



January 14, 2026

HOUSE BILL No. 1359

DIGEST OF HB 1359 (Updated January 14, 2026 1:23 pm - DI 144)

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: Upon passage.

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January 8, 2026, read first time and referred to Committee on Elections and Apportionment.
January 14, 2026, amended, reported — Do Pass.

HB 1359—LS 7062/DI 144



January 14, 2026

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

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 UPON PASSAGE]: 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.

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(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

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

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

(2) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an electronic voting system. The voter must do the following:

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

(B) Sign the electronic poll book.

(C) Provide proof of identification.

(3) **Except as provided in subdivision (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. The voter must do the following:

(A) Sign the electronic poll book.

(B) Provide proof of identification.

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

(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.

(e) The county election board may:

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

(2) establish a procedure to produce a document, label, or electronic record that is associated with each voter and includes a unique identifier;

to comply with section 26.2(c)(3) of this chapter. After the county election board approves an affidavit or procedure described in this



1 subsection and before the affidavit or procedure is used in an election,
 2 the county election board shall file a copy of the affidavit or a brief
 3 description of the procedure with the election division to assist the state
 4 recount commission in conducting proceedings under IC 3-12-11.

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

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

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

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

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

34 (i) Notwithstanding subsection (h), in a county with a population of
 35 less than twenty thousand (20,000), the absentee voter board in the
 36 office of the circuit court clerk, with the approval of the county election
 37 board, may reduce the number of hours available to cast absentee
 38 ballots under this section to a minimum of four (4) hours on each of the
 39 two (2) Saturdays preceding election day.

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

42 (1) permitted to verify in a private and independent manner the



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

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

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

12 (1) information concerning the effect of casting multiple votes for
 13 an office; and

14 (2) instructions on how to correct the ballot before the ballot is
 15 cast and counted, including the issuance of replacement ballots.

16 (l) If:

17 (1) the voter is unable or declines to present the proof of
 18 identification; or

19 (2) a member of the board determines that the proof of
 20 identification provided by the voter does not qualify as proof of
 21 identification under IC 3-5-2.1-84;

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

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

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

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

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

36 (2) A voter casting an absentee ballot under this chapter may not
 37 change the voter's choice of the voter's political party after the
 38 voter has been mailed or otherwise provided with a primary ballot
 39 containing the candidates of that party.

40 SECTION 2. IC 3-11-10-26.4, AS AMENDED BY P.L.193-2021,
 41 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 26.4. (a) **Except as provided in subsection**



(b), this section applies to voting under section 26, 26.2, or 26.3 of this chapter.

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

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

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

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

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

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

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

~~(d)~~ (e) This subsection applies to a voter who has been provided a paper absentee ballot or optical scan ballot card 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 do the following:

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

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

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

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

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

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

(D) A statement made under the penalties for perjury 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



1 the voter.

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

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

8 (1) enter into the booth;

9 (2) complete the process of casting the ballot for the voter; and

10 (3) complete the form described in subsection ~~(d)(3)~~: **(e)(3)**.

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

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

19 (b) Subject to IC 3-5-4-9, before a ballot is voted under section 25
20 of this chapter before an absentee voter board, it must bear the circuit
21 court clerk's official seal and signature or facsimile signature and be
22 initialed by the absentee voter board visiting the voter under section
23 25(b) of this chapter (except in a county subject to subsection (e)).

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

25 (1) voted under section 26 or 26.3 of this chapter; or

26 (2) placed:

27 **(A)** in a secrecy envelope; or

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

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

32 the ballot must bear the circuit court clerk's official seal and signature
33 or facsimile signature. The absentee ballot must be initialed by both
34 absentee voter board members, or subject to subsection (e), the county
35 election board or the board's designated representatives under
36 IC 3-11-4-19. In a county that provides a ballot marking device
37 described in IC 3-11-13-7.5 for a voter to mark the voter's ballot while
38 voting under section 26 or 26.3 of this chapter, the initials of the
39 absentee voter board may be applied after the ballot has been marked
40 by the voter and in a manner where the absentee voter board cannot see
41 how the voter marked the voter's ballot.

42 (d) An absentee voter board member or county election board



member or the member's representative shall not place the individual's initials on the absentee ballot:

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

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

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

(f) The initials must be:

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

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

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

SECTION 4. IC 3-11-10-28, AS AMENDED BY P.L.65-2024, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) A voter voting before an absentee voter board shall mark the voter's ballot in the presence of the board, but not in such a manner that either of the members of the board can see for whom the voter voted, unless the voter requests the help of the



board in marking a ballot under IC 3-11-9. The voter shall fold each ballot separately in a manner to conceal the voter's markings.

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

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

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

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

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

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

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

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

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

(d) In a vote center county using an electronic poll book, the circuit court clerk may print or stamp the precinct number or designation:

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

(2) at the time the ballot card is printed immediately before the



ballot card is delivered to a voter as provided by subsection (c).

(e) In a county in which the county election board has adopted a resolution under section 33.5(a) of this chapter, the circuit court clerk is not required to print or stamp the precinct number or designation and a line for each poll clerk's initials on the ballot card's secrecy envelope before the election.

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

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

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

(1) is not valid unless:

(A) the secrecy envelope is initialed by both poll clerks; and

(B) the vote includes both the name of the write-in candidate and the office for which the write-in vote is cast; and

(2) makes the secrecy envelope or fold-over envelope a ballot for purposes of this title.

SECTION 7. IC 3-11-13-33, AS AMENDED BY P.L.156-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. **(a) This section does not apply to a county in which the county election board has adopted a resolution under section 33.5(a) of this chapter.**

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

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

(1) accept the envelope and deposit it in the ballot box; or

(2) decline the envelope and require the judge to deposit it in the ballot box.

~~(c)~~ **(d)** If a voter offers to vote a ballot card that is not inside the



1 envelope provided for this purpose or with the ballot not folded as
 2 described in section 18(b)(1) of this chapter, the precinct election board
 3 shall direct the voter to return to the booth and place the ballot card in
 4 the envelope provided for this purpose or fold the ballot. After voting,
 5 a voter shall leave the polls.

6 ~~(d)~~ (e) If a voter leaves the booth without casting a ballot, a precinct
 7 election official shall:

- 8 (1) attempt to advise the voter not to leave the polls because the
- 9 voter's ballot has not been cast; and
- 10 (2) permit the voter to return to the booth to complete the process
- 11 of casting the voter's ballot.

12 ~~(e)~~ (f) If the voter has left the polls, or declines to return to the
 13 booth, the inspector shall direct both judges to do the following:

- 14 (1) Enter into the booth and place the voter's ballot inside the
- 15 envelope provided or fold the ballot as described in section
- 16 18(b)(1) of this chapter.
- 17 (2) Give the envelope or folded ballot to the inspector.

18 The inspector shall then deposit the voter's ballot in the ballot box.

19 ~~(f)~~ (g) After the voter's ballot has been deposited in the ballot box,
 20 the judges and the inspector shall promptly complete a form prescribed
 21 under IC 3-5-4-8 containing the following information:

- 22 (1) The name of the voter who left the polls without completing
- 23 the process of casting a ballot if the voter's name is known.
- 24 (2) The approximate time that the voter left the polls.
- 25 (3) Whether the voter was advised that the voter could return to
- 26 the booth to complete the casting of the ballot.
- 27 (4) A statement made under the penalties for perjury indicating
- 28 that:

- 29 (A) the judges gave the voter's ballot to the inspector;
- 30 (B) the inspector deposited the voter's ballot in the ballot box;
- 31 and
- 32 (C) the judges and the inspector did not make any alteration to
- 33 the choices made by the voter.

34 The form must be signed by both judges and the inspector.

35 ~~(g)~~ (h) After a voter's ballot cards have been deposited in the ballot
 36 box, the poll clerks shall make a voting mark after the voter's name on
 37 the poll list.

38 SECTION 8. IC 3-11-13-33.5 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE UPON PASSAGE]: **Sec. 33.5. (a) This section applies**
 41 **to a county in which the county election board has adopted a**
 42 **resolution to use the procedures set forth in this section. However,**



1 a county election board may not use the procedures set forth in this
 2 section unless the voting system used by the county includes a
 3 feature that allows the retraction of votes scanned into the voting
 4 system in the manner required under IC 3-11-15-26 and
 5 IC 3-11.5-4-6. If a county election board adopts a resolution under
 6 this subsection, the procedures set forth in this section apply on
 7 election day and during the period of early voting before an
 8 absentee voter board under IC 3-11-10-26.

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

13 (c) After a voter has marked a ballot card, the voter shall return
 14 the ballot card to the precinct election officer assigned to receive
 15 voted ballot cards.

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

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

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

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

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

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

- 34 (1) attempt to advise the voter not to leave the polls because
- 35 the voter's ballot has not been cast; and
- 36 (2) permit the voter to return to the booth to complete the
- 37 process of casting the voter's ballot.

38 (h) This subsection applies during the period of early voting. If
 39 the voter has left the polls, or declines to return to the booth, the
 40 members of the absentee voter board shall do the following:

- 41 (1) Enter into the booth and place the voter's ballot inside an
- 42 envelope or fold the ballot as described in section 18(b)(1) of



1 this chapter.

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

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

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

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

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

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

20 (1) The name of the voter who left the polls without
21 completing the process of casting a ballot if the voter's name
22 is known.

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

24 (3) Whether the voter was advised that the voter could return
25 to the booth to complete the casting of the ballot.

26 (4) If the form is completed by the judges and the inspector,
27 a statement made under the penalties for perjury indicating
28 that:

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

30 (B) the inspector deposited the voter's ballot in the ballot
31 box; and

32 (C) the judges and the inspector did not make any
33 alteration to the choices made by the voter.

34 (5) If the form is completed by the members of the absentee
35 voter board, a statement made under the penalties for perjury
36 indicting that:

37 (A) the absentee voter board members jointly deposited the
38 envelope or folded ballot in the ballot box; and

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

42 The form must be signed by the judge and the inspector or both



1 members of the absentee voter board.

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

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

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

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

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

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

27 SECTION 10. IC 3-11.5-4-11, AS AMENDED BY P.L.227-2023,
28 SECTION 115, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) **This section does not**
30 **apply to an absentee ballot that has been scanned into an optical**
31 **scan ballot scanner under IC 3-11-13-33.5(e).**

32 ~~(a) (b)~~ Upon receipt of the absentee ballot and not later than election
33 day, the county election board shall examine the signature on the
34 absentee ballot.

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



(1) open the outer or carrier envelope containing an absentee ballot envelope and application;

(2) announce the absentee voter's name; and

(3) compare the signature upon the ballot application or, if there is no application, with the signature on the electronic poll book with the signature upon the:

(A) voter's absentee ballot envelope; or

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

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

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

(2) is a vote center county under IC 3-11-18.1;

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

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

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

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

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

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

(1) has adopted an order to use an electronic poll book under



1 IC 3-7-29-6(a)(1); or

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

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

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

15 SECTION 11. IC 3-11.5-4-11.5, AS ADDED BY P.L.108-2021,
16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 11.5. (a) This section applies to a county if the
18 county election board has adopted a resolution by the unanimous vote
19 of the entire membership of the board to use the procedures set forth in
20 this section, and the county:

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

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

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

27 ~~(b)~~ (c) Absentee ballot counters appointed under section 22 of this
28 chapter shall, in the presence of the county election board, process an
29 absentee ballot of a voter as follows:

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

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

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

41 ~~(c)~~ (d) A team of absentee ballot counters shall do all of the
42 following:



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

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

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

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

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

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

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

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

~~(e)~~ (f) An absentee ballot determined to be counted under this section shall be tabulated according to this article on election day in accordance with section 11 of this chapter.

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

SECTION 12. IC 3-11.5-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 9. Counting of Scanned Optical Scan Absentee Ballots

Sec. 1. This chapter applies to an absentee ballot that has been scanned into an optical scan ballot scanner under IC 3-11-13-33.5(e).

Sec. 2. (a) The county election board shall make an initial determination concerning whether any absentee ballot cast must



1 be rejected for any grounds under IC 3-11.5-4-13.

2 (b) If the county election board makes an initial determination
3 under subsection (a) that an absentee ballot must be rejected, the
4 county election board shall void the absentee ballot on the optical
5 scan ballot scanner by retracting the absentee ballot from the
6 voting system.

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

11 Sec. 4. After making an initial determination under section 2 of
12 this chapter and processing the ballots under section 3 of this
13 chapter, the county election board shall tabulate the valid absentee
14 ballots scanned into the optical scan ballot scanner.

15 SECTION 13. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 12 with "[EFFECTIVE UPON PASSAGE]".

Page 2, delete lines 36 through 40.

Page 13, delete lines 11 through 20.

Page 13, line 21, delete "(m)" and insert "(l)".

Page 17, after line 28, begin a new paragraph and insert:

"SECTION 13. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to HB 1359 as introduced.)

WESCO

Committee Vote: yeas 9, nays 3.

