the county election board shall immediately prepare the
38 ballots and have them printed.

39 (c) After completing the update to the estimate required by
40 section 2(b) of this chapter, if it is determined that more ballots will
41 be required for the election, the county election board shall
42 immediately prepare the additional ballots and have them printed.



1 (d) Ballots prepared by the county election board under this
2 section must provide space for the voter to cast a write-in vote
3 unless there are no declared write-in candidates for that office.

4 Sec. 4. (a) Subject to IC 3-5-4-9, a ballot that is prepared and
5 printed under this chapter must bear the circuit court clerk's
6 (including in a county with a board of elections and registration)
7 official seal and signature or facsimile signature on the back of the
8 ballot.

9 (b) Before the ballot is mailed, the two (2) appointed members
10 of the county election board or their designated representatives
11 shall place their initials in ink on the back of the ballot. The initials
12 must be in the individual's ordinary handwriting or printing and
13 without a distinguishing mark of any kind. No other initialing of
14 the ballot is necessary.

15 Sec. 5. (a) This subsection applies to ballots prepared and
16 printed under section 3(b) of this chapter. The ballots shall be
17 delivered to the circuit court clerk not later than fifty (50) days
18 before the primary, special, or municipal election.

19 (b) This subsection applies to ballots prepared and printed
20 under section 3(c) of this chapter. The ballots shall be delivered to
21 the circuit court clerk not later than twenty-one (21) days before
22 the primary, special, or municipal election.

23 Sec. 6. Each package of ballots delivered must be plainly
24 marked, on an appropriate attached label, with the words: "This
25 package contains ____ (giving number of ballots) ballots." The
26 circuit court clerk shall:

- 27 (1) securely keep all ballots in the clerk's office; and
- 28 (2) distribute the ballots to voters as provided in this article.

29 Sec. 7. (a) Before a ballot is sent to a voter, the county election
30 board shall determine whether:

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

35 (b) If the voter has not filed the required documentation, the
36 county election board shall add a notation in the SVRS indicating
37 that the voter will be required to provide additional documentation
38 to the county voter registration office under IC 3-7-33-4.5 before
39 the ballot may be counted.

40 Sec. 8. (a) This section applies only to a primary election.

41 (b) To be eligible to participate in the election, a voter must file
42 an affidavit of affiliation on a form prescribed by the election



- 1 division.
- 2 (c) The form prescribed under subsection (b) must contain the
- 3 following information:
- 4 (1) The voter's last, first, and middle name, in that order.
- 5 (2) The voter's date of birth.
- 6 (3) The voter's current residence address.
- 7 (4) The voter's statement that the voter affiliates with one (1)
- 8 of the major political parties in Indiana and requests that the
- 9 circuit court clerk send to the voter the major political party
- 10 ballot of the political party with which the voter has affiliated.
- 11 (d) The voter must sign the form.
- 12 (e) Not later than seventy-four (74) days before the primary
- 13 election, the circuit court clerk shall mail an affidavit of affiliation
- 14 to each registered voter who resides in a municipality where a
- 15 primary election will be held under this article.
- 16 (f) If a public question is on the ballot at a primary election, and
- 17 a voter does not file an affidavit of affiliation, the voter may vote
- 18 a ballot containing only the public question.
- 19 **Sec. 9. (a) The county election board shall, eighteen (18) days**
- 20 **before the election, mail a ballot, postage fully prepaid, as follows:**
- 21 (1) If the election is a special election or a municipal election,
- 22 the county election board shall mail a ballot to each registered
- 23 voter who resides in a municipality where an election will be
- 24 held under this article at the mailing address for the voter
- 25 shown in the SVRS.
- 26 (2) If the election is a primary election and the voter has filed
- 27 an affidavit of affiliation with the county election board under
- 28 section 8 of this chapter, the county election board shall mail
- 29 a ballot to the voter at the voter's mailing address shown for
- 30 the voter in the SVRS.
- 31 (3) If the election is a primary election and the voter has not
- 32 filed an affidavit of affiliation with the county election board
- 33 under section 8 of this chapter, the county election board shall
- 34 mail a notice to the voter at the voter's mailing address shown
- 35 for the voter in the SVRS. The notice must state the following:
- 36 (A) How the voter can obtain a copy of the affidavit.
- 37 (B) That if the county election board receives the voter's
- 38 affidavit of affiliation not later than eight (8) days before
- 39 the election, the county election board will mail a ballot to
- 40 the voter.
- 41 (C) That if the county election board does not receive the
- 42 voter's affidavit of affiliation as provided in clause (B), the



- 1 voter may vote at an accessible voting site after executing
2 the affidavit.
- 3 The county election board may include other information in
4 the notice that the county election board considers useful for
5 the voter to know to vote in the election.
- 6 (b) If the county election board mails a ballot to a voter required
7 to file additional documentation with the county voter registration
8 office, the board shall include a notice to the voter with the ballot
9 and envelope mailed to the voter under section 10 of this chapter.
10 The notice must state the following:
- 11 (1) That the voter must file the additional documentation
12 required under IC 3-7-33-4.5 with the county voter
13 registration office not later than noon on election day for the
14 ballot to be counted under IC 3-11.6-7.
- 15 (2) That, if the documentation required under IC 3-7-33-4.5
16 is filed after noon and before 6 p.m. on election day, the ballot
17 will be processed as a provisional ballot.
- 18 The election division shall prescribe the form of this notice.
- 19 (c) If the county election board determines that the county voter
20 registration office has received an application from an applicant
21 for registration at an address within the precinct indicated on the
22 application, and the county election board determines that this
23 application is pending under IC 3-7-33, the ballot shall be mailed
24 on the date the county voter registration office indicates under
25 IC 3-7-33-5 that the applicant is a registered voter.
- 26 (d) A copy of the voter's bill of rights prescribed under
27 IC 3-11.6-1-9 shall be sent with the ballot.
- 28 (e) As provided by 52 U.S.C. 21081, when a ballot is sent under
29 this section, the mailing must include:
- 30 (1) information concerning the effect of casting multiple votes
31 for an office; and
- 32 (2) instructions on how to correct the ballot before the ballot
33 is cast and counted, including the issuance of replacement
34 ballots.
- 35 **Sec. 10.** A ballot mailed under section 9 of this chapter must be
36 enclosed with an unsealed envelope that is stamped for return to
37 the county election board by at least first class mail. One (1) side of
38 the envelope must bear the name, official title, and post office
39 address of the county election board. The county election board
40 shall furnish the preaddressed, stamped envelope.
- 41 **Sec. 11.** (a) On the reverse side of the envelope described by
42 section 10 of this chapter, an affidavit must be printed with the



1 name of the precinct completed by the county election board. The
 2 affidavit must provide that the voter affirms under penalty of
 3 perjury that the following information is true:

4 (1) That the voter is:

5 (A) a resident of; or

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

8 (2) The voter's complete residence address, including the
 9 name of the:

10 (A) city or town; and

11 (B) county.

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

14 (4) That:

15 (A) the voter has personally marked the enclosed ballot in
 16 secret and has enclosed it in the envelope and sealed it
 17 without exhibiting it to any other person; or

18 (B) the voter personally marked the enclosed ballot,
 19 enclosed it in the envelope, and sealed it with the assistance
 20 of an individual whose name is stated on the envelope and
 21 who affirms under penalty of perjury that the voter was
 22 not coerced or improperly influenced by the individual
 23 assisting the voter or any other person, in a manner
 24 prohibited by Indiana or federal law, to cast the ballot for
 25 or against any candidate, political party, or public
 26 question.

27 (5) The date and the voter's signature.

28 (b) If the affidavit is signed by an attorney in fact, the name of
 29 the attorney in fact must also be printed.

30 (c) The side of the envelope containing this affidavit must also
 31 set forth the penalties for perjury.

32 Sec. 12. The circuit court clerk shall keep a separate ballot
 33 record for each precinct in the county.

34 Sec. 13. (a) This section applies only to a voter with disabilities
 35 who otherwise would be eligible to vote by absentee ballot under
 36 IC 3-11-10-25.

37 (b) A voter must submit a request for assistance from a voter
 38 board not later than nineteen (19) days before the election.

39 (c) If a voter submits a request under subsection (b), a voter
 40 board shall visit the voter's place of residence:

41 (1) during the circuit court clerk's regular office hours;

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



- 1 (3) on any of the eighteen (18) days immediately before
2 election day; and
3 (4) only once before an election.
- 4 (d) As provided by 52 U.S.C. 21081, a voter casting a ballot
5 under this section must be:
6 (1) permitted to verify in a private and independent manner
7 the votes given by the voter before the ballot is cast and
8 counted;
9 (2) provided the opportunity to change the ballot or correct
10 any error in a private and independent manner before the
11 ballot is cast and counted, including the opportunity to receive
12 a replacement ballot if the voter is otherwise unable to change
13 or correct the ballot; and
14 (3) notified before the ballot is cast regarding the effect of
15 casting multiple votes for an office and provided the
16 opportunity to correct the ballot before the ballot is cast and
17 counted.
- 18 (e) A voter board may provide assistance to a voter under
19 IC 3-11.6-5-11.
- 20 Sec. 14. (a) A request submitted by a voter under section 13 of
21 this chapter must be made on a form prescribed by the election
22 division.
- 23 (b) The form must contain the following information:
24 (1) The voter's last, first, and middle name, in that order.
25 (2) The voter's date of birth.
26 (3) The voter's current residence address.
27 (4) A space for the voter's voter identification number or last
28 four (4) digits of the voter's Social Security number.
29 (5) The voter's statement that the voter requests:
30 (A) that a voter board visit the voter's residence and
31 deliver a ballot to the voter; and
32 (B) that the voter wishes to complete the ballot with the
33 assistance of the voter board.
- 34 (c) The voter must sign the form.
- 35 (d) Not later than seventy-four (74) days before the election, the
36 circuit court clerk shall mail the form prescribed under this section
37 to each voter who submitted an application for an absentee ballot
38 under IC 3-11-10-25 for the most recent general election with
39 instructions to the voter on how to complete and submit the form
40 to the circuit court clerk.
- 41 Sec. 15. (a) This section applies to a voter who will be absent
42 from the voter's mailing address as shown in the SVRS.



- 1 **(b) A voter may temporarily change the voter's mailing address**
- 2 **for the purpose of receiving a ballot under this article.**
- 3 **(c) A voter must file with the circuit court clerk a request to**
- 4 **temporarily change the voter's mailing address to receive a ballot**
- 5 **from the county election board not later than twenty-five (25) days**
- 6 **before the election.**
- 7 **Sec. 16. (a) A request by a voter under section 15 of this chapter**
- 8 **must be made on a form prescribed by the election division.**
- 9 **(b) The form must contain the following information:**
- 10 **(1) The voter's last, first, and middle name, in that order.**
- 11 **(2) The voter's date of birth.**
- 12 **(3) The voter's current residence address.**
- 13 **(4) The voter's current mailing address, including the street**
- 14 **address, apartment number or other designation, or the name**
- 15 **and room number of the hotel or lodging house.**
- 16 **(5) The voter's temporary mailing address, including the**
- 17 **street address, apartment number or other designation, or the**
- 18 **name and room number of the hotel or lodging house.**
- 19 **(6) The voter's:**
- 20 **(A) statement that the voter will not be present or be able**
- 21 **to access the voter's current mailing address during the**
- 22 **period that ballots will be sent under this chapter; and**
- 23 **(B) request that a ballot be mailed to the temporary**
- 24 **mailing address.**
- 25 **(c) The voter must sign the form.**
- 26 **Chapter 4. Completion of Mail Ballot by Voter**
- 27 **Sec. 1. A voter voting under this article must make and**
- 28 **subscribe to the affidavit prescribed by IC 3-11.6-3-11. The voter**
- 29 **must then do the following:**
- 30 **(1) Mark the ballot in the presence of no other person.**
- 31 **(2) Fold the ballot separately.**
- 32 **(3) Fold the ballot so as to conceal the marking.**
- 33 **(4) Enclose the ballot in the envelope provided, with the seal**
- 34 **and signature of the circuit court clerk on the outside.**
- 35 **(5) Securely seal the envelope.**
- 36 **(6) Do one (1) of the following:**
- 37 **(A) Mail the envelope to the county election board.**
- 38 **(B) Deliver the envelope in person to an accessible voting**
- 39 **site.**
- 40 **(C) Deliver the envelope to a member of the voter's**
- 41 **household or a person designated as the voter's attorney in**
- 42 **fact under IC 30-5 for delivery to the county election**



- 1 **board:**
- 2 (i) in person by hand delivery to an accessible voting site;
- 3 (ii) by United States mail; or
- 4 (iii) by a bonded courier company.
- 5 **Sec. 2. (a) A voter voting under this article may mark a ballot**
- 6 **with a pen or a lead pencil.**
- 7 (b) A person may not engage in electioneering (as defined in
- 8 **IC 3-14-3-16) in the presence of a voter whom the person knows**
- 9 **possesses a ballot provided to the voter in accordance with Indiana**
- 10 **law.**
- 11 **Sec. 3. (a) For the purposes of this section, "reasonable time"**
- 12 **refers to five (5) or fewer days after a ballot was delivered by the**
- 13 **circuit court clerk to a United States post office.**
- 14 (b) This section applies when a voter who has been mailed a
- 15 **ballot under IC 3-11.6-3 notifies the county election board that the**
- 16 **ballot:**
- 17 (1) has been destroyed;
- 18 (2) has been lost;
- 19 (3) has been spoiled;
- 20 (4) is defective; or
- 21 (5) has not been received by the voter after a reasonable time
- 22 **has elapsed for delivery of the ballot by mail.**
- 23 (c) As required under 52 U.S.C. 21081, the voter may obtain a
- 24 **replacement ballot under the procedures set forth in this chapter**
- 25 **after the voter files a statement with the county election board. The**
- 26 **statement must:**
- 27 (1) affirm, under penalties of perjury, that the voter did not
- 28 **receive the ballot (or that the ballot was received by the voter,**
- 29 **but was destroyed, lost, spoiled, or is defective); and**
- 30 (2) set forth any facts known by the voter concerning the
- 31 **destruction, loss, spoiling, or defectiveness of the ballot.**
- 32 (d) After a voter files a statement required under subsection (c),
- 33 **the circuit court clerk shall:**
- 34 (1) issue a replacement ballot to the voter as provided in this
- 35 **chapter; and**
- 36 (2) keep a record of each replacement ballot issued to a voter.
- 37 (e) After receiving the replacement ballot, the voter shall
- 38 **destroy any lost, spoiled, defective, or delayed ballot that comes**
- 39 **into the voter's possession.**
- 40 **Sec. 4. (a) This section applies to a replacement ballot issued**
- 41 **under section 3 of this chapter.**
- 42 (b) The circuit court clerk shall enclose the replacement ballot



1 in an envelope that complies with IC 3-11.6-3-10 and
 2 IC 3-11.6-3-11. The envelope must contain a notation that the
 3 envelope contains a replacement ballot.

4 (c) If the county election board receives both an original ballot
 5 and replacement ballot issued under section 3 of this chapter from
 6 the same voter, the board shall reject the original ballot and accept
 7 the replacement ballot.

8 **Sec. 5. (a) This section applies only to a voter with disabilities**
 9 **otherwise eligible to vote by absentee ballot under IC 3-11-10-25.**

10 (b) A voter who:

11 (1) does not submit a request for assistance by a voter board
 12 under IC 3-11.6-3-13; and

13 (2) receives a ballot from the circuit court clerk under
 14 IC 3-11.6-3;

15 may contact the circuit court clerk and request that a voter board
 16 visit the voter's residence and assist the voter with completing the
 17 voter's ballot.

18 (c) The clerk shall assign a voter board to visit a voter who
 19 contacts the clerk under subsection (b).

20 (d) The voter board shall, when visiting the voter at the voter's
 21 residence:

22 (1) have the voter complete the form prescribed under
 23 IC 3-11.6-3-14;

24 (2) give to the voter a new ballot and ballot return envelope;

25 (3) assist the voter when requested under section 6 of this
 26 chapter; and

27 (4) ensure that IC 3-11.6-3-13(d) is not violated.

28 **Sec. 6. (a) A voter voting before a voter board visiting the**
 29 **voter's residence must mark the voter's ballot in the presence of**
 30 **the voter board, but not in such a manner that either of the**
 31 **members of the board can see for whom the voter voted, unless the**
 32 **voter requests the help of the voter board in marking the ballot**
 33 **under IC 3-11.6-5-11.**

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

36 (c) This subsection applies to a voter required to present
 37 additional information under IC 3-7-33-4.5. If the voter does not
 38 present the required additional information before receiving the
 39 ballot, the ballot shall be processed in accordance with
 40 IC 3-11.6-3-9(b). Upon accepting the completed ballot from the
 41 voter, the voter board shall provide the voter with a notice:

42 (1) listing the documentation the voter may submit to the



1 county voter registration office to comply with IC 3-7-33-4.5;
2 and

3 (2) stating the address and hours of the county voter
4 registration office.

5 **Sec. 7. (a) This section applies to an individual:**

6 (1) who resides in an election district in which an election is
7 conducted under this article; and

8 (2) whose name does not appear on the county poll list on the
9 eighteenth day before the election.

10 (b) A voter who does not receive a ballot from the circuit court
11 clerk under IC 3-11.6-3-9 may visit an accessible voting site to vote.

12 (c) If a voter would otherwise be eligible to receive a regular
13 ballot under IC 3-7-48, the voter shall be given:

14 (1) a ballot;

15 (2) any instructions provided under IC 3-11.6-3-9;

16 (3) a voter bill of rights prescribed under IC 3-11.6-1-9; and

17 (4) an envelope and affidavit prescribed under IC 3-11.6-3-10
18 and IC 3-11.6-3-11.

19 (d) The voter must complete the ballot at the voting site and
20 place the ballot in the envelope provided to the voter. The voter
21 shall hand the completed and sealed ballot envelope to the voter
22 board before leaving the accessible voting site.

23 (e) The procedures for completing a provisional ballot under
24 IC 3-11.7 apply to this subsection. If a voter would otherwise be:

25 (1) ineligible to receive a regular ballot under IC 3-7-48; or

26 (2) permitted to cast a provisional ballot under IC 3-7-48;

27 the voter shall be given a provisional ballot.

28 **Chapter 5. Accessible Voting Sites**

29 **Sec. 1. A voter is entitled to cast a ballot sent by the circuit court**
30 **clerk under IC 3-11.6-3-9 before a voter board at any of the**
31 **following accessible voting sites:**

32 (1) One (1) location of the office of the circuit court clerk
33 designated by the circuit court clerk.

34 (2) Any additional sites established under section 2 of this
35 chapter.

36 **Sec. 2. A county shall establish at least one (1) additional**
37 **accessible voting site for each two thousand five hundred (2,500)**
38 **registered voters eligible to participate in the election.**

39 **Sec. 3. (a) Beginning fifteen (15) days before the election and**
40 **ending on the day before the election, each accessible voting site**
41 **shall be open for at least seven (7) hours every day except Sunday.**

42 (b) On election day, each accessible voting site established under



1 section 1 of this chapter must be open from 6 a.m. to 6 p.m.

2 Sec. 4. A voter may do the following at an accessible voting site:

3 (1) Bring in and complete a ballot sent to the voter under
4 IC 3-11.6-3-9.

5 (2) Request a replacement ballot under IC 3-11.6-4-3 by:

6 (A) completing a statement under IC 3-11.6-4-3(c);

7 (B) completing the replacement ballot at the accessible
8 voting site;

9 (C) sealing the replacement ballot in a ballot envelope
10 provided to the voter by the voter board; and

11 (D) hand delivering the replacement ballot to the voter
12 board.

13 (3) Hand deliver the voter's ballot sealed in the ballot
14 envelope.

15 Sec. 5. The following apply to a facility in which an accessible
16 voting site is located:

17 (1) The county election board shall locate each accessible
18 voting site established under section 2 of this chapter in an
19 accessible facility as defined in IC 3-11-8-1.2.

20 (2) IC 3-11-8-4.

21 (3) IC 3-11-8-6.3.

22 Sec. 6. (a) Each voter board at an accessible voting site must
23 have at least one (1) of the following:

24 (1) An electronic poll book that is approved for use in Indiana
25 by the secretary of state under IC 3-11-18.1.

26 (2) Access to the SVRS through a secured connection.

27 (3) A daily report from the circuit court clerk showing:

28 (A) voters who have returned a ballot to the county
29 election board;

30 (B) voters who have requested a replacement ballot; and

31 (C) voters who have returned a replacement ballot.

32 (b) In addition to the requirements under IC 3-11-8-10.3, an
33 electronic poll book must allow a member of a voter board to enter
34 information indicating when a voter requests a replacement ballot
35 at the voting site.

36 (c) Each electronic poll book used at a voting site shall be
37 updated at least one (1) time each day showing each voter who
38 delivered a return ballot envelope to the county election board.

39 Sec. 7. (a) The procedures of IC 3-11-8-11 apply when the hour
40 for closing an accessible voting site arrives.

41 (b) The resolution adopted under IC 3-11.6-1-2 or IC 3-11.6-1-3
42 may describe how IC 3-11-8-11 shall be applied at the accessible



1 voting sites.

2 **Sec. 8. After the opening of an accessible voting site on each day**
 3 **the accessible voting site must be open under section 3 of this**
 4 **chapter, there may be no adjournment or recess until after the**
 5 **accessible voting site has been closed for the day and the voter**
 6 **board is ready to leave with the ballot envelopes and other**
 7 **documents and papers to be delivered to the county election board.**

8 **Sec. 9. Only the following individuals are permitted in an**
 9 **accessible voting site during the hours it is open:**

- 10 (1) **Members of the voter board.**
 11 (2) **Deputy election commissioners.**
 12 (3) **Watchers.**
 13 (4) **Voters for the purposes described in section 4 of this**
 14 **chapter.**
 15 (5) **A member of the county election board, acting on behalf**
 16 **of the board.**
 17 (6) **A technician authorized to act on behalf of the county**
 18 **election board to repair a voting system or other equipment**
 19 **used for voting at the accessible voting site, if the technician**
 20 **bears credentials signed by each member of the board.**
 21 (7) **The secretary of state, as chief election officer of the state,**
 22 **or the secretary's designee, unless the individual serving as**
 23 **secretary of state is a candidate for nomination or election to**
 24 **an office at the election.**

25 **Sec. 10. A person may not remain within a distance equal to the**
 26 **length of the chute of the entrance to the polls except for the**
 27 **purpose of offering to vote.**

28 **Sec. 11. (a) This section applies to each accessible voting site.**

29 **(b) A voter who:**

- 30 (1) **is a voter with disabilities; or**
 31 (2) **is unable to read or write English;**
 32 **may request assistance from a voter board with voting before**
 33 **completing the voter's ballot.**

34 **(c) The members of the voter board shall execute a sworn**
 35 **affidavit on a form to the best of each individual's knowledge that**
 36 **the voter:**

- 37 (1) **is a voter with disabilities or is unable to read or speak**
 38 **English; and**
 39 (2) **has requested assistance in voting.**

40 **(d) The voter board shall then accompany the voter into the**
 41 **voting booth to assist the voter in marking the voter's ballot.**

42 **Sec. 12. Each of the following that would be provided to a**



1 precinct polling location in the county under IC 3-11 shall be
2 provided to each accessible voting site:

3 (1) Notices to the voter.

4 (2) Warnings to the voter.

5 (3) Pens, pencils, or marking devices used to mark a voter's
6 ballot.

7 (4) Sample ballots.

8 (5) Voting booths or compartments for a voter to complete the
9 voter's ballot in private.

10 Sec. 13. (a) After the closing of an accessible voting site each day
11 that the accessible voting site must be open to voters, the voter
12 board shall do all of the following:

13 (1) Gather all sealed ballot envelopes, completed forms, and
14 affidavits and place them in a travel box.

15 (2) Secure and lock all doors and entrances to the accessible
16 voting site.

17 (3) Transport and deliver the travel box to the circuit court
18 clerk.

19 (b) This subsection does not apply on election day. When the
20 circuit court clerk receives a travel box, the clerk shall remove the
21 contents of the travel box and return the travel box to the voter
22 board.

23 (c) This subsection does not apply on election day. One (1)
24 member of the voter board shall take possession of the travel box
25 and return the travel box to the accessible voting site not later than
26 the opening of the accessible voting site on the following day.

27 (d) This subsection applies only on election day. The circuit
28 court clerk shall keep the travel box once it is delivered by the
29 voter board.

30 Sec. 14. (a) Each county election board shall appoint voter
31 boards consisting of two (2) voters of the county, one (1) from each
32 of the two (2) political parties that have appointed members on the
33 county election board.

34 (b) The county election board may appoint additional members
35 or assistants to the voter board consisting of two (2) voters of the
36 county, one (1) from each of the two (2) political parties that have
37 appointed members on the county election board.

38 (c) An otherwise qualified individual is eligible to serve on a
39 voter board unless the individual:

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

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



1 (3) is a candidate to be voted for at the election except as an
 2 unopposed candidate for precinct committeeman or state
 3 convention delegate; or
 4 (4) is the spouse, parent, father-in-law, mother-in-law, child,
 5 son-in-law, daughter-in-law, grandparent, grandchild,
 6 brother, sister, brother-in-law, sister-in-law, uncle, aunt,
 7 nephew, or niece of a candidate or declared write-in candidate
 8 to be voted for at the election except as an unopposed
 9 candidate. This subdivision disqualifies a person whose
 10 relationship to the candidate is the result of birth, marriage,
 11 or adoption.

12 (d) An individual who is a candidate to be voted for at the
 13 election or who is related to a candidate in a manner that would
 14 result in disqualification under subsection (c) may, notwithstanding
 15 subsection (c), serve as a member of a voter board if:

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

23 Sec. 15. (a) Not later than noon fifty (50) days before election
 24 day, the county election board shall notify the county chairmen of
 25 the two (2) political parties that have appointed members on the
 26 county election board of the number of voter boards to be
 27 appointed under section 14 of this chapter.

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

32 (c) If a county chairman fails to make any recommendations, the
 33 county election board may appoint any voters of the county who
 34 comply with section 14 of this chapter.

35 Chapter 6. Ballot Dropbox

36 Sec. 1. A voter may return a completed ballot sealed in a ballot
 37 envelope to the county election board by depositing the ballot
 38 envelope in a ballot dropbox.

39 Sec. 2. (a) Not later than thirty-five (35) days before the election,
 40 the county election board shall make arrangements to place ballot
 41 drop boxes in various locations in the municipalities of the county
 42 where the election will be held.



1 (b) The county election board shall provide at least one (1)
2 ballot dropbox for each two thousand five hundred (2,500)
3 registered voters who reside in an election district where an
4 election is conducted under this article.

5 Sec. 3. Each ballot dropbox provided under section 2 of this
6 chapter must:

7 (1) have an opening in the lid sufficient only for a single ballot
8 return envelope;

9 (2) have at least two (2) locks of different kinds and
10 combinations, so that the key to one (1) lock will not unlock
11 the other lock; and

12 (3) be constructed to prevent fraud, including a place where
13 a seal can be placed across the opening from which ballot
14 envelopes are removed.

15 Sec. 4. (a) The county election board shall assign as many voter
16 boards as necessary to open and collect all ballot return envelopes
17 deposited in a ballot dropbox each day that an accessible voting site
18 is open under IC 3-11.6-5.

19 (b) Beginning eighteen (18) days before the election, the county
20 election board shall make arrangements for a voter board to open
21 each ballot dropbox between 6 p.m. and 7:30 p.m. each day
22 through election day.

23 (c) The circuit court clerk shall keep the keys and seals for each
24 ballot dropbox.

25 (d) A voter board shall arrive at the circuit court clerk's office
26 not later than 5 p.m. before visiting a ballot dropbox.

27 (e) The circuit court clerk shall give to members of the voter
28 board:

29 (1) A new seal to replace the seal that will be broken when the
30 voter board opens the ballot dropbox.

31 (2) One (1) of the keys necessary to open the ballot dropbox to
32 one (1) of the members of the voter board.

33 (3) One (1) of the keys necessary to open the ballot dropbox to
34 the other member of the voter board.

35 (4) A log for the voter board to note all of the following:

36 (A) The date and time the voter board arrived at the ballot
37 dropbox.

38 (B) The date and time the voter board broke the seal and
39 opened the ballot dropbox.

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

41 (D) A place to mark "yes" or "no" to the statement, "Was
42 the seal on the ballot dropbox broken before the ballot



- 1 dropbox was unlocked?".
- 2 (E) The time the ballot drop box was locked by the voter
- 3 board.
- 4 (F) The number of the seal applied to the ballot dropbox
- 5 after it is locked.
- 6 (G) A place for each member of the voter board to sign the
- 7 log.
- 8 (5) A travel box.
- 9 (f) After receiving the material from the circuit court clerk
- 10 under subsection (e), the voter board shall visit the ballot dropbox
- 11 assigned to the voter board by the circuit court clerk.
- 12 (g) After unlocking the ballot dropbox, the voter board shall
- 13 transfer all ballot return envelopes in the ballot dropbox to a travel
- 14 box.
- 15 (h) The voter board shall close the opening of the ballot
- 16 dropbox, lock the ballot dropbox, and apply a new seal to a ballot
- 17 dropbox.
- 18 (i) Immediately after the requirements in subsection (h) are
- 19 completed, the voter board shall return the travel box to the circuit
- 20 court clerk.
- 21 Sec. 5. (a) This section applies when a voter board finds and
- 22 reports on the log provided under section 4(e)(4) of this chapter
- 23 that a seal to the ballot dropbox was broken before the ballot
- 24 dropbox was unlocked.
- 25 (b) Ballots found in the dropbox shall be handled by the circuit
- 26 court clerk under IC 3-11.6-7-7.
- 27 Sec. 6. (a) Not later than three (3) days after the election, the
- 28 circuit court clerk shall have each ballot dropbox collected and
- 29 returned to the clerk's office.
- 30 (b) Not later than five (5) days after the election, the circuit
- 31 court clerk (or the clerk's designee) shall unlock each ballot
- 32 dropbox.
- 33 (c) If a ballot return envelope is found in a ballot dropbox when
- 34 opened under subsection (b), the envelope shall be delivered to the
- 35 county election board.
- 36 (d) The county election board shall:
- 37 (1) reject the ballot;
- 38 (2) have the statement "rejected by the county election board"
- 39 printed on the ballot return envelope; and
- 40 (3) have the circuit court clerk seal the ballot envelope with
- 41 any other ballots rejected under this title.
- 42 Chapter 7. General Procedures for Collecting and Counting



1 **Ballots**

2 **Sec. 1. Each circuit court clerk shall do the following:**

3 (1) **Keep a separate ballot record for each precinct in the**
4 **county.**

5 (2) **Certify the names of the voters whose ballots have been**
6 **received by the county election board when the county voter**
7 **registration office updates information to an electronic poll**
8 **book under IC 3-11.6-5-6(c).**

9 **Sec. 2. (a) This section applies to a voter voting on a ballot that**
10 **is defective and ordered corrected under IC 3-11-2-16 or includes**
11 **a candidate for election to the office who:**

12 (1) **ceases to be a candidate; and**

13 (2) **is succeeded by a candidate selected under IC 3-13-1 or**
14 **IC 3-13-2.**

15 (b) **Through election day, a voter may recast the ballot on a**
16 **replacement ballot at an accessible voting site under IC 3-11.6-5.**

17 (c) **When a voter returns a replacement ballot to the county**
18 **election board, the circuit court clerk shall do the following:**

19 (1) **Place the request for a replacement ballot under**
20 **IC 3-11.6-4-3 with the voter's original ballot.**

21 (2) **Mark "canceled" on the original ballot.**

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

24 **Sec. 3. (a) This subsection applies to a ballot that is hand**
25 **delivered to a voter board or the circuit court clerk. For the**
26 **purposes of this subsection, a ballot is considered "received" when**
27 **it is in the possession of a voter board or the office of the circuit**
28 **court clerk. A county election board must receive a ballot before 6**
29 **p.m. on election day.**

30 (b) **This subsection applies to a ballot that is mailed to the**
31 **county election board. A county election board must receive a**
32 **ballot not later than noon ten (10) days after the election with a**
33 **ballot envelope that is postmarked not later than the date of the**
34 **election.**

35 **Sec. 4. If a county election board finds that the signature on a**
36 **ballot envelope is not genuine, the board shall write upon the ballot**
37 **envelope the words "The county election board has rejected this**
38 **ballot because the signature of this voter is not genuine."**

39 **Sec. 5. (a) If a county election board unanimously finds that the**
40 **signature on a ballot envelope is genuine, the board shall**
41 **immediately enclose the accepted and unopened ballot envelope in**
42 **a large or carrier envelope. The board may enclose in the same**



1 carrier envelope all ballot envelopes of voters in the same precinct.

2 (b) The envelope shall be securely sealed and endorsed with the
3 name and official title of the circuit court clerk and the following
4 words: "This envelope contains a ballot and must be opened only
5 on election day under IC 3-11.6."

6 Sec. 6. Each circuit court clerk shall keep all accepted ballot
7 envelopes securely in the clerk's office until the ballot envelopes are
8 opened by ballot counters in accordance with IC 3-11.5.

9 Sec. 7. (a) This section applies to a ballot described in
10 IC 3-11.6-6-5.

11 (b) Once the ballots have been delivered to the circuit court
12 clerk, the county election board shall meet and conduct an
13 investigation into the broken seal.

14 (c) If the county election board finds, by unanimous vote of the
15 board's entire membership, that the broken seal was caused by
16 tampering, the ballots contained in the ballot dropbox shall be
17 rejected under IC 3-11.5-4.

18 Chapter 8. Watchers for Political Parties, Candidates, and the
19 Media

20 Sec. 1. The following apply for the purposes of IC 3-6-8,
21 IC 3-6-9, and IC 3-6-10:

22 (1) A voting site shall be treated the same as a precinct polling
23 place.

24 (2) A member of a voter board working at a voting site shall
25 be treated the same as a precinct election official.

26 Sec. 2. (a) A political party and an independent candidate
27 described in IC 3-6-8-1 may each appoint a watcher at a voting
28 site.

29 (b) A watcher appointed under this section:

30 (1) has the rights; and

31 (2) shall follow the requirements;

32 set forth in IC 3-6-8.

33 Sec. 3. (a) A candidate entitled to appoint a watcher under
34 IC 3-6-9 may appoint a watcher at a voting site.

35 (b) A watcher appointed under this section:

36 (1) has the rights; and

37 (2) shall follow the requirements;

38 set forth in IC 3-6-9.

39 Sec. 4. (a) Media entitled to appoint a watcher under IC 3-6-10
40 may appoint a watcher at a voting site.

41 (b) A watcher appointed under this section:

42 (1) has the rights; and



1 **(2) shall follow the requirements;**
 2 **set forth in IC 3-6-10.**

3 SECTION 3. IC 3-12-1-17.5 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2020]: **Sec. 17.5. (a) This section applies only to a ballot sent by**
 6 **mail under IC 3-11.6.**

7 **(b) Notwithstanding IC 3-11-10 and IC 3-11.5, a ballot received**
 8 **from a voter voting in an election to which IC 3-11.6 applies is not**
 9 **considered as arriving too late if both of the following apply:**

10 **(1) The ballot envelope is postmarked not later than the date**
 11 **of the election.**

12 **(2) The ballot is received by the circuit court clerk not later**
 13 **than noon, prevailing local time, ten (10) days after the**
 14 **election.**

15 **(c) If the postmark on the ballot envelope is unclear, the county**
 16 **election board, by unanimous vote of the entire membership of the**
 17 **board, shall determine the postmark date. If the board is unable to**
 18 **determine the postmark date, the ballot may not be counted.**

19 SECTION 4. IC 3-14-3-16, AS AMENDED BY P.L.194-2013,
 20 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2020]: **Sec. 16. (a) As used in this section, "electioneering"**
 22 **includes expressing support or opposition to any candidate or political**
 23 **party or expressing approval or disapproval of any public question in**
 24 **any manner that could reasonably be expected to convey that support**
 25 **or opposition to another individual. The term includes wearing or**
 26 **displaying an article of clothing, sign, button, or placard that states the**
 27 **name of any political party or includes the name, picture, photograph,**
 28 **or other likeness of any currently elected federal, state, county, or local**
 29 **official. The term does not include expressing support or opposition to**
 30 **a candidate or a political party or expressing approval or disapproval**
 31 **of a public question in:**

32 **(1) material mailed to a voter; or**

33 **(2) a telephone or an electronic communication with a voter.**

34 **(b) A person who knowingly does any electioneering:**

35 **(1) on election day within:**

36 **(A) the polls; or**

37 **(B) the chute;**

38 **(2) within an area in the office of the circuit court clerk or a**
 39 **satellite office of the circuit court clerk established under**
 40 **IC 3-11-10-26.3 used by an absentee voter board to permit an**
 41 **individual to cast an absentee ballot; or**

42 **(3) except for a voter who is:**



- 1 (A) the person's spouse;
2 (B) an incapacitated person (as defined in IC 29-3-1-7.5) for
3 whom the person has been appointed the guardian (as defined
4 in IC 29-3-1-6); or
5 (C) a member of the person's household;
6 in the presence of a voter whom the person knows possesses an
7 absentee ballot provided to the voter in accordance with Indiana
8 law;
9 **(4) in the chute going into or at a voting site established under**
10 **IC 3-11.6; or**
11 **(5) in an area within one hundred (100) feet from a ballot**
12 **dropbox established under IC 3-11.6;**
13 commits a Class A misdemeanor.

