

PROPOSED AMENDMENT

HB 1265 # 5

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. Requires the NVRA official to send to voter registration offices the names of voters associated with certain voter registration records. Deletes a provision from the bill that would have required the NVRA official to send these names to the election division. Specifies that a provision concerning the delivery, retention, confidentiality, and disposal of election materials does not prohibit county election officials from performing a duty under statutes concerning provisional voting. 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. Deletes provisions from the bill that would have modified the deadlines that determine the procedures that a clerk must follow when the clerk determines that an application to receive an absentee ballot by mail does not fully comply with election laws. 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 the circumstances that create a late candidate vacancy. Requires that action to fill a late candidate vacancy be taken not later than 6 a.m. on election day. Modifies a provision concerning the delivery and retention of affidavits. Makes conforming amendments.

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- 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.**

1 If the property line of the polling place **or an office described in**
 2 **subdivision (2)** is less than fifty (50) feet from the door or entrance to
 3 the polling place **or office**, the chute is measured from the exterior door
 4 or entrance to the polling place **or office** to one-half (1/2) the distance
 5 to the property line of the polling place **or office** nearest to the entrance
 6 to the polls. Whenever there are two (2) or more doors or entrances to
 7 the polls, the inspector of the precinct shall designate one (1) door or
 8 entrance as the door for voters to enter for the purpose of voting."

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

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

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

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

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

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

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

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

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

37 Page 3, delete lines 6 through 32, begin a new paragraph and insert:

38 "SECTION 6. IC 3-7-38.2-4, AS AMENDED BY P.L.71-2019,
 39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2024]: Sec. 4. (a) As provided under 52 U.S.C.

1 20507(c)(2)(B)(ii), this chapter does not prevent the correction of voter
2 registration records under this article.

3 (b) ~~This subsection applies to a voter registration record~~ **The NVRA**
4 **official shall, at least once each calendar year, review and identify**
5 **voter registration records** that ~~does do~~ not contain a date of birth or
6 ~~contains contain~~ a date of birth that is at least one hundred fifteen
7 (115) years or more before the date of the ~~request~~. **review.**

8 (c) The election division shall request that the bureau of motor
9 vehicles provide the election division with any information kept by the
10 bureau of motor vehicles that sets forth the date of birth of ~~the a~~ voter
11 **identified by the NVRA official.** If the election division receives date
12 of birth information under this subsection, the election division shall
13 forward the information to the appropriate county voter registration
14 office.

15 (d) **The NVRA official shall send to the voter registration offices**
16 **the names of voters associated with a voter registration record**
17 **identified under subsection (b).**

18 (e) The county voter registration office shall:

19 (1) determine if the information applies to the voter registration
20 record that does not contain a date of birth or contains a date of
21 birth that is at least one hundred fifteen (115) years or more
22 before the date of the request; and

23 (2) if the information applies, amend the voter registration record
24 to contain the correct date of birth and document the source of the
25 information in the computerized list."

26 Page 3, line 39, after "or" insert "**the copies of the**".

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

28 "**(l) This section does not prohibit county election officials from**
29 **performing a duty under IC 3-11.7.**

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

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

36 Page 6, line 17, delete "before" and insert "**not later than**".

37 Page 6, line 33, reset in roman "11:59 p.m. twelve (12)".

38 Page 6, line 33, delete "Eleven (11)".

39 Page 11, line 7, reset in roman "after 11:59 p.m. twelve (12)".

40 Page 11, line 7, delete "beginning eleven (11)".

- 1 Page 11, between lines 36 and 37, begin a new paragraph and insert:
 2 "SECTION 12. 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 15. 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 17. 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 18. 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 19. 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 Page 15, line 16, strike "sections" and insert "**section**".

39 Page 15, line 17, strike "and" and insert "**or**".

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

1 "SECTION 22. IC 3-13-2-1, AS AMENDED BY P.L.227-2023,
 2 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** This chapter applies to
 4 the filling of a candidate vacancy of a former candidate for nomination
 5 or election to an office at a general, municipal, or special election **that**
 6 **occurs** after the thirty-first day before a general, municipal, or special
 7 election **that is due to any of the following:**

8 **(1) The death of a candidate.**

9 **(2) The withdrawal of a candidate.**

10 **(3) The disqualification of a candidate under IC 3-8-1-5.**

11 **(4) A court order issued under IC 3-8-7-29(d).**

12 **(5) The successful challenge of a candidate nominated by a**
 13 **state, county, or town convention of a political party.**

14 **(6) The successful challenge of a candidate under IC 3-8-8.**

15 **(7) The successful challenge of a candidate under**
 16 **IC 3-13-1-16.5 or IC 3-13-1-20.5.**

17 **(8) The successful challenge of a candidate in a judicial**
 18 **proceeding.**

19 **(b) Action to fill a candidate vacancy under this chapter must be**
 20 **taken not later than 6 a.m. on election day."**

21 Page 16, delete lines 17 through 42, begin a new paragraph and
 22 insert:

23 "SECTION 24. IC 3-14-5-2, AS AMENDED BY P.L.227-2023,
 24 SECTION 132, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) Each precinct election board
 26 shall, at the close of the polls, place any affidavit prescribed by
 27 IC 3-10-1-9 to challenge the party affiliation of a person wishing to cast
 28 a ballot in a primary election in a strong paper bag or envelope and
 29 securely seal it. Each member shall endorse that member's name on the
 30 back of the bag or envelope.

31 (b) Each precinct election board shall, at the close of the polls, place
 32 any affidavit:

33 **(1) other than an affidavit described in subsection (a) that is**
 34 **challenging the eligibility of a person who has offered to vote at**
 35 **a primary election; and**

36 **(2) including the form printed on the face of the provisional**
 37 **ballot envelope described in IC 3-11.7-5-3;**

38 in a strong paper bag or envelope and securely seal it. Each member
 39 shall endorse that member's name on the back of the bag or envelope.

40 (c) The inspector and judge of the opposite political party shall

1 deliver the sealed bags or envelopes to the county election board. The
2 county election board shall do the following:

3 (1) Remove the affidavits **described in subsections (a) and (b)**
4 **from the bag or envelope and make three (3) copies of each**
5 **affidavit.**

6 (2) Mail a copy of each affidavit to the secretary of state.

7 (3) Replace the affidavits within the bag or envelope **and keep**
8 **the affidavits secure in accordance with IC 3-10-1-31.1. The**
9 **affidavits may be removed from the bag or envelope by the**
10 **county election board during a meeting or hearing when the**
11 **affidavit is to be reviewed under this title.**

12 (4) Reseal the bag or envelope **containing the affidavits** with the
13 endorsement of the name of each county election board member
14 on the back of the bag or envelope **immediately after the county**
15 **election board determines which provisional ballots can be**
16 **counted and not counted under IC 3-11.7.**

17 (5) Carefully preserve the resealed bag or envelope ~~and deliver it,~~
18 ~~with the county election board's seal unbroken,~~ to the foreman of
19 ~~the grand jury when next in session.~~ **in accordance with**
20 **IC 3-10-1-31.1.**

21 **(d) The county election board shall do the following after the**
22 **conclusion of the period for filing petition for a recount or contest**
23 **described IC 3-10-1-31.1(b) and IC 3-10-1-31.1(c) during which**
24 **election materials are required to be sealed by the circuit court**
25 **clerk:**

26 **(1) Retain one (1) copy of each affidavit to make available for**
27 **public inspection and copying under IC 5-14-3.**

28 **(2) Deliver one (1) copy of each affidavit, sealed in a bag or**
29 **envelope by the county election board, to the prosecuting**
30 **attorney of the county.**

31 ~~(d)~~ **(e) The grand jury shall inquire into the truth or falsity of the**
32 **affidavits, and the court having jurisdiction over the grand jury shall**
33 **specially charge the jury as to its duties under this section. The grand**
34 **jury or prosecuting attorney of the county where the grand jury is**
35 **sitting may request the original affidavit from the circuit court**
36 **clerk if the grand jury determines that it is necessary to review the**
37 **original affidavit during the inquiry.**

38 ~~(e)~~ **(f) The grand jury shall file a report of the result of its inquiry**
39 **with:**

40 (1) the court; and

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

3 ~~(f)~~ **(g) If the original affidavit is delivered to the grand jury or**
4 **the prosecuting attorney under subsection (e), the prosecuting**
5 **attorney shall:**

6 **(1) preserve the affidavits affidavit and envelopes envelope in**
7 **accordance with IC 3-10-1-31.1; and shall**

8 **(2) ensure that no person can access a provisional ballot**
9 **contained in the envelope that the affidavit described in**
10 **subsection (b) is printed on; and**

11 **(3) return the affidavits affidavit and envelopes envelope to the**
12 **circuit court clerk after the prosecuting attorney has completed**
13 **any proceeding resulting from the investigation of the affidavits**
14 **affidavit and envelopes: envelope."**

15 Page 17, delete lines 1 through 13.

16 Renumber all SECTIONS consecutively.

(Reference is to HB 1265 as introduced.)