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HOUSE BILL No. 1359

Proposed Changes to January 14, 2026 printing by AM135902

DIGEST OF PROPOSED AMENDMENT

Early voting. Reduces the period during which in person absentee voting may occur at the office of the circuit court clerk or a satellite office established by the county election board to a 16 day period ending at noon on the day before election day.

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.
- 18 (c) Except for a location designated under subsection (a)(1), a
- 19 location of the office of the circuit court clerk must be established as

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1 a satellite office under section 26.3 of this chapter in order to be used
 2 as a location at which a voter is entitled to cast an absentee ballot
 3 before an absentee voter board under this section.

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

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

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

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

19 (B) Sign the electronic poll book.

20 (C) Provide proof of identification.

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

25 (A) Sign the electronic poll book.

26 (B) Provide proof of identification.

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

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

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

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

36 (e) The county election board may:

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

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

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

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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
 6 ~~twenty-eight (28)~~ **sixteen (16)** days nor later than noon on the
 7 day before election day. ~~If the close of a voter~~
 8 ~~registration period is transferred under~~ ~~IC 3-5-4-1~~
 9 ~~IC 3-5-4-1.5~~ ~~from~~ ~~twenty-nine (29)~~ ~~days~~ ~~to~~ ~~a~~
 10 ~~later date due to the Columbus Day holiday,~~
 11 ~~the voter may vote before the board on~~
 12 ~~the first day following the day on which~~
 13 ~~the voter registration period closes.~~

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

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

- 32 (1) use the office of the circuit court clerk designated in
 33 subsection (a)(1); or
 34 (2) establish a satellite office under section 26.3 of this chapter;
 35 to permit voters to cast absentee ballots under this section for at least
 36 four (4) hours on the third Saturday preceding election day.

37 (i) Notwithstanding subsection (h), in a county with a population
 38 of less than twenty thousand (20,000), the absentee voter board in the
 39 office of the circuit court clerk, with the approval of the county election
 40 board, may reduce the number of hours available to cast absentee
 41 ballots under this section to a minimum of four (4) hours on each of the
 42 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
42 ballot containing the candidates of that party.

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

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

8 **(1) This section does not apply to voting under section 26 or**
 9 **26.3 of this chapter.**

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (i) the absentee voter board members jointly
 42 transferred or deposited the envelope or folded ballot

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1 in the location where previously cast absentee ballots
 2 had been secured; and
 3 (ii) the absentee voter board members (and any other
 4 person) did not make any alterations to the choices
 5 made by the voter.

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

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

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

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

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

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

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

- 31 **(A) in a secrecy envelope; or**
- 32 **(B) into the optical scan ballot scanner under**
- 33 **IC 3-11-13-33.5;**

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

36 the ballot must bear the circuit court clerk's official seal and signature
 37 or facsimile signature. The absentee ballot must be initialed by both
 38 absentee voter board members, or subject to subsection (e), the county
 39 election board or the board's designated representatives under
 40 IC 3-11-4-19. In a county that provides a ballot marking device
 41 described in IC 3-11-13-7.5 for a voter to mark the voter's ballot while
 42 voting under section 26 or 26.3 of this chapter, the initials of the

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1 absentee voter board may be applied after the ballot has been marked
 2 by the voter and in a manner where the absentee voter board cannot see
 3 how the voter marked the voter's ballot.

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

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

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

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

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

22 (f) The initials must be:

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

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

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

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

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

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

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

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

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

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

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

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

- 23 (1) listing the documentation the voter may submit to the county
24 voter registration office to comply with IC 3-7-33-4.5 or
25 IC 3-7-33-4.7; and
26 (2) stating the address and hours of the county voter registration
27 office.

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

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

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

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1 before the ballot card is delivered to the voter.
2 (d) In a vote center county using an electronic poll book, the
3 circuit court clerk may print or stamp the precinct number or
4 designation:

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

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

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

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

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

- 28 (1) is not valid unless:
 - 29 (A) the secrecy envelope is initialed by both poll clerks; and
 - 30 (B) the vote includes both the name of the write-in
31 candidate and the office for which the write-in vote is cast;
32 and
- 33 (2) makes the secrecy envelope or fold-over envelope a ballot for
34 purposes of this title.

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

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

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- 1 to the judge.
- 2 ~~(b)~~ (c) The judge shall offer to return the envelope with the ballot
3 card inside to the voter. The voter shall:
- 4 (1) accept the envelope and deposit it in the ballot box; or
5 (2) decline the envelope and require the judge to deposit it in the
6 ballot box.
- 7 ~~(c)~~ (d) If a voter offers to vote a ballot card that is not inside the
8 envelope provided for this purpose or with the ballot not folded as
9 described in section 18(b)(1) of this chapter, the precinct election board
10 shall direct the voter to return to the booth and place the ballot card in
11 the envelope provided for this purpose or fold the ballot. After voting,
12 a voter shall leave the polls.
- 13 ~~(d)~~ (e) If a voter leaves the booth without casting a ballot, a
14 precinct election official shall:
- 15 (1) attempt to advise the voter not to leave the polls because the
16 voter's ballot has not been cast; and
17 (2) permit the voter to return to the booth to complete the
18 process of casting the voter's ballot.
- 19 ~~(e)~~ (f) If the voter has left the polls, or declines to return to the
20 booth, the inspector shall direct both judges to do the following:
- 21 (1) Enter into the booth and place the voter's ballot inside the
22 envelope provided or fold the ballot as described in section
23 18(b)(1) of this chapter.
24 (2) Give the envelope or folded ballot to the inspector.
- 25 The inspector shall then deposit the voter's ballot in the ballot box.
- 26 ~~(f)~~ (g) After the voter's ballot has been deposited in the ballot box,
27 the judges and the inspector shall promptly complete a form prescribed
28 under IC 3-5-4-8 containing the following information:
- 29 (1) The name of the voter who left the polls without completing
30 the process of casting a ballot if the voter's name is known.
31 (2) The approximate time that the voter left the polls.
32 (3) Whether the voter was advised that the voter could return to
33 the booth to complete the casting of the ballot.
34 (4) A statement made under the penalties for perjury indicating
35 that:
- 36 (A) the judges gave the voter's ballot to the inspector;
37 (B) the inspector deposited the voter's ballot in the ballot
38 box; and
39 (C) the judges and the inspector did not make any alteration
40 to the choices made by the voter.
- 41 The form must be signed by both judges and the inspector.
- 42 ~~(g)~~ (h) After a voter's ballot cards have been deposited in the ballot

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1 box, the poll clerks shall make a voting mark after the voter's name on
2 the poll list.

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

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

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

23 (d) If the ballot card does not contain the initials of the:
24 (1) absentee voter board members under IC 3-11-10-27; or
25 (2) poll clerks under section 28.1 or 28.2 of this chapter;
26 the precinct election officer to which the ballot is returned shall
27 ensure that the two (2) poll clerks of the precinct or the members
28 of the absentee voter board, as applicable, place their initials on the
29 back of the ballot card in accordance with IC 3-11-10-27 or section
30 28.1(b) of this chapter.

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

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

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

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

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- 1 (2) permit the voter to return to the booth to complete the
2 process of casting the voter's ballot.
- 3 (h) This subsection applies during the period of early voting.
4 If the voter has left the polls, or declines to return to the booth, the
5 members of the absentee voter board shall do the following:
- 6 (1) Enter into the booth and place the voter's ballot inside an
7 envelope or fold the ballot as described in section 18(b)(1) of
8 this chapter.
- 9 (2) Deposit the voter's ballot in a ballot box separate from
10 the optical scan ballot scanner into which ballots have been
11 scanned under subsection (e).
- 12 (i) This subsection applies on election day. If the voter has left
13 the polls, or declines to return to the booth, the inspector shall
14 direct both judges to 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) Give the envelope or folded ballot to the inspector.
- 19 The inspector shall then deposit the voter's ballot in a ballot box
20 separate from the optical scan ballot scanner into which ballots
21 have been scanned under subsection (e).
- 22 (j) After the voter's ballot has been deposited in the ballot box
23 under subsection (h) or (i), the judges and the inspector, or the
24 members of the absentee voter board, as applicable, shall promptly
25 complete a form prescribed under IC 3-5-4-8 containing the
26 following information:
- 27 (1) The name of the voter who left the polls without
28 completing the process of casting a ballot if the voter's name
29 is known.
- 30 (2) The approximate time that the voter left the polls.
- 31 (3) Whether the voter was advised that the voter could
32 return to the booth to complete the casting of the ballot.
- 33 (4) If the form is completed by the judges and the inspector,
34 a statement made under the penalties for perjury indicating
35 that:
- 36 (A) the judges gave the voter's ballot to the inspector;
37 (B) the inspector deposited the voter's ballot in the ballot
38 box; and
39 (C) the judges and the inspector did not make any
40 alteration to the choices made by the voter.
- 41 (5) If the form is completed by the members of the absentee
42 voter board, a statement made under the penalties for

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perjury indicting that:

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

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

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

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

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

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

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

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

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

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

~~(b)~~ **(c)** This subsection applies to a county that has not adopted an

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1 order to use an electronic poll book under IC 3-7-29-6(a)(1) or is a vote
2 center county under IC 3-11-18.1. Except as provided in subsection ~~(e)~~;
3 (d), ~~or (e)~~, **or (f)**, at any time after the couriers return the certificate
4 under section 9 of this chapter, absentee ballot counters appointed
5 under section 22 of this chapter, in the presence of the county election
6 board, shall, except for a ballot rejected under section 13 of this
7 chapter:

- 8 (1) open the outer or carrier envelope containing an absentee
- 9 ballot envelope and application;
- 10 (2) announce the absentee voter's name; and
- 11 (3) compare the signature upon the ballot application or, if there
- 12 is no application, with the signature on the electronic poll book
- 13 with the signature upon the:
 - 14 (A) voter's absentee ballot envelope; or
 - 15 (B) if there is no envelope, computerized list.

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

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

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

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

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

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

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1 count the absentee ballot votes cast for each candidate, for each office,
2 and on each public question.

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

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

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

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

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

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

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

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

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

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

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

40 (2) Beginning at noon, two (2) days before the election for any
41 absentee ballot that has been received by the county election
42 board any time after noon, four (4) days before the election and

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1 not later than noon, three (3) days before the election.
 2 (3) Beginning at noon, the day before the election for any
 3 absentee ballot that has been received by the county election
 4 board any time after noon, three (3) days before the election and
 5 not later than noon, two (2) days before the election.
 6 ~~(c)~~ (d) A team of absentee ballot counters shall do all of the
 7 following:
 8 (1) Conduct a review of the absentee ballot required by section
 9 12(a) through 12(c) of this chapter. Section 12(e) and 12(f) of
 10 this chapter apply to this subdivision.
 11 (2) Determine in accordance with section 13 of this chapter if the
 12 absentee ballot cannot be counted.
 13 (3) Open the envelope containing the absentee ballot in a manner
 14 that does not deface or destroy the affidavit and take out each
 15 ballot enclosed without unfolding or permitting the ballot to be
 16 unfolded or examined.
 17 (4) Determine if the absentee ballot has been endorsed with the
 18 initials of:
 19 (A) the two (2) members of the absentee voter board in the
 20 office of the clerk of the circuit court under IC 3-11-4-19 or
 21 IC 3-11-10-27;
 22 (B) the two (2) members of the absentee voter board
 23 visiting the voter under IC 3-11-10-25; or
 24 (C) the two (2) appointed members of the county election
 25 board or the members' designated representatives under
 26 IC 3-11-4-19.
 27 ~~(d)~~ (e) If the team of absentee ballot counters determines the
 28 absentee ballot can be counted under this chapter, the absentee ballot
 29 must be stored in an envelope or container kept for ballots of the same
 30 precinct. The envelope or container must:
 31 (1) have the name of the precinct written on the envelope or
 32 container; and
 33 (2) be stored in a secure manner under dual lock controlled by
 34 both appointed members of the county election board.
 35 ~~(e)~~ (f) An absentee ballot determined to be counted under this
 36 section shall be tabulated according to this article on election day in
 37 accordance with section 11 of this chapter.
 38 ~~(f)~~ (g) A member of the county election board may challenge a
 39 voter under section 15(c) of this chapter when a team of absentee ballot
 40 counters is processing an absentee ballot under this section.
 41 SECTION 12. IC 3-11.5-9 IS ADDED TO THE INDIANA CODE
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]:
 2 **Chapter 9. Counting of Scanned Optical Scan Absentee Ballots**
 3 **Sec. 1. This chapter applies to an absentee ballot that has been**
 4 **scanned into an optical scan ballot scanner under**
 5 **IC 3-11-13-33.5(e).**
 6 **Sec. 2. (a) The county election board shall make an initial**
 7 **determination concerning whether any absentee ballot cast must**
 8 **be rejected for any grounds under IC 3-11.5-4-13.**
 9 **(b) If the county election board makes an initial determination**
 10 **under subsection (a) that an absentee ballot must be rejected, the**
 11 **county election board shall void the absentee ballot on the optical**
 12 **scan ballot scanner by retracting the absentee ballot from the**
 13 **voting system.**
 14 **Sec. 3. After making an initial determination under section 2**
 15 **of this chapter, the county election board shall process the**
 16 **remaining absentee ballots by producing a printout for each**
 17 **precinct in which an absentee ballot has been cast.**
 18 **Sec. 4. After making an initial determination under section 2**
 19 **of this chapter and processing the ballots under section 3 of this**
 20 **chapter, the county election board shall tabulate the valid absentee**
 21 **ballots scanned into the optical scan ballot scanner.**
 22 **SECTION 13. An emergency is declared for this act.**

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