

## HOUSE BILL No. 1359

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-11; IC 3-11.5.

**Synopsis:** Scanning ballots. Specifies a process by which certain counties may scan voted optical scan ballot cards during the early voting period and on election day without using secrecy envelopes. Makes conforming amendments.

**Effective:** July 1, 2026.

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January 8, 2026, read first time and referred to Committee on Elections and Apportionment.

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Introduced

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1359

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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 3-11-10-26, AS AMENDED BY P.L.186-2025,  
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 26. (a) This subsection applies to all counties,  
4 except for a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an  
5 alternative to voting by mail, a voter is entitled to cast an absentee  
6 ballot before an absentee voter board at any of the following:

7 (1) One (1) location of the office of the circuit court clerk  
8 designated by the circuit court clerk.

9 (2) A satellite office established under section 26.3 of this  
10 chapter.

11 (b) This subsection applies to a county to which IC 3-6-5.2 or  
12 IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is  
13 entitled to cast an absentee ballot before an absentee voter board at any  
14 of the following:

15 (1) The office of the board of elections and registration.

16 (2) A satellite office established under section 26.3 of this  
17 chapter.



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

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

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

20 (B) Sign the electronic poll book.

21 (C) Provide proof of identification.

22 (3) Except as provided in subdivision

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

(A) Sign the electronic poll book.

27 (B) Provide proof of identification.  
28 (C) Name and address of all members of the household.

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

(4) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an optical scan voting system, if the county election board has adopted a resolution under IC 3-11-13-33.5(a). The voter must do the following:

**(A) Sign the electronic poll book.**

**(B) Provide proof of identification.**

36 (C) Sign an affidavit equivalent to the affidavit prescribed  
37 by section 29 of this chapter that is:

38 (i) not printed on the face of an envelope; and

(ii) printed on a separate form prescribed by the election division.

(e) The county election board may:

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



9 account commission in conducting proceedings under IC 3-12-11.  
10 (f) The voter may vote before the board not more than twenty-eight  
11 (28) days nor later than noon on the day before election day. If the  
12 close of a voter registration period is transferred under IC 3-5-4-1.5  
13 from twenty-nine (29) days to a later date due to the Columbus Day  
14 holiday, the voter may vote before the board on the first day following  
15 the day on which the voter registration period closes.

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

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

34 (1) use the office of the circuit court clerk designated in  
35 subsection (a)(1); or

(2) establish a satellite office under section 26.3 of this chapter; to permit voters to cast absentee ballots under this section for at least four (4) hours on the third Saturday preceding election day.



1       ballots under this section to a minimum of four (4) hours on each of the  
2       two (2) Saturdays preceding election day.

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

5           (1) permitted to verify in a private and independent manner the  
6           votes selected by the voter before the ballot is cast and counted;  
7           (2) provided with the opportunity to change the ballot or correct  
8           any error in a private and independent manner before the ballot is  
9           cast and counted, including the opportunity to receive a  
10          replacement ballot if the voter is otherwise unable to change or  
11          correct the ballot; and

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

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

17           (1) information concerning the effect of casting multiple votes for  
18           an office; and  
19           (2) instructions on how to correct the ballot before the ballot is  
20           cast and counted, including the issuance of replacement ballots.

21          (l) If:

22           (1) the voter is unable or declines to present the proof of  
23           identification; or  
24           (2) a member of the board determines that the proof of  
25           identification provided by the voter does not qualify as proof of  
26           identification under IC 3-5-2.1-84;

27          the voter shall be permitted to cast a provisional ballot.

28          (m) This subsection applies to a voter who casts an absentee ballot  
29          that is treated as a provisional ballot under subsection (l). The board  
30          shall provide the voter, both orally and in writing, an explanation of  
31          what actions, if any, the voter must take in order to have the voter's  
32          ballot counted. The election division shall prescribe the form of the  
33          explanation required by this subsection.

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

36          (o) The following apply in a primary election:

37           (1) A voter entitled to cast an absentee ballot before an absentee  
38           voter board under this section shall mark the voter's political party  
39           ballot selection on the electronic poll book instead of  
40           communicating the selection to the poll clerks.

41           (2) A voter casting an absentee ballot under this chapter may not  
42           change the voter's choice of the voter's political party after the



1 voter has been mailed or otherwise provided with a primary ballot  
2 containing the candidates of that party.

3 SECTION 2. IC 3-11-10-26.4, AS AMENDED BY P.L.193-2021,  
4 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2026]: Sec. 26.4. (a) **Except as provided in subsection (b),**  
6 this section applies to voting under section 26, 26.2, or 26.3 of this  
7 chapter.

8 (b) **The following apply to a county in which the county election  
9 board has adopted a resolution under IC 3-11-13-33.5(a):**

10 (1) **This section does not apply to voting under section 26 or  
11 26.3 of this chapter.**

12 (2) **The procedures described in IC 3-11-13-33.5 apply to  
13 voting under section 26 or 26.3 of this chapter.**

14 (b) (c) After voting, a voter shall leave the office or satellite office.

15 (c) (d) If a voter leaves the booth without casting a ballot, an  
16 absentee voter board member or the circuit court clerk's office shall do  
17 both of the following:

18 (1) Attempt to advise the voter not to leave the clerk's office or  
19 satellite office because the voter's ballot has not been cast.

20 (2) Permit the voter to return to the booth to complete the process  
21 of casting the voter's ballot.

22 (d) (e) This subsection applies to a voter who has been provided a  
23 paper absentee ballot or optical scan ballot card absentee ballot. If the  
24 voter has left the clerk's office or satellite office, or declines to return  
25 to the booth, the absentee voter board members shall do the following:

26 (1) Enter into the booth and place the voter's ballot inside the  
27 envelope provided or fold the ballot as described in  
28 IC 3-11-13-18(b)(1).

29 (2) Transfer or deposit the envelope or folded ballot to the  
30 location where previously cast absentee ballots have been  
31 secured.

32 (3) Promptly complete a form prescribed under IC 3-5-4-8  
33 containing the following information:

34 (A) The name of the voter who left the clerk's office or satellite  
35 office without completing the process of casting a ballot if the  
36 voter's name is known.

37 (B) The approximate time that the voter left the clerk's office  
38 or satellite office.

39 (C) Whether the voter was advised that the voter could return  
40 to the booth to complete the casting of the ballot.

41 (D) A statement made under the penalties for perjury  
42 indicating that:



- (i) the absentee voter board members jointly transferred or deposited the envelope or folded ballot in the location where previously cast absentee ballots had been secured; and
- (ii) the absentee voter board members (and any other person) did not make any alterations to the choices made by the voter.

The form must be signed by both members of the absentee voter board.

(e) (f) This subsection applies to a voter who has been provided an electronic voting system to cast an absentee ballot. If the voter has left the clerk's office or satellite office, or declines to return to the booth, the absentee voter board members shall:

- (1) enter into the booth;
- (2) complete the process of casting the ballot for the voter; and
- (3) complete the form described in subsection (d)(3). (e)(3).

(f) (g) After the voter's ballot has been transferred or deposited under subsection (f) (e) or cast under subsection (e), (f), the absentee voter board shall indicate on the electronic poll book or in the statewide voter registration system that the voter has cast an absentee ballot.

SECTION 3. IC 3-11-10-27, AS AMENDED BY P.L.227-2023, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 27. (a) This section does not apply to a ballot mailed to a voter under this chapter.

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

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

- (1) voted under section 26 or 26.3 of this chapter; or
- (2) placed:

(A) in a secrecy envelope; or

(B) into the optical scan ballot scanner under IC 3-11-13-33.5;

if it has been marked using a marking device for an optical scan ballot;

the ballot must bear the circuit court clerk's official seal and signature or facsimile signature. The absentee ballot must be initialed by both absentee voter board members, or subject to subsection (e), the county election board or the board's designated representatives under IC 3-11-4-19. In a county that provides a ballot marking device described in IC 3-11-13-7.5 for a voter to mark the voter's ballot while



1 voting under section 26 or 26.3 of this chapter, the initials of the  
2 absentee voter board may be applied after the ballot has been marked  
3 by the voter and in a manner where the absentee voter board cannot see  
4 how the voter marked the voter's ballot.

5 (d) An absentee voter board member or county election board  
6 member or the member's representative shall not place the individual's  
7 initials on the absentee ballot:

8 (1) until after the voter's application for that ballot has been  
9 approved; or  
10 (2) more than twenty-four (24) hours before the absentee ballot is  
11 provided to the voter.

12 A ballot initialed under this subsection must be under the control of  
13 two (2) individual members or representatives of opposite political  
14 parties until the ballot is provided to the voter.

15 (e) A county election board may adopt a resolution providing that  
16 the absentee ballots to be voted before an absentee voter board visiting  
17 the voter under section 25(b) of this chapter must be initialed by the  
18 county election board or the board's representatives under IC 3-11-4-19  
19 and not by the absentee voter board visiting the voter. A resolution  
20 adopted under this subsection remains in effect until rescinded by the  
21 county election board. The election board may not rescind the  
22 resolution during the final sixty (60) days before an election.

23 (f) The initials must be:

24 (1) in ink on the back of the ballot, in the person's ordinary  
25 handwriting or printing, and without a distinguishing mark of any  
26 kind; or  
27 (2) in a vote center county using an electronic poll list:  
28 (A) printed on the back of the ballot by a printer separate from  
29 the electronic poll list, immediately before the ballot is  
30 delivered to the voter; and  
31 (B) the initials of the county election board or the board's  
32 representatives captured through the electronic signature pad  
33 or tablet at the time the county election board or the board's  
34 representatives log into the electronic poll book system.

35 (g) A resolution adopted under subsection (e) may also provide that  
36 a precinct designation is not required to be preprinted on absentee  
37 ballots printed immediately before the ballot is delivered to a voter, but  
38 may be added in the same manner as the initials of the county election  
39 board or the board's representatives under IC 3-11-4-19 are added  
40 under subsection (f).

41 (h) No other initialing of the absentee ballot is necessary.

42 SECTION 4. IC 3-11-10-28, AS AMENDED BY P.L.65-2024,



1 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2026]: Sec. 28. (a) A voter voting before an absentee voter  
3 board shall mark the voter's ballot in the presence of the board, but not  
4 in such a manner that either of the members of the board can see for  
5 whom the voter voted, unless the voter requests the help of the board  
6 in marking a ballot under IC 3-11-9. The voter shall fold each ballot  
7 separately in a manner to conceal the voter's markings.

8 (b) **Except as provided in IC 3-11-13-33.5**, the voter shall then, in  
9 the presence of the board, place the ballot in an envelope furnished by  
10 the county election board.

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

14 (d) This subsection applies to a voter required to present additional  
15 information under IC 3-7-33-4.5 or IC 3-7-33-4.7. If the voter does not  
16 present the required additional information before receiving the  
17 absentee ballot, the absentee ballot shall be processed in accordance  
18 with IC 3-11.5-4-3.5.

19 (e) This subsection applies to a voter required to present additional  
20 information under IC 3-7-33-4.5 or IC 3-7-33-4.7. Upon accepting the  
21 completed absentee ballot from the voter, the board shall provide the  
22 voter with a notice:

23 (1) listing the documentation the voter may submit to the county  
24 voter registration office to comply with IC 3-7-33-4.5 or  
25 IC 3-7-33-4.7; and

26 (2) stating the address and hours of the county voter registration  
27 office.

28 SECTION 5. IC 3-11-13-19, AS AMENDED BY P.L.193-2021,  
29 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2026]: Sec. 19. (a) Each circuit court clerk shall have printed  
31 on each ballot used in a precinct the precinct number or designation.

32 (b) Except as provided in subsections (c) and (d); through (e), each  
33 circuit court clerk shall print or stamp the precinct number or  
34 designation and a line for each poll clerk's initials on both a ballot card  
35 and the ballot card's secrecy envelope before the election.

36 (c) In a vote center county using an electronic poll list, the circuit  
37 court clerk shall not print or stamp the poll clerk's initials required by  
38 subsection (b) if the printed initials of the poll clerks captured through  
39 the electronic signature pad or tablet at the time the poll clerks log into  
40 the electronic poll book system are printed by a printer separate from  
41 the electronic poll list on the back of each ballot card immediately  
42 before the ballot card is delivered to the voter.



3 (1) before the election as provided by subsection (b); or

4 (2) at the time the ballot card is printed immediately before the  
5 ballot card is delivered to a voter as provided by subsection (c).

11 SECTION 6. IC 3-11-13-28.7, AS AMENDED BY P.L.128-2015,  
12 SECTION 191, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2026]: Sec. 28.7. **(a) This section does not**  
14 **apply to a county in which the county election board has adopted**  
15 **a resolution under section 33.5(a) of this chapter.**

16                   **(a) (b)** The two (2) poll clerks of each precinct shall place their  
17 initials in ink on the secrecy envelope of a ballot card (or on the  
18 fold-over part of a ballot card described in section 18(b)(1) of this  
19 chapter) at the time the card is issued to a voter. The initials must be in  
20 the poll clerk's ordinary handwriting or printing and without a  
21 distinguishing mark of any kind.

22       **(b) (c)** This subsection is enacted to comply with 52 U.S.C. 21081  
23 by establishing uniform and nondiscriminatory standards to define  
24 what constitutes a vote on an optical scan voting system. A write-in  
25 vote cast on a secrecy envelope or fold-over envelope:

26 (1) is not valid unless:

27 (A) the secrecy envelope is initialed by both poll clerks; and  
28 (B) the vote includes both the name of the write-in candidate  
29 and the office for which the write-in vote is cast; and

29 and the office for which the write-in vote is cast, and  
30 (2) makes the secrecy envelope or fold-over envelope a ballot for  
31 purposes of this title.

37           **(a) (b)** After a voter has marked a ballot card, the voter shall place  
38           it inside the envelope provided for this purpose or fold the ballot  
39           described in section 18(b)(1) of this chapter and return the ballot card  
40           to the judge.

41           **(b) (c)** The judge shall offer to return the envelope with the ballot  
42           card inside to the voter. The voter shall:



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IN 1359—LS 7062/DI 144



1       CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
2       [EFFECTIVE JULY 1, 2026]: Sec. 33.5. (a) This section applies to a  
3       **county in which the county election board has adopted a resolution**  
4       **to use the procedures set forth in this section. However, a county**  
5       **election board may not use the procedures set forth in this section**  
6       **unless the voting system used by the county includes a feature that**  
7       **allows the retraction of votes scanned into the voting system in the**  
8       **manner required under IC 3-11-15-26 and IC 3-11.5-4-6. If a**  
9       **county election board adopts a resolution under this subsection, the**  
10       **procedures set forth in this section apply on election day and**  
11       **during the period of early voting before an absentee voter board**  
12       **under IC 3-11-10-26.**

13       (b) For purposes of this section, "precinct election officer"  
14       includes a member of the absentee voter board when voting is  
15       occurring during the period of early voting before an absentee  
16       voter board under IC 3-11-10-26.

17       (c) After a voter has marked a ballot card, the voter shall return  
18       the ballot card to the precinct election officer assigned to receive  
19       voted ballot cards.

20       (d) If the ballot card does not contain the initials of the:

- 21           (1) absentee voter board members under IC 3-11-10-27; or
- 22           (2) poll clerks under section 28.1 or 28.2 of this chapter;

23       the precinct election officer to which the ballot is returned shall  
24       ensure that the two (2) poll clerks of the precinct or the members  
25       of the absentee voter board, as applicable, place their initials on the  
26       back of the ballot card in accordance with IC 3-11-10-27 or section  
27       28.1(b) of this chapter.

28       (e) If the ballot card contains the initials of the poll clerks under  
29       subsection (d), the precinct election officer to which the ballot is  
30       returned shall instruct the voter to place the ballot into the optical  
31       scan ballot scanner. If necessary, a precinct election officer shall  
32       assist the voter with placing the ballot into the optical scan ballot  
33       scanner.

34       (f) After the voter's ballot is placed into the optical scan ballot  
35       scanner under subsection (e), the voter shall leave the polls.

36       (g) If a voter leaves the booth without casting a ballot, a precinct  
37       election officer shall:

- 38           (1) attempt to advise the voter not to leave the polls because  
39           the voter's ballot has not been cast; and
- 40           (2) permit the voter to return to the booth to complete the  
41           process of casting the voter's ballot.

42       (h) This subsection applies during the period of early voting. If



1       **the voter has left the polls, or declines to return to the booth, the**  
2       **members of the absentee voter board shall do the following:**

3       **(1) Enter into the booth and place the voter's ballot inside an**  
4       **envelope or fold the ballot as described in section 18(b)(1) of**  
5       **this chapter.**

6       **(2) Deposit the voter's ballot in a ballot box separate from the**  
7       **optical scan ballot scanner into which ballots have been**  
8       **scanned under subsection (e).**

9       **(i) This subsection applies on election day. If the voter has left**  
10      **the polls, or declines to return to the booth, the inspector shall**  
11      **direct both judges to do the following:**

12      **(1) Enter into the booth and place the voter's ballot inside an**  
13      **envelope or fold the ballot as described in section 18(b)(1) of**  
14      **this chapter.**

15      **(2) Give the envelope or folded ballot to the inspector.**

16      **The inspector shall then deposit the voter's ballot in a ballot box**  
17      **separate from the optical scan ballot scanner into which ballots**  
18      **have been scanned under subsection (e).**

19      **(j) After the voter's ballot has been deposited in the ballot box**  
20      **under subsection (h) or (i), the judges and the inspector, or the**  
21      **members of the absentee voter board, as applicable, shall promptly**  
22      **complete a form prescribed under IC 3-5-4-8 containing the**  
23      **following information:**

24      **(1) The name of the voter who left the polls without**  
25      **completing the process of casting a ballot if the voter's name**  
26      **is known.**

27      **(2) The approximate time that the voter left the polls.**

28      **(3) Whether the voter was advised that the voter could return**  
29      **to the booth to complete the casting of the ballot.**

30      **(4) If the form is completed by the judges and the inspector,**  
31      **a statement made under the penalties for perjury indicating**  
32      **that:**

33      **(A) the judges gave the voter's ballot to the inspector;**

34      **(B) the inspector deposited the voter's ballot in the ballot**  
35      **box; and**

36      **(C) the judges and the inspector did not make any**  
37      **alteration to the choices made by the voter.**

38      **(5) If the form is completed by the members of the absentee**  
39      **voter board, a statement made under the penalties for perjury**  
40      **indicating that:**

41      **(A) the absentee voter board members jointly deposited the**  
42      **envelope or folded ballot in the ballot box; and**



**(B) the absentee voter board members (and any other person) did not make any alterations to the choices made by the voter.**

**The form must be signed by the judge and the inspector or both members of the absentee voter board.**

(k) After a voter's ballot cards have been scanned into the optical scan ballot scanner or deposited in the ballot box, the poll clerks or the members of the absentee voter board shall indicate on the poll list or the electronic poll book that the voter cast a ballot or absentee ballot, as applicable.

(l) At the conclusion of each day of voting, ballot cards that have been scanned into the optical scan ballot scanner must be stored in an envelope or container kept for ballots of the same precinct. Ballot cards under subsection (h) or (i) must be stored separately in an envelope or container kept for ballots of the same precinct. An envelope or container required under this subsection must:

**(1) have the name of the precinct written on the envelope or container; and**

**(2) be stored in a secure manner under dual lock controlled by both appointed members of the county election board.**

**(m)** Ballot cards that have been scanned into the optical scan ballot scanner shall be processed and tabulated according to this article in accordance with IC 3-11.5-9. Ballot cards under subsection (h) or (i) shall be processed and tabulated under IC 3-11.5-4-11 through IC 3-11.5-4-12.

SECTION 9. IC 3-11.5-4-6, AS AMENDED BY P.L.108-2021, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) Each circuit court clerk shall keep all accepted ballot envelopes securely sealed in the clerk's office until the ballot envelopes are opened by absentee ballot counters in accordance with this chapter.

(b) A county election board may scan a voted absentee ballot card using an optical scan ballot scanner not earlier than **seven (7) calendar days before election day: the first day of early voting before an absentee voter board under IC 3-11-10-26**. However, the county election board:

(1) may not tabulate the ballots before election day; and

(2) shall retract a previously scanned absentee ballot card of a voter who is later found disqualified or whose ballot may not be counted for any other reason under this title.

SECTION 10. IC 3-11.5-4-11, AS AMENDED BY P.L.227-2023,  
SECTION 115. IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2026]: Sec. 11. **(a) This section does not apply**  
2 **to an absentee ballot that has been scanned into an optical scan**  
3 **ballot scanner under IC 3-11-13-33.5(e).**

4 **(a) (b)** Upon receipt of the absentee ballot and not later than election  
5 day, the county election board shall examine the signature on the  
6 absentee ballot.

7 **(b) (c)** This subsection applies to a county that has not adopted an  
8 order to use an electronic poll book under IC 3-7-29-6(a)(1) or is a vote  
9 center county under IC 3-11-18.1. Except as provided in subsection **(e)**,  
10 **(d)**, **or (e)**, **or (f)**, at any time after the couriers return the certificate  
11 under section 9 of this chapter, absentee ballot counters appointed  
12 under section 22 of this chapter, in the presence of the county election  
13 board, shall, except for a ballot rejected under section 13 of this  
14 chapter:

15 (1) open the outer or carrier envelope containing an absentee  
16 ballot envelope and application;  
17 (2) announce the absentee voter's name; and  
18 (3) compare the signature upon the ballot application or, if there  
19 is no application, with the signature on the electronic poll book  
20 with the signature upon the:  
21 (A) voter's absentee ballot envelope; or  
22 (B) if there is no envelope, computerized list.

23 **(c) (d)** This subsection applies to a county (other than a county  
24 described in subsection **(d) (e)** or **(e) (f)**) that:

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

28 and has not updated the computerized list to reflect absentee ballots  
29 received on election day. After the receipt and processing required  
30 under sections 12 and 12.5 of this chapter to process an absentee ballot  
31 from a voter and after ensuring that the electronic poll books used in  
32 each polling place or vote center have been updated to reflect all  
33 absentee ballots received by the county not later than 12:01 a.m. on  
34 election day, the absentee ballot counters shall, at any time after 6:00  
35 a.m. on election day, in a central counting location designated by the  
36 county election board, count the absentee ballot votes cast for each  
37 candidate, for each office, and on each public question.

38 **(d) (e)** This subsection applies to a county having a consolidated  
39 city, if the county:

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



1       After the receipt and processing required under sections 12 and 12.5 of  
 2       this chapter to process an absentee ballot from a voter and after  
 3       ensuring that the electronic poll books used in each polling place or  
 4       vote center have been updated to reflect all absentee ballots received  
 5       by the county not later than 12:01 a.m. on election day, the absentee  
 6       ballot counters shall, at any time after 6:00 a.m. on election day, in a  
 7       central counting location designated by the county election board,  
 8       count the absentee ballot votes cast for each candidate, for each office,  
 9       and on each public question.

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

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

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

26      ~~(f)~~(g) A resolution adopted under subsection ~~(e)~~(f) may be repealed  
 27       or amended only by the unanimous vote of the entire membership of  
 28       the county election board.

29      SECTION 11. IC 3-11.5-4-11.5, AS ADDED BY P.L.108-2021,  
 30       SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31       JULY 1, 2026]: Sec. 11.5. (a) This section applies to a county if the  
 32       county election board has adopted a resolution by the unanimous vote  
 33       of the entire membership of the board to use the procedures set forth in  
 34       this section, and the county:

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

38      (b) This section does not apply to an absentee ballot that has  
 39       been scanned into an optical scan ballot scanner under  
 40       IC 3-11-13-33.5(e).

41      ~~(b)~~(c) Absentee ballot counters appointed under section 22 of this  
 42       chapter shall, in the presence of the county election board, process an



1       absentee ballot of a voter as follows:

2       (1) Beginning at noon, three (3) days before the election for any  
 3       absentee ballot that has been received by the county election  
 4       board not later than noon, four (4) days before the election.

5       (2) Beginning at noon, two (2) days before the election for any  
 6       absentee ballot that has been received by the county election  
 7       board any time after noon, four (4) days before the election and  
 8       not later than noon, three (3) days before the election.

9       (3) Beginning at noon, the day before the election for any  
 10      absentee ballot that has been received by the county election  
 11      board any time after noon, three (3) days before the election and  
 12      not later than noon, two (2) days before the election.

13      ~~(e)~~ (d) A team of absentee ballot counters shall do all of the  
 14      following:

15      (1) Conduct a review of the absentee ballot required by section  
 16      12(a) through 12(c) of this chapter. Section 12(e) and 12(f) of this  
 17      chapter apply to this subdivision.

18      (2) Determine in accordance with section 13 of this chapter if the  
 19      absentee ballot cannot be counted.

20      (3) Open the envelope containing the absentee ballot in a manner  
 21      that does not deface or destroy the affidavit and take out each  
 22      ballot enclosed without unfolding or permitting the ballot to be  
 23      unfolded or examined.

24      (4) Determine if the absentee ballot has been endorsed with the  
 25      initials of:

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

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

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

34      ~~(d)~~ (e) If the team of absentee ballot counters determines the  
 35      absentee ballot can be counted under this chapter, the absentee ballot  
 36      must be stored in an envelope or container kept for ballots of the same  
 37      precinct. The envelope or container must:

38      (1) have the name of the precinct written on the envelope or  
 39      container; and

40      (2) be stored in a secure manner under dual lock controlled by  
 41      both appointed members of the county election board.

42      ~~(e)~~ (f) An absentee ballot determined to be counted under this



1 section shall be tabulated according to this article on election day in  
2 accordance with section 11 of this chapter.

3 ~~(f)~~ (g) A member of the county election board may challenge a voter  
4 under section 15(c) of this chapter when a team of absentee ballot  
5 counters is processing an absentee ballot under this section.

6 SECTION 12. IC 3-11.5-9 IS ADDED TO THE INDIANA CODE  
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2026]:

9 **Chapter 9. Counting of Scanned Optical Scan Absentee Ballots**  
10 **Sec. 1. This chapter applies to an absentee ballot that has been**  
11 **scanned into an optical scan ballot scanner under**  
12 **IC 3-11-13-33.5(e).**

13 **Sec. 2. (a) The county election board shall make an initial**  
14 **determination concerning whether any absentee ballot cast must**  
15 **be rejected for any grounds under IC 3-11.5-4-13.**

16 **(b) If the county election board makes an initial determination**  
17 **under subsection (a) that an absentee ballot must be rejected, the**  
18 **county election board shall void the absentee ballot on the optical**  
19 **scan ballot scanner by retracting the absentee ballot from the**  
20 **voting system.**

21 **Sec. 3. After making an initial determination under section 2 of**  
22 **this chapter, the county election board shall process the remaining**  
23 **absentee ballots by producing a printout for each precinct in which**  
24 **an absentee ballot has been cast.**

25 **Sec. 4. After making an initial determination under section 2 of**  
26 **this chapter and processing the ballots under section 3 of this**  
27 **chapter, the county election board shall tabulate the valid absentee**  
28 **ballots scanned into the optical scan ballot scanner.**

