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# HOUSE BILL No. 1980

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-4-9; IC 3-11-4-19; IC 3-11-10-27.

**Synopsis:** Authentication of ballots. Provides that whenever the individual who holds the office of circuit court clerk is a candidate on the ballot for any office, the individual's name or signature may not appear on the ballot except in the individual's capacity as a candidate, notwithstanding a law requiring the circuit court clerk's name or signature to appear on the ballot. Requires the circuit court clerk to choose a device or symbol other than the circuit court clerk's printed name or signature to authenticate ballots or for any other purpose required by law.

**Effective:** July 1, 2003.

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### Avery, Kromkowski

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January 23, 2003, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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## HOUSE BILL No. 1980



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 3-5-4-9 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 3 2003]: **Sec. 9. (a) This section applies whenever the individual who**
- 4 **holds the office of circuit court clerk is a candidate on the ballot for**
- 5 **any office.**
- 6 **(b) As used in this section, "ballot" refers to an absentee ballot,**
- 7 **a ballot card, or any other form of ballot.**
- 8 **(c) Notwithstanding any law requiring the name or signature of**
- 9 **the circuit court clerk to appear on a ballot for authentication or**
- 10 **any other purpose, the name or signature of the individual who is**
- 11 **circuit court clerk may not appear on the ballot except to indicate**
- 12 **that the individual is a candidate for an office.**
- 13 **(d) The circuit court clerk shall choose a device or symbol other**
- 14 **than the circuit court clerk's printed name or signature to**
- 15 **authenticate a ballot or to serve any other purpose required by**
- 16 **law.**
- 17 SECTION 2. IC 3-11-4-19 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. (a) **Subject to**  
 2 **IC 3-5-4-9**, a ballot that is mailed must bear the circuit court clerk's  
 3 official seal and signature or facsimile signature on the back of the  
 4 ballot. Before the ballot is mailed:

5 (1) the two (2) members of the absentee voter board in the office  
 6 of the circuit court clerk; or

7 (2) the two (2) appointed members of the county election board  
 8 or their designated representatives;

9 shall place their initials in ink on the back of the ballot. The initials  
 10 must be in the persons' ordinary handwriting or printing and without a  
 11 distinguishing mark of any kind. No other initialing of the absentee  
 12 ballot is necessary.

13 (b) An absentee ballot that is voted before an absentee voter board  
 14 under IC 3-11-10-25 or IC 3-11-10-26 must bear the seal, signature,  
 15 and initials prescribed by IC 3-11-10-27.

16 SECTION 3. IC 3-11-10-27, AS AMENDED BY P.L.126-2002,  
 17 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2003]: Sec. 27. (a) This section does not apply to a ballot  
 19 mailed to a voter under this chapter.

20 (b) **Subject to IC 3-5-4-9**, before a ballot is voted under section 25  
 21 or 26 of this chapter before an absentee voter board, it must bear the  
 22 circuit court clerk's official seal and signature or facsimile signature  
 23 and be initialed by:

24 (1) the absentee voter board visiting the voter under section 25(b)  
 25 of this chapter (except in a county subject to subsection (c)); or

26 (2) the county election board or the board's designated  
 27 representatives under IC 3-11-4-19 if the ballot is cast at the  
 28 office of the circuit court clerk under section 26 of this chapter.

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

37 (d) The initials must be in ink on the back of the ballot, in the  
 38 person's ordinary handwriting or printing, and without a distinguishing  
 39 mark of any kind. No other initialing of the absentee ballot is  
 40 necessary.

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