
HOUSE BILL No. 1359

AM135902 has been incorporated into January 14, 2026 printing.

Synopsis: Scanning ballots.

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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.

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

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

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

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

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

21 (B) Sign the electronic poll book.

22 (C) Provide proof of identification.

23 (3) **Except as provided in subdivision (4)**, this subdivision
 24 applies only to a county that uses electronic poll books for voting
 25 under this section and in which the ballot is cast on an optical
 26 scan voting system. The voter must do the following:

27 (A) Sign the electronic poll book.

28 (B) Provide proof of identification.

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

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

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

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

38 (e) The county election board may:

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

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

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

7 (f) The voter may vote before the board not more than ~~twenty-eight~~
 8 **(28) sixteen (16)** days nor later than noon on the day before election
 9 day. ~~If the close of a voter registration period is transferred under~~
 10 ~~IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the~~
 11 ~~Columbus Day holiday, the voter may vote before the board on the first~~
 12 ~~day following the day on which the voter registration period closes.~~

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

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

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

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

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

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

3 (1) permitted to verify in a private and independent manner the
4 votes selected by the voter before the ballot is cast and counted;

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

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

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

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

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

19 (l) If:

20 (1) the voter is unable or declines to present the proof of
21 identification; or

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

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

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

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

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

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

39 (2) A voter casting an absentee ballot under this chapter may not
40 change the voter's choice of the voter's political party after the
41 voter has been mailed or otherwise provided with a primary

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- 1 ballot containing the candidates of that party.
 2 SECTION 2. IC 3-11-10-26.4, AS AMENDED BY P.L.193-2021,
 3 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 UPON PASSAGE]: Sec. 26.4. (a) **Except as provided in subsection**
 5 **(b)**, this section applies to voting under section 26, 26.2, or 26.3 of this
 6 chapter.
 7 **(b) The following apply to a county in which the county**
 8 **election board has adopted a resolution under IC 3-11-13-33.5(a):**
 9 **(1) This section does not apply to voting under section 26 or**
 10 **26.3 of this chapter.**
 11 **(2) The procedures described in IC 3-11-13-33.5 apply to**
 12 **voting under section 26 or 26.3 of this chapter.**
 13 ~~(b)~~ (c) After voting, a voter shall leave the office or satellite office.
 14 ~~(c)~~ (d) If a voter leaves the booth without casting a ballot, an
 15 absentee voter board member or the circuit court clerk's office shall do
 16 both of the following:
 17 (1) Attempt to advise the voter not to leave the clerk's office or
 18 satellite office because the voter's ballot has not been cast.
 19 (2) Permit the voter to return to the booth to complete the
 20 process of casting the voter's ballot.
 21 ~~(d)~~ (e) This subsection applies to a voter who has been provided
 22 a paper absentee ballot or optical scan ballot card absentee ballot. If the
 23 voter has left the clerk's office or satellite office, or declines to return
 24 to the booth, the absentee voter board members shall do the following:
 25 (1) Enter into the booth and place the voter's ballot inside the
 26 envelope provided or fold the ballot as described in
 27 IC 3-11-13-18(b)(1).
 28 (2) Transfer or deposit the envelope or folded ballot to the
 29 location where previously cast absentee ballots have been
 30 secured.
 31 (3) Promptly complete a form prescribed under IC 3-5-4-8
 32 containing the following information:
 33 (A) The name of the voter who left the clerk's office or
 34 satellite office without completing the process of casting a
 35 ballot if the voter's name is known.
 36 (B) The approximate time that the voter left the clerk's
 37 office or satellite office.
 38 (C) Whether the voter was advised that the voter could
 39 return to the booth to complete the casting of the ballot.
 40 (D) A statement made under the penalties for perjury
 41 indicating that:

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

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

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

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

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

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

25 (b) Subject to IC 3-5-4-9, before a ballot is voted under section 25
26 of this chapter before an absentee voter board, it must bear the circuit
27 court clerk's official seal and signature or facsimile signature and be
28 initialed by the absentee voter board visiting the voter under section
29 25(b) of this chapter (except in a county subject to subsection (e)).

- 30 (c) Subject to IC 3-5-4-9, before a ballot is:
- 31 (1) voted under section 26 or 26.3 of this chapter; or
- 32 (2) placed:
- 33 **(A) in a secrecy envelope; or**
- 34 **(B) into the optical scan ballot scanner under**
- 35 **IC 3-11-13-33.5;**

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

38 the ballot must bear the circuit court clerk's official seal and signature
39 or facsimile signature. The absentee ballot must be initialed by both
40 absentee voter board members, or subject to subsection (e), the county
41 election board or the board's designated representatives under

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

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

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

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

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

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

25 (f) The initials must be:

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

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

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

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

38 (g) A resolution adopted under subsection (e) may also provide
 39 that a precinct designation is not required to be preprinted on absentee
 40 ballots printed immediately before the ballot is delivered to a voter, but
 41 may be added in the same manner as the initials of the county election

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1 board or the board's representatives under IC 3-11-4-19 are added
2 under subsection (f).

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

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

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

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

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

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

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

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

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

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

41 (c) In a vote center county using an electronic poll list, the circuit

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

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

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

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

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

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

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

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

33 (1) is not valid unless:

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

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

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

40 SECTION 7. IC 3-11-13-33, AS AMENDED BY P.L.156-2020,
 41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 33. **(a) This section does not apply to a**



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1 **county in which the county election board has adopted a resolution**
 2 **under section 33.5(a) of this chapter.**

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

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

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

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

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

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

20 (1) attempt to advise the voter not to leave the polls because the
 21 voter's ballot has not been cast; and

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

24 ~~(e)~~ **(f)** If the voter has left the polls, or declines to return to the
 25 booth, the inspector shall direct both judges to 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 section
 28 18(b)(1) of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 **the precinct election officer to which the ballot is returned shall**
33 **ensure that the two (2) poll clerks of the precinct or the members**
34 **of the absentee voter board, as applicable, place their initials on the**
35 **back of the ballot card in accordance with IC 3-11-10-27 or section**
36 **28.1(b) of this chapter.**

37 **(e) If the ballot card contains the initials of the poll clerks**
38 **under subsection (d), the precinct election officer to which the**
39 **ballot is returned shall instruct the voter to place the ballot into the**
40 **optical scan ballot scanner. If necessary, a precinct election officer**
41 **shall assist the voter with placing the ballot into the optical scan**
42 **ballot scanner.**

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

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

5 (1) attempt to advise the voter not to leave the polls because
6 the voter's ballot has not been cast; and

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

9 (h) This subsection applies during the period of early voting.
10 If the voter has left the polls, or declines to return to the booth, the
11 members of the absentee voter board shall 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) Deposit the voter's ballot in a ballot box separate from
16 the optical scan ballot scanner into which ballots have been
17 scanned under subsection (e).

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

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

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

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

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

33 (1) The name of the voter who left the polls without
34 completing the process of casting a ballot if the voter's name
35 is known.

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

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

39 (4) If the form is completed by the judges and the inspector,
40 a statement made under the penalties for perjury indicating
41 that:

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



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- 1 **(B) the inspector deposited the voter's ballot in the ballot**
- 2 **box; and**
- 3 **(C) the judges and the inspector did not make any**
- 4 **alteration to the choices made by the voter.**
- 5 **(5) If the form is completed by the members of the absentee**
- 6 **voter board, a statement made under the penalties for**
- 7 **perjury indicting that:**
- 8 **(A) the absentee voter board members jointly deposited**
- 9 **the envelope or folded ballot in the ballot box; and**
- 10 **(B) the absentee voter board members (and any other**
- 11 **person) did not make any alterations to the choices**
- 12 **made by the voter.**

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

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

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

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

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

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

40 SECTION 10. IC 3-11.5-4-11, AS AMENDED BY P.L.227-2023,
 41 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a) This section does not**

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1 **apply to an absentee ballot that has been scanned into an optical**
 2 **scan ballot scanner under IC 3-11-13-33.5(e).**
 3 ~~(a)~~ **(b)** Upon receipt of the absentee ballot and not later than
 4 election day, the county election board shall examine the signature on
 5 the absentee ballot.
 6 ~~(b)~~ **(c)** This subsection applies to a county that has not adopted an
 7 order to use an electronic poll book under IC 3-7-29-6(a)(1) or is a vote
 8 center county under IC 3-11-18.1. Except as provided in subsection ~~(c)~~;
 9 ~~(d)~~, ~~or~~ ~~(e)~~, ~~or~~ ~~(f)~~, at any time after the couriers return the certificate
 10 under section 9 of this chapter, absentee ballot counters appointed
 11 under section 22 of this chapter, in the presence of the county election
 12 board, shall, except for a ballot rejected under section 13 of this
 13 chapter:
 14 (1) open the outer or carrier envelope containing an absentee
 15 ballot envelope and application;
 16 (2) announce the absentee voter's name; and
 17 (3) compare the signature upon the ballot application or, if there
 18 is no application, with the signature on the electronic poll book
 19 with the signature upon the:
 20 (A) voter's absentee ballot envelope; or
 21 (B) if there is no envelope, computerized list.
 22 ~~(c)~~ **(d)** This subsection applies to a county (other than a county
 23 described in subsection ~~(d)~~ ~~(e)~~ or ~~(c)~~ ~~(f)~~) that:
 24 (1) has adopted an order to use an electronic poll book under
 25 IC 3-7-29-6(a)(1); or
 26 (2) is a vote center county under IC 3-11-18.1;
 27 and has not updated the computerized list to reflect absentee ballots
 28 received on election day. After the receipt and processing required
 29 under sections 12 and 12.5 of this chapter to process an absentee ballot
 30 from a voter and after ensuring that the electronic poll books used in
 31 each polling place or vote center have been updated to reflect all
 32 absentee ballots received by the county not later than 12:01 a.m. on
 33 election day, the absentee ballot counters shall, at any time after 6:00
 34 a.m. on election day, in a central counting location designated by the
 35 county election board, count the absentee ballot votes cast for each
 36 candidate, for each office, and on each public question.
 37 ~~(d)~~ **(e)** This subsection applies to a county having a consolidated
 38 city, if the county:
 39 (1) has adopted an order to use an electronic poll book under
 40 IC 3-7-29-6(a)(1); or
 41 (2) is a vote center county under IC 3-11-18.1.

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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
 27 repealed or amended only by the unanimous vote of the entire
 28 membership of 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 UPON PASSAGE]: 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

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1 chapter shall, in the presence of the county election board, process an
2 absentee ballot of a voter as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (2) be stored in a secure manner under dual lock controlled by

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1 both appointed members of the county election board.
2 (f) An absentee ballot determined to be counted under this
3 section shall be tabulated according to this article on election day in
4 accordance with section 11 of this chapter.

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

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

11 **Chapter 9. Counting of Scanned Optical Scan Absentee Ballots**

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

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

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

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

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

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

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