

---

# HOUSE BILL No. 1359

AM135901 has been incorporated into introduced printing.

---

**Synopsis:** Scanning ballots.

M  
e  
r  
g  
e  
d

2026

IN 1359—LS 7062/DI 144



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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.

2026

IN 1359—LS 7062/DI 144



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

19 (A) If the county election board has prescribed an affidavit  
20 under subsection (e) that includes a unique identifier to  
21 comply with section 26.2(c)(3) of this chapter, make and  
22 keep available to the office

22 subscribe to the affidavit.  
23 (B) Sign the electronic poll book.  
24 (C) Provide proof of identification.

29 (A) Sign the electronic poll book.  
30 (B) Provide proof of identification.  
31 (C) Sign the affidavit prescribed by section 29 of this

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

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

37                   **1C 5.11.13.53.5(a).** The voter must do the following.  
38                   (A) Sign the electronic poll book.  
39                   (B) Provide proof of identification.

39 (B) Provide proof of identification.

40 (e) The county election board may:

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

42 (2) establish a procedure to produce a document, label, or

2026

IN 1359—LS 7062/DI 144



**DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY**

1                    electronic record that is associated with each voter and includes  
 2                    a unique identifier;

3                    to comply with section 26.2(c)(3) of this chapter. After the county  
 4                    election board approves an affidavit or procedure described in this  
 5                    subsection and before the affidavit or procedure is used in an election,  
 6                    the county election board shall file a copy of the affidavit or a brief  
 7                    description of the procedure with the election division to assist the state  
 8                    recount commission in conducting proceedings under IC 3-12-11.

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

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

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

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

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

38                  (i) Notwithstanding subsection (h), in a county with a population  
 39                  of less than twenty thousand (20,000), the absentee voter board in the  
 40                  office of the circuit court clerk, with the approval of the county election  
 41                  board, may reduce the number of hours available to cast absentee



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  
9       is 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  
13       casting multiple votes for the office and provided an opportunity  
14       to 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  
18       for 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  
39       party 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



1 change the voter's choice of the voter's political party after the  
 2 voter has been mailed or otherwise provided with a primary  
 3 ballot containing the candidates of that party.

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

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

11 **(1) This section does not apply to voting under section 26 or**  
 12 **26.3 of this chapter.**

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

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

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

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

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

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

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

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

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

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

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

40 **(C) Whether the voter was advised that the voter could**  
 41 **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 the voter.

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

23 SECTION 3. IC 3-11-10-27, AS AMENDED BY P.L.227-2023,  
24 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 UPON PASSAGE]: Sec. 27. (a) This section does not apply to a ballot  
26 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)).

32 (c) Subject to IC 3-5-4-9, before a ballot is:  
33 (1) voted under section 26 or 26.3 of this chapter; or  
34 (2) placed:

35 (A) in a secrecy envelope; or  
36 (B) into the optical scan ballot scanner under  
37 IC 3-11-13-33.5;

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

40 the ballot must bear the circuit court clerk's official seal and signature  
41 or facsimile signature. The absentee ballot must be initialed by both



1       absentee voter board members, or subject to subsection (e), the county  
 2       election board or the board's designated representatives under  
 3       IC 3-11-4-19. In a county that provides a ballot marking device  
 4       described in IC 3-11-13-7.5 for a voter to mark the voter's ballot while  
 5       voting under section 26 or 26.3 of this chapter, the initials of the  
 6       absentee voter board may be applied after the ballot has been marked  
 7       by the voter and in a manner where the absentee voter board cannot see  
 8       how the voter marked the voter's ballot.

9       (d) An absentee voter board member or county election board  
 10      member or the member's representative shall not place the individual's  
 11      initials on the absentee ballot:

12       (1) until after the voter's application for that ballot has been  
 13       approved; or

14       (2) more than twenty-four (24) hours before the absentee ballot  
 15       is provided to the voter.

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

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

27       (f) The initials must be:

28       (1) in ink on the back of the ballot, in the person's ordinary  
 29       handwriting or printing, and without a distinguishing mark of  
 30       any kind; or

31       (2) in a vote center county using an electronic poll list:

32       (A) printed on the back of the ballot by a printer separate  
 33       from the electronic poll list, immediately before the ballot  
 34       is delivered to the voter; and

35       (B) the initials of the county election board or the board's  
 36       representatives captured through the electronic signature  
 37       pad or tablet at the time the county election board or the  
 38       board's representatives log into the electronic poll book  
 39       system.

40       (g) A resolution adopted under subsection (e) may also provide  
 41       that a precinct designation is not required to be preprinted on absentee



1       ballots printed immediately before the ballot is delivered to a voter, but  
 2       may be added in the same manner as the initials of the county election  
 3       board or the board's representatives under IC 3-11-4-19 are added  
 4       under subsection (f).

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

6       SECTION 4. IC 3-11-10-28, AS AMENDED BY P.L.65-2024,  
 7       SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8       UPON PASSAGE]: Sec. 28. (a) A voter voting before an absentee  
 9       voter board shall mark the voter's ballot in the presence of the board,  
 10      but not in such a manner that either of the members of the board can  
 11      see for whom the voter voted, unless the voter requests the help of the  
 12      board in marking a ballot under IC 3-11-9. The voter shall fold each  
 13      ballot separately in a manner to conceal the voter's markings.

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

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

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

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

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

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

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

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



1 and the ballot card's secrecy envelope before the election.

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

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

- 12 (1) before the election as provided by subsection (b); or
- 13 (2) at the time the ballot card is printed immediately before the  
 14 ballot card is delivered to a voter as provided by subsection (c).

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

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

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

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

- 35 (1) is not valid unless:
  - 36 (A) the secrecy envelope is initialed by both poll clerks; and
  - 37 (B) the vote includes both the name of the write-in  
 38 candidate and the office for which the write-in vote is cast;  
 39 and
- 40 (2) makes the secrecy envelope or fold-over envelope a ballot for  
 41 purposes of this title.



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

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

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

- 12     (1) accept the envelope and deposit it in the ballot box; or
- 13     (2) decline the envelope and require the judge to deposit it in the
- 14       ballot box.

15 **(c) (d)** If a voter offers to vote a ballot card that is not inside the  
 16 envelope provided for this purpose or with the ballot not folded as  
 17 described in section 18(b)(1) of this chapter, the precinct election board  
 18 shall direct the voter to return to the booth and place the ballot card in  
 19 the envelope provided for this purpose or fold the ballot. After voting,  
 20 a voter shall leave the polls.

21 **(d) (e)** If a voter leaves the booth without casting a ballot, a  
 22 precinct election official shall:

- 23     (1) attempt to advise the voter not to leave the polls because the  
 24 voter's ballot has not been cast; and
- 25     (2) permit the voter to return to the booth to complete the  
 26 process of casting the voter's ballot.

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

29     (1) Enter into the booth and place the voter's ballot inside the  
 30 envelope provided or fold the ballot as described in section  
 31 18(b)(1) of this chapter.

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

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

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

- 37     (1) The name of the voter who left the polls without completing  
 38 the process of casting a ballot if the voter's name is known.
- 39     (2) The approximate time that the voter left the polls.
- 40     (3) Whether the voter was advised that the voter could return to  
 41 the booth to complete the casting of the ballot.



(4) A statement made under the penalties for perjury indicating that:

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

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

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

SECTION 8. IC 3-11-13-33.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 33.5. (a) This section applies to a county in which the county election board has adopted a resolution to use the procedures set forth in this section. However, a county election board may not use the procedures set forth in this section unless the voting system used by the county includes a feature that allows the retraction of votes scanned into the voting system in the manner required under IC 3-11-15-26 and IC 3-11.5-4-6. If a county election board adopts a resolution under this subsection, the procedures set forth in this section apply on election day and during the period of early voting before an absentee voter board under IC 3-11-10-26.**

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

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

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

(1) absentee voter board members under IC 3-11-10-27; or

(2) poll clerks under section 28.1 or 28.2 of this chapter;

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

(e) If the ballot card contains the initials of the poll clerks under subsection (d), the precinct election officer to which the ballot is returned shall instruct the voter to place the ballot into the



1       **optical scan ballot scanner. If necessary, a precinct election officer**  
2       **shall assist the voter with placing the ballot into the optical scan**  
3       **ballot scanner.**

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

6       **(g) If a voter leaves the booth without casting a ballot, a**  
7       **precinct election officer shall:**

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

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

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

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

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

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

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

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

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

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

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

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

42       **(4) If the form is completed by the judges and the inspector,**



1                   **a statement made under the penalties for perjury indicating**  
 2                   **that:**

3                   **(A) the judges gave the voter's ballot to the inspector;**  
 4                   **(B) the inspector deposited the voter's ballot in the ballot**  
 5                   **box; and**  
 6                   **(C) the judges and the inspector did not make any**  
 7                   **alteration to the choices made by the voter.**

8                   **(5) If the form is completed by the members of the absentee**  
 9                   **voter board, a statement made under the penalties for**  
 10                  **perjury indicting that:**

11                  **(A) the absentee voter board members jointly deposited**  
 12                  **the envelope or folded ballot in the ballot box; and**  
 13                  **(B) the absentee voter board members (and any other**  
 14                  **person) did not make any alterations to the choices**  
 15                  **made by the voter.**

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

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

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

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

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

39                  (1) may not tabulate the ballots before election day; and  
 40                  (2) shall retract a previously scanned absentee ballot card of a  
 41                  voter who is later found disqualified or whose ballot may not be  
 42                  counted for any other reason under this title.



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

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

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

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

25 **(d)** This subsection applies to a county (other than a county  
 26 described in subsection **(d) (e) or (d) (f)**) that:

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

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

40 **(e)** This subsection applies to a county having a consolidated  
 41 city, if the county:



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

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

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

29           (f) (g) A resolution adopted under subsection (e) (f) may be  
30           repealed or amended only by the unanimous vote of the entire  
31           membership of the county election board.

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

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

2026

IN 1359—LS 7062/DI 144



**DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY**

1       **been scanned into an optical scan ballot scanner under**  
 2       **IC 3-11-13-33.5(e).**

3           **(b) (c)** Absentee ballot counters appointed under section 22 of this  
 4       chapter shall, in the presence of the county election board, process an  
 5       absentee ballot of a voter as follows:

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

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

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

17           **(c) (d)** A team of absentee ballot counters shall do all of the  
 18      following:

19           (1) Conduct a review of the absentee ballot required by section  
 20      12(a) through 12(c) of this chapter. Section 12(e) and 12(f) of  
 21      this chapter apply to this subdivision.

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

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

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

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

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

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

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



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

## Chapter 9. Counting of Scanned Optical Scan Absentee Ballots

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

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

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

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

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

2026

IN 1359—LS 7062/DI 144



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY