

PROPOSED AMENDMENT

HB 1265 # 2

DIGEST

Various elections matters. Modifies the definition of "chute". Allows a circuit court clerk, voter registration official, or county election board to make certain filings by fax or electronic mail. Provides that a voter is permitted to mark the voter's selection of political party on the electronic poll book instead of communicating the selection to the poll clerks. Exempts a political party office on a primary ballot from the ballot arrangement requirement that all candidates for the same office appear on the same page or screen. Requires an electronic poll book to permit reports to be electronically transmitted by the county election board to a political party or independent candidate who is eligible to appoint a watcher. (Current law applies this requirement to a political party or independent candidate who has appointed a watcher.) Permits certain persons credentialed by the Indiana protection and advocacy services commission to be in the polls during an election. Allows a vote center plan amendment to be filed with the election division by fax or electronic mail. Modifies provisions applicable to the notice that must be sent to a voter when a signature mismatch has occurred. Allows a voter to deliver a signature verification affidavit signed by the voter to an absentee voter board at a circuit court clerk's office or satellite location during the period of early voting. Provides that the county election board or board of elections and registration shall not reject an absentee ballot with a missing security envelope signature in certain circumstances if the voter delivers an affidavit of unsigned ballot that is signed by the voter to an absentee voter board at a circuit court clerk's office or satellite location during the period of early voting. Specifies certain employment provisions that apply when a county election board appoints a member of an absentee voter board, absentee ballot counter team, or courier team. Specifies residency requirements that apply to two of the members of a recount commission. Provides that a certificate of candidate selection that violates certain provisions but is accepted for filing is void and that the candidate may not be certified to appear on a general, municipal, or special election ballot.

-
- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-5-2-10 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. "Chute" means the
5 area ~~or pathway~~ that extends fifty (50) feet in ~~length~~, **radius**, measured
6 from the entrance to:
7 **(1) the polls; or**
8 **(2) for purposes of early voting:**
9 **(A) the office of the circuit court clerk; or**
10 **(B) a satellite office of the circuit court clerk established**
11 **under IC 3-11-10-26.3.**
12 If the property line of the polling place **or an office described in**
13 **subdivision (2)** is less than fifty (50) feet from the door or entrance to

1 the polling place **or office**, the chute is measured from the exterior door
 2 or entrance to the polling place **or office** to one-half (1/2) the distance
 3 to the property line of the polling place **or office** nearest to the entrance
 4 to the polls. Whenever there are two (2) or more doors or entrances to
 5 the polls, the inspector of the precinct shall designate one (1) door or
 6 entrance as the door for voters to enter for the purpose of voting."

7 Page 1, between lines 7 and 8, begin a new paragraph and insert:

8 "SECTION 3. IC 3-5-4-1.7, AS AMENDED BY P.L.227-2023,
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2024]: Sec. 1.7. (a) Except as otherwise expressly authorized
 11 or required under this title, a filing by a person with a commission, the
 12 election division, an election board, or a county voter registration office
 13 may not be made by fax or electronic mail.

14 **(b) This subsection does not apply to a petition of nomination**
 15 **described in IC 3-8-2, IC 3-8-3, or IC 3-8-6 that may be forwarded**
 16 **by a county voter registration official to the election division.**
 17 **Notwithstanding subsection (a) and except as provided in**
 18 **IC 3-12-5, a:**

19 **(1) circuit court clerk;**

20 **(2) voter registration official; or**

21 **(3) county election board;**

22 **may make a filing by fax or electronic mail, if the filing is required**
 23 **under this title to be made with the commission or election division.**

24 ~~(b)~~ **(c)** A petition of nomination filed with a county voter
 25 registration office under IC 3-8-2, IC 3-8-2.5, IC 3-8-3, or IC 3-8-6 or
 26 a petition to place a public question on the ballot, or any other petition
 27 filed that requires the county voter registration office to certify the
 28 validity of signatures, may not contain the electronic signature,
 29 including a signature described in IC 26-2-8-106, digital signature,
 30 digitized signature, or photocopied signature of a voter.

31 ~~(c)~~ **(d)** An electronic signature, digital signature, digitized signature,
 32 or photocopied signature of a candidate, campaign finance committee
 33 chairman, or campaign finance committee treasurer may be used for
 34 campaign finance statements and reports filed under IC 3-9."

35 Page 3, between lines 32 and 33, begin a new paragraph and insert:

36 "SECTION 7. IC 3-10-1-24, AS AMENDED BY P.L.278-2019,
 37 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 24. (a) A voter who desires to vote must give
 39 the voter's name and political party to the poll clerks of the precinct on
 40 primary election day. In a vote center county using an electronic poll

1 book, two (2) election officers who are not members of the same
2 political party must be present when a voter signs in on the electronic
3 poll book. The poll clerks shall require the voter to write the following
4 on the poll list or to provide the following information for entry into the
5 electronic poll book:

6 (1) The voter's name.

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

9 (3) The name of the voter's party. **A voter is permitted to mark
10 the voter's selection on the electronic poll book instead of
11 communicating the selection to the poll clerks.** After:

12 (A) the voter writes the voter's party on the poll list; or

13 (B) the voter's party is entered into the electronic poll book;
14 the voter may not change the choice of the voter's party.

15 (b) The poll clerks shall:

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

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

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

22 (c) If the voter is unable to sign the voter's name, the voter must sign
23 the poll list by mark, which must be witnessed by one (1) of the poll
24 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the
25 poll clerk's or assistant poll clerk's initials after or under the mark.

26 (d) The poll list (or each line on a poll list sheet provided to take a
27 voter's current residence address) must include a box under the heading
28 "Address Unchanged" so that the voter may check the box instead of
29 writing the voter's current address on the poll list, or if an electronic
30 poll book is used, the poll clerk may check the box after stating to the
31 voter the address shown on the electronic poll book and receiving an
32 oral affirmation from the voter that the voter's residence address shown
33 on the poll list is the voter's current residence address instead of writing
34 the voter's current residence address on the poll list or reentering the
35 address in the electronic poll book.

36 (e) If the voter makes:

37 (1) a written affirmation on the poll list (or if an electronic poll
38 book is used, a written affirmation in the manner described in
39 IC 3-7-39-7) that the voter resides at an address within the
40 precinct but not at the address shown on the poll list for the

1 precinct; or

2 (2) an oral affirmation of a change of address under IC 3-7-39-7;
3 the county election board shall direct the county voter registration
4 office to transfer the individual's voter registration record to the address
5 within the precinct indicated by the voter."

6 Page 6, between lines 2 and 3, begin new paragraph and insert:

7 "SECTION 9. IC 3-11-2-12.3, AS ADDED BY P.L.227-2023,
8 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 12.3. **(a) This section does not apply to a
10 political party office printed on a primary ballot.**

11 **(b)** A ballot must be arranged so that all candidates for the same
12 office appear on the same page or screen of the ballot."

13 Page 11, between lines 36 and 37, begin a new paragraph and insert:

14 "SECTION 13. IC 3-11-8-10.3, AS AMENDED BY P.L.115-2022,
15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2024]: Sec. 10.3. (a) A reference to an electronic poll list in
17 a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is
18 considered to be a reference to an electronic poll book (as defined by
19 IC 3-5-2-20.5), unless otherwise expressly provided in the vote center
20 plan.

21 (b) An electronic poll book must satisfy all of the following:

22 (1) An electronic poll book must be programmed so that the
23 coordinated action of two (2) election officers who are not
24 members of the same political party is necessary to access the
25 electronic poll book.

26 (2) An electronic poll book may not be connected to a voting
27 system. However, the electronic poll book may be used in
28 conjunction with a voting system if both of the following apply:

29 (A) The electronic poll book contains a device that must be
30 physically removed from the electronic poll book by a person
31 and the device is inserted into the voting system, with no
32 hardware or software connection existing between the
33 electronic poll book and the voting system.

34 (B) All data on the device is erased when the device is
35 removed from the voting system and before the device is
36 reinserted into an electronic poll book.

37 (3) An electronic poll book may not permit access to voter
38 information other than:

39 (A) information provided on the certified list of voters
40 prepared under IC 3-7-29-1; or

- 1 (B) information concerning any of the following received or
 2 issued after the electronic poll list has been downloaded by the
 3 county election board under IC 3-7-29-6:
- 4 (i) The county's receipt of an absentee ballot from the voter.
 - 5 (ii) The county's receipt of additional documentation
 6 provided by the voter to the county voter registration office.
 - 7 (iii) The county's issuance of a certificate of error.
- 8 An electronic poll book may not display whether a voter's
 9 registration record is in active or inactive status.
- 10 (4) The information contained on an electronic poll book must be
 11 secure and placed on a dedicated, private server to secure
 12 connectivity between a precinct polling place or satellite absentee
 13 office and the county election board. The electronic poll book
 14 must have the capability of:
- 15 (A) storing (in external or internal memory) the current local
 16 version of the electronic poll list; and
 - 17 (B) producing a list of audit records that reflect all of the
 18 idiosyncrasies of the system, including in-process audit
 19 records that set forth all transactions.
- 20 (5) The electronic poll book must permit a poll clerk to enter
 21 information regarding an individual who has appeared to vote to
 22 verify whether the individual is eligible to vote, and if so, whether
 23 the voter has:
- 24 (A) already received a ballot at the election;
 - 25 (B) returned an absentee ballot; or
 - 26 (C) submitted any additional documentation required under
 27 IC 3-7-33-4.5.
- 28 (6) After the voter has been provided with a ballot, the electronic
 29 poll book must permit a poll clerk to enter information indicating
 30 that the voter has received a ballot.
- 31 (7) The electronic poll book must transmit the information in
 32 subdivision (6) to the county server so that:
- 33 (A) the server may transmit the information immediately to
 34 every other polling place or satellite absentee office in the
 35 county; or
 - 36 (B) the server makes the information immediately available to
 37 every other polling place or satellite office in the county.
- 38 (8) The electronic poll book must permit reports to be:
- 39 (A) generated by a county election board for a watcher
 40 appointed under IC 3-6-8 at any time during election day; and

- 1 (B) electronically transmitted by the county election board to
2 a political party or independent candidate who ~~has appointed~~
3 **is eligible to appoint** a watcher under IC 3-6-8.
- 4 (9) On each day after absentee ballots are cast before an absentee
5 voter board in the circuit court clerk's office, a satellite office, or
6 a vote center, and after election day, the electronic poll book must
7 permit voter history to be quickly and accurately uploaded into
8 the computerized list (as defined in IC 3-7-26.3-2).
- 9 (10) The electronic poll book must be able to display an electronic
10 image of the signature of a voter taken from:
11 (A) the voter's registration application; or
12 (B) a more recent signature of a voter from an absentee
13 application, poll list, electronic poll book, or registration
14 document.
- 15 (11) The electronic poll book must be used with a signature pad,
16 tablet, or other signature capturing device that permits the voter
17 to make an electronic signature for comparison with the signature
18 displayed under subdivision (10). An image of the electronic
19 signature made by the voter on the signature pad, tablet, or other
20 signature capturing device must be retained and identified as the
21 signature of the voter for the period required for retention under
22 IC 3-10-1-31.1.
- 23 (12) The electronic poll book must include a bar code capturing
24 device that:
25 (A) permits a voter who presents an Indiana driver's license or
26 a state identification card issued under IC 9-24-16 to scan the
27 license or card through the bar code reader or tablet; and
28 (B) has the capability to display the voter's registration record
29 upon processing the information contained within the bar code
30 on the license or card.
- 31 (13) A printer separate from the electronic poll book used in a
32 vote center county may be programmed to print on the back of a
33 ballot card, immediately before the ballot card is delivered to the
34 voter, the printed initials of the poll clerks captured through the
35 electronic signature pad or tablet at the time the poll clerks log
36 into the electronic poll book system.
- 37 (14) The electronic poll book must be compatible with:
38 (A) any hardware attached to the electronic poll book, such as
39 signature capturing devices, bar code capturing devices, and
40 network cards;

- 1 (B) the statewide voter registration system; and
2 (C) any software system used to prepare voter information to
3 be included on the electronic poll book.
- 4 (15) The electronic poll book must have the ability to be used in
5 conformity with this title for:
- 6 (A) any type of election conducted in Indiana; or
7 (B) any combination of elections held concurrently with a
8 general election, municipal election, primary election, or
9 special election.
- 10 (16) The procedures for setting up, using, and shutting down an
11 electronic poll book must be reasonably easy for a precinct
12 election officer to learn, understand, and perform. A vendor shall
13 provide sufficient training to election officials and poll workers
14 to completely familiarize them with the operations essential for
15 carrying out election activities. A vendor shall provide an
16 assessment of learning goals achieved by the training in
17 consultation with VSTOP (as described in IC 3-11-18.1-12).
- 18 (17) The electronic poll book must enable a precinct election
19 officer to verify that the electronic poll book:
- 20 (A) has been set up correctly;
21 (B) is working correctly so as to verify the eligibility of the
22 voter;
23 (C) is correctly recording that a voter received a ballot; and
24 (D) has been shut down correctly.
- 25 (18) The electronic poll book must include the following
26 documentation:
- 27 (A) Plainly worded, complete, and detailed instructions
28 sufficient for a precinct election officer to set up, use, and shut
29 down the electronic poll book.
30 (B) Training materials that:
31 (i) may be in written or video form; and
32 (ii) must be in a format suitable for use at a polling place,
33 such as simple "how to" guides.
34 (C) Failsafe data recovery procedures for information included
35 in the electronic poll book.
36 (D) Usability tests:
37 (i) that are conducted by the manufacturer of the electronic
38 poll book or an independent testing facility using individuals
39 who are representative of the general public;
40 (ii) that include the setting up, using, and shutting down of

- 1 the electronic poll book; and
 2 (iii) that report their results using industry standard reporting
 3 formats.
 4 (E) A clear model of the electronic poll book system
 5 architecture and the following documentation:
 6 (i) End user documentation.
 7 (ii) System-level and administrator level documentation.
 8 (iii) Developer documentation.
 9 (F) Detailed information concerning:
 10 (i) electronic poll book consumables; and
 11 (ii) the vendor's supply chain for those consumables.
 12 (G) Vendor internal quality assurance procedures and any
 13 internal or external test data and reports available to the
 14 vendor concerning the electronic poll book.
 15 (H) Repair and maintenance policies for the electronic poll
 16 book.
 17 (I) As of the date of the vendor's application for approval of
 18 the electronic poll book by the secretary of state as required by
 19 IC 3-11-18.1-12, the following:
 20 (i) A list of customers who are using or have previously used
 21 the vendor's electronic poll book.
 22 (ii) A description of any known anomalies involving the
 23 functioning of the electronic poll book, including how those
 24 anomalies were resolved.
 25 (J) Information concerning batteries used in the electronic poll
 26 book, including the following:
 27 (i) A list of all batteries to be used in the electronic poll
 28 book and any peripherals.
 29 (ii) The expected life span of each battery.
 30 (iii) A log documenting when each battery was installed or
 31 subsequently replaced.
 32 (iv) A schedule for the replacement of each battery not later
 33 than thirty (30) days before the end of the expected life span
 34 of each battery.
 35 (v) Plans to test batteries before each election.
 36 (vi) Plans for the emergency replacement of batteries that
 37 fail on election day or during the thirty (30) days before
 38 election day.
 39 (19) The electronic poll book and any hardware attached to the
 40 electronic poll book must be designed to prevent injury or damage

- 1 to any individual or the hardware, including fire and electrical
2 hazards.
- 3 (20) The electronic poll book must demonstrate that it correctly
4 processes all activity regarding each voter registration record,
5 including the use, alteration, storage, receipt, and transmittal of
6 information that is part of the record. Compliance with this
7 subdivision requires the mapping of the data life cycle of the voter
8 registration record as processed by the electronic poll book.
- 9 (21) The electronic poll book must successfully perform in
10 accordance with all representations concerning functionality,
11 usability, security, accessibility, and sustainability made in the
12 vendor's application for approval of the electronic poll book by
13 the secretary of state as required by IC 3-11-18.1-12.
- 14 (22) The electronic poll book must have the capacity to transmit
15 all information generated by the voter or poll clerk as part of the
16 process of casting a ballot, including the time and date stamp
17 indicating when the voter signed the electronic poll book, and the
18 electronic signature of the voter, for retention on the dedicated
19 private server approved by the county election board for the
20 period required by Indiana and federal law.
- 21 (23) The electronic poll book must:
- 22 (A) permit a voter to check in and sign the electronic poll book
23 even when there is a temporary interruption in connectivity to
24 the Internet; and
- 25 (B) provide for the uploading of each signature so that the
26 signature may be assigned to the voter's registration record.
- 27 (24) The electronic poll book must have the capacity, for each
28 voter who appears on the electronic poll list, to transmit
29 information that a voter cast a provisional ballot:
- 30 (A) from the electronic poll book to the dedicated private
31 server; and
- 32 (B) from the dedicated private server to the voter's record in
33 the statewide voter registration system.
- 34 This functionality may not be disabled.
- 35 (c) The county election board is responsible for the care and custody
36 of all electronic poll books while not in use.
- 37 (d) The county election board is responsible for ensuring that all
38 electronic poll books are dedicated devices to be used only for their
39 intended purpose and for no other activity. Software that is not needed
40 for the essential purpose of running the electronic poll book may not be

1 installed on an electronic poll book.

2 SECTION 14. IC 3-11-8-15, AS AMENDED BY P.L.227-2023,
3 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 15. (a) Only the following persons are
5 permitted in the polls during an election:

- 6 (1) Members of a precinct election board.
- 7 (2) Poll clerks and assistant poll clerks.
- 8 (3) Election sheriffs.
- 9 (4) Deputy election commissioners.
- 10 (5) Pollbook holders and challengers.
- 11 (6) Watchers.
- 12 (7) Voters for the purposes of voting.
- 13 (8) Minor children accompanying voters as provided under
14 IC 3-11-11-8.
- 15 (9) An assistant to a precinct election officer appointed under
16 IC 3-6-6-39.
- 17 (10) An individual authorized to assist a voter in accordance with
18 IC 3-11-9.
- 19 (11) A member of a county election board, acting on behalf of the
20 board.
- 21 (12) A technician authorized to act on behalf of a county election
22 board to repair a voting system (if the technician bears credentials
23 signed by each member of the board).
- 24 (13) Either of the following who have been issued credentials
25 signed by the members of the county election board:
26 (A) The county chairman of a political party.
27 (B) The county vice chairman of a political party.
- 28 However, a county chairman or a county vice chairman who is a
29 candidate for nomination or election to office at the election may
30 not enter the polls under this subdivision.
- 31 (14) The secretary of state, as chief election officer of the state,
32 unless the individual serving as secretary of state is a candidate
33 for nomination or election to an office at the election.
- 34 **(15) A person credentialed by the Indiana protection and
35 advocacy services commission to conduct activities for the
36 protection and advocacy for voting access program provided
37 under 52 U.S.C. 21061.**

38 (b) Except for an individual described in subsection (a)(8) or
39 (a)(10), an individual must be a citizen of the United States to be
40 permitted in the polls during an election.

1 (c) The secretary of state may exempt an individual from the
2 requirement to be a United States citizen.

3 (d) This subsection applies to a simulated election for minors
4 conducted with the authorization of the county election board. An
5 individual participating in the simulated election may be in the polls for
6 the purpose of voting. A person supervising the simulated election may
7 be in the polls to perform the supervision.

8 (e) The inspector of a precinct has authority over all simulated
9 election activities conducted under subsection (d) and shall ensure that
10 the simulated election activities do not interfere with the election
11 conducted in that polling place.

12 **(f) A person described in subsection (a)(15) must carry an**
13 **identification card that clearly states the following:**

14 **(1) The name of the individual carrying the identification**
15 **card.**

16 **(2) A statement that the person is credentialed by the Indiana**
17 **protection and advocacy services commission to enter the**
18 **polling location.**

19 **(3) A brief statement that the individual is conducting**
20 **activities provided under federal law."**

21 Page 13, between lines 13 and 14, begin a new paragraph and insert:
22 "SECTION 17. IC 3-11-18.1-15, AS AMENDED BY P.L.170-2019,
23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2024]: Sec. 15. (a) A county may amend a plan adopted with
25 a county election board's order under section 3 of this chapter.

26 (b) For a county to amend its plan:

27 (1) the county election board or board of elections and
28 registration, by unanimous vote of the entire membership of the
29 board, must approve the plan amendment;

30 (2) all members of the board must sign the amendment; and

31 (3) the amendment must be filed with the election division.

32 (c) A plan amendment takes effect immediately upon filing with the
33 election division, unless otherwise specified by the county election
34 board.

35 **(d) A plan amendment may be filed with the election division by**
36 **fax or electronic mail."**

37 Page 14, between lines 38 and 39, begin a new paragraph and insert:
38 "SECTION 19. IC 3-11.5-4-13.5, AS ADDED BY P.L.109-2021,
39 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2024]: Sec. 13.5. (a) This section applies to an absentee ballot

1 where there is a finding that the voter's signature on the absentee ballot
 2 security envelope affidavit does not correspond to the signature on the
 3 voter's absentee ballot application or electronic poll book, or any
 4 signature by the voter maintained in the statewide voter registration
 5 system.

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

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

13 the absentee ballot security envelope shall not be opened and the ballot
 14 shall not be counted.

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

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

25 (1) **either:**

26 (A) **hand deliver the notice; or**

27 (B) mail the notice by first class United States mail;

28 to the registration address of the voter;

29 (2) send the notice by electronic mail to the voter if an electronic
 30 mail address for the voter is available; and

31 (3) call the voter by telephone to provide notice of the signature
 32 mismatch determination, if a telephone number for the voter is
 33 available;

34 not later than the close of business two (2) business days after the
 35 signature mismatch determination by the county occurs. **If a county
 36 election board is unable to produce the notice from the
 37 computerized list, the county election board may send the notice
 38 provided by the election division.**

39 (e) **If:**

40 (1) **the county election board does not provide the voter with**

1 **the notice described in subsection (d) before the close of**
 2 **business two (2) business days after the signature mismatch is**
 3 **determined; and**
 4 **(2) the voter learns that the notice described in subsection (d)**
 5 **should have been provided;**
 6 **the voter or a representative of the voter may request the notice**
 7 **described in subsection (d) from the county election board or the**
 8 **election division.**

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

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

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

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

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

25 (1) A statement from the county election board or board of
 26 elections and registration notifying the voter that the county has
 27 determined that a signature mismatch has occurred between the
 28 signature of the voter on the absentee ballot security envelope
 29 affidavit and the voter's signature on the absentee ballot
 30 application or electronic poll book, or any signature made by the
 31 voter on file in the statewide voter registration system.

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

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

- 1 (4) A statement that the signature verification affidavit must be:
- 2 (A) placed into a mailing envelope addressed to the county
- 3 election board or board of elections and registration, and either
- 4 mailed with sufficient postage or hand delivered to the board;
- 5 or
- 6 (B) sent to the board by electronic mail or facsimile
- 7 transmission.
- 8 (5) Information provided by the board setting forth the mailing
- 9 address, electronic mail address, or facsimile number of the
- 10 board.
- 11 (6) The name of the voter.

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

17 SIGNATURE VERIFICATION AFFIDAVIT

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

29 _____
 30 Voter's Signature

31 _____
 32 Voter's Printed Name

33 _____
 34 Voter's Registration Address

35 If there is a reason why your signature does not match, please
 36 explain here. Examples include age or disability of the voter or
 37 execution of the absentee affidavit by the person holding the
 38 voter's power of attorney or any person assisting a voter under
 39 IC 3-11-4-2(b) or a member of the voter's immediate household
 40 or power of attorney attesting to the voter's signature on the

1 absentee by mail return envelope under IC 3-11.5-4-13(c). The
2 computerized list shall preprint the name of the voter in the
3 appropriate parts of the affidavit.

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

8 (1) The voter delivers:

9 (A) in person;

10 (B) by mail;

11 (C) by facsimile transmission; or

12 (D) by electronic mail;

13 a signature verification affidavit signed by the voter and the
14 county election board or board of elections and registration
15 receives the affidavit not later than noon, prevailing time, eight
16 (8) days after election day, or the voter, before the close of the
17 polls on election day, completes and files a signature verification
18 affidavit with the inspector or other chief election official of the
19 precinct or vote center within the county. The inspector or vote
20 center official shall forward the signature verification statement
21 to the county election board or board of elections and registration
22 with the other materials from the precinct. **The voter may deliver
23 a signature verification affidavit signed by the voter to an
24 absentee voter board at a circuit court clerk's office or
25 satellite location during the period of early voting described
26 in IC 3-11-10-26.**

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

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

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

38 (†) (k) If, upon conducting the comparison of signatures, the board
39 determines that the signatures match and no other challenges have been
40 made to the ballot, the board shall open the absentee ballot security

1 envelope and add the votes cast on the ballot to the tally for the voter's
2 precinct.

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

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

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

23 SECTION 20. IC 3-11.5-4-13.6, AS ADDED BY P.L.109-2021,
24 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2024]: Sec. 13.6. (a) This section applies to an absentee ballot
26 where there is a finding that the voter's signature on the absentee ballot
27 security envelope affidavit is missing and therefore does not
28 correspond to the signature on the voter's absentee ballot application or
29 electronic poll book.

30 (b) Section 13.5(c), 13.5(d), **13.5(e)**, and ~~13.5(f)~~ **13.5(g)** of this
31 chapter apply to this section.

32 (c) The county election board or board of elections and registration
33 shall not reject an absentee ballot with a missing security envelope
34 signature if **either any** of the following conditions **is are** satisfied and
35 the county election board or board of elections and registration
36 determines that the unsigned absentee ballot affidavit is truthful and
37 otherwise in compliance with this section:

38 (1) The voter delivers:

39 (A) in person;

40 (B) by mail;

1 (C) by facsimile; or
2 (D) by electronic mail;
3 an affidavit of unsigned ballot that is signed by the voter, and the
4 county election board or board of elections and registration
5 receives the affidavit not later than noon eight (8) days after
6 election day.

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

14 **(3) The voter delivers an affidavit of unsigned ballot that is**
15 **signed by the voter to an absentee voter board at a circuit**
16 **court clerk's office or satellite location during the period of**
17 **early voting described in IC 3-11-10-26.**

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

22 (1) compare the signature on the affidavit of unsigned ballot with
23 the most recent signature on the voter's registration record in the
24 statewide voter registration system, or the signature on the
25 absentee ballot application; or

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

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

36 (f) If, upon conducting the comparison of the signatures, the board
37 determines that the signatures are mismatched, the voter's absentee
38 ballot security envelope shall not be opened and the ballot may not be
39 counted. The board shall write "this ballot has been rejected because
40 of a mismatched signature" on the face of the security envelope. The

1 provisional ballot envelope must be resealed and the status of the
2 rejected ballot must be set forth under the "County Election Board
3 Findings" on the affidavit.

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

9 AFFIDAVIT OF UNSIGNED BALLOT

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

21 _____
22 Voter's Signature

23 _____
24 Voter's Printed Name

25 _____
26 Voter's Registration Address

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

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

33 NOTICE FROM COUNTY ELECTION BOARD
34 REGARDING AN AFFIDAVIT OF UNSIGNED BALLOT FOR
35 ABSENTEE BALLOT

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

39 (1) We have determined that your signature is missing on your
40 absentee ballot security envelope. To ensure that your absentee

- 1 ballot will be counted, you must complete and return an
2 affidavit of unsigned ballot.
- 3 (2) Your affidavit of unsigned ballot must be received by the
4 county election board or board of elections and registration not
5 later than noon, local prevailing time, eight (8) days after the
6 election, with the statement specifying the day on which the
7 eighth day after the election will fall.
- 8 (3) You must sign your name where specified on the affidavit
9 of unsigned ballot.
- 10 (4) Place the affidavit of unsigned ballot into a mailing
11 envelope addressed to your county election official. Mail, hand
12 deliver, or have your completed affidavit delivered to the
13 board. Be sure to include sufficient postage if mailed, and
14 include the address of the county election board provided
15 below.
- 16 (5) If you do not wish to send your affidavit of unsigned ballot
17 by mail or have it hand delivered, you may submit your
18 completed affidavit by electronic mail or facsimile
19 transmission to the county election board using the following
20 information provided by your county [insert county electronic
21 mail address and facsimile number].
- 22 (6) Include your name on the affidavit.
- 23 (i) A ballot may not be removed from the security envelope until the
24 time for processing the ballot.
- 25 (j) Except where clearly inapplicable under IC 3-11.7, an unsigned
26 absentee ballot security envelope is to be treated as a provisional ballot
27 and is subject to the same confidentiality restrictions under
28 IC 3-11.7-6-3. The affidavit of unsigned ballot and the signature
29 verification statement executed by the voter are confidential under
30 IC 3-11.7-6-3.
- 31 SECTION 21. IC 3-11.5-4-23, AS AMENDED BY P.L.109-2021,
32 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2024]: Sec. 23. (a) Not later than noon fifty (50) days before
34 election day, each county election board shall notify the county
35 chairmen of the two (2) political parties that have appointed members
36 on the county election board of the number of:
- 37 (1) absentee voter boards;
38 (2) teams of absentee ballot counters; and
39 (3) teams of couriers;
- 40 to be appointed under section 22 of this chapter.

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

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

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

12 (1) satisfies the requirements under IC 3-6-6-39; and

13 (2) is approved by the unanimous vote of the entire membership
 14 of the county election board.

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

19 (1) is not required to obtain an employment certificate under
 20 IC 22-2-18 (before its expiration on June 30, 2021); and

21 (2) is not subject to the limitations on time and duration of
 22 employment under IC 22-2-18 (before its expiration on June 30,
 23 2021) or IC 22-2-18.1.

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

26 **(g) When the county election board makes an appointment**
 27 **under this section and the individual accepts the appointment by**
 28 **swearing the oath of office required under this title, a contract is**
 29 **created between the county election board and the individual in**
 30 **which the county election board retains the services of the**
 31 **appointed individual as an independent contractor.**

32 **(h) For purposes of Article 2, Section 9 of the Constitution of the**
 33 **State of Indiana, the position of:**

34 **(1) member of an absentee voter board;**

35 **(2) member of an absentee ballot counter team; or**

36 **(3) member of a courier team;**

37 **is not a lucrative office.**

38 SECTION 22. IC 3-12-6-16, AS AMENDED BY P.L.227-2023,
 39 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2024]: Sec. 16. (a) A recount commission

1 consists of three (3) persons.

2 (b) Two (2) members of the commission must be voters who:

3 (1) are members of different major political parties of the state;
4 and

5 (2) ~~were qualified to vote at the election in a county in which the~~
6 ~~election district for the office is located:~~ **for purposes of:**

7 **(A) a general election, reside in the county in which the**
8 **election district for the office is located; or**

9 **(B) a municipal election held during an odd-numbered**
10 **year, reside in the municipality in which the election**
11 **district for the office is located.**

12 (c) This subsection applies to a recount commission conducting a
13 recount of an election in which only paper ballots were used. The third
14 member of the commission must be a person who:

15 (1) is a member of a major political party of the state; and

16 (2) was qualified to vote at the election in the election district of
17 the office.

18 (d) This subsection applies to a recount of an election in which a
19 voting method other than only paper ballots was used. The third
20 member of the commission must be a competent technician who is
21 familiar with the ballot card voting systems or electronic voting
22 systems used in that election. The technician is not required to be
23 qualified to vote at the election in a county **or municipality** in which
24 the election district for the office is located."

25 Page 15, between lines 40 and 41, begin a new paragraph and insert:

26 "SECTION 25. IC 3-13-1-21, AS AMENDED BY P.L.74-2017,
27 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]: Sec. 21. (a) This section applies to a certificate of
29 candidate selection filed under section 15 or 20 of this chapter.

30 (b) To enforce the requirements of IC 3-5-4-1.9, the election
31 division, a circuit court clerk, or any other official responsible for
32 receiving a certificate of candidate selection may not receive a filing of
33 a certificate of candidate selection if:

34 (1) a notice of a caucus or meeting;

35 (2) a notice of intent to fill a vacancy under section 20 of this
36 chapter;

37 (3) a declaration of candidacy filed by the individual selected as
38 the candidate; or

39 (4) the certificate of candidate selection;

40 is or was offered to be filed after the deadline for the filing provided by

1 this chapter or was not offered for filing at or before the deadline for
2 the filing provided by this chapter.

3 **(c) A certificate of candidate selection that:**
4 **(1) violates subsection (b); and**
5 **(2) is accepted for filing;**
6 **is void and the candidate named in the certificate may not be**
7 **certified to appear on a general, municipal, or special election**
8 **ballot."**

9 Renumber all SECTIONS consecutively.
(Reference is to HB 1265 as introduced.)