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# HOUSE BILL No. 1281

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-11-4.

**Synopsis:** Absentee voting. Provides that a person assisting a voter in filling out an absentee ballot application may not assist the voter in completing the part of the application that states the reason the voter is entitled to vote an absentee ballot unless the voter is a voter with disabilities. Requires a person who files an absentee ballot application for another individual to submit a copy of the person's proof of identification with the application. Requires a person who files an absentee ballot application for another individual by facsimile (fax) must also include with the transmission the same affidavit that must be filed with a hand delivered application and a copy of the person's proof of identification. Requires a person who files multiple absentee ballot applications to file an affidavit and a copy of the person's proof of identification for each application. Provides that the deadline for filing an application for an absentee ballot by hand delivery is not later than 11:59 p.m. on the eighth day before election day.

**Effective:** July 1, 2012.

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### Richardson, Frye R

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January 11, 2012, read first time and referred to Committee on Elections and Apportionment.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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# HOUSE BILL No. 1281



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 3-11-4-2, AS AMENDED BY P.L.103-2005,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2012]: Sec. 2. (a) A voter who wants to vote by absentee  
4 ballot must apply to the county election board for an official absentee  
5 ballot. Except as provided in subsection (b), the voter must sign the  
6 absentee ballot application.

7 (b) If a voter with disabilities is unable to sign the absentee ballot  
8 application and the voter has not designated an individual to serve as  
9 attorney in fact for the voter, the county election board may designate  
10 an individual to sign the application on behalf of the voter. If an  
11 individual applies for an absentee ballot as the properly authorized  
12 attorney in fact for a voter, the attorney in fact must attach a copy of the  
13 power of attorney to the application.

14 (c) A person may provide an individual with an application for an  
15 absentee ballot with the following information already printed or  
16 otherwise set forth on the application when provided to the individual:

17 (1) The name of the individual.



- 1 (2) The voter registration address of the individual.  
 2 (3) The mailing address of the individual.  
 3 (4) The date of birth of the individual.  
 4 (5) The voter identification number of the individual.  
 5 (d) A person may not provide an individual with an application for  
 6 an absentee ballot with the following information already printed or  
 7 otherwise set forth on the application when provided to the individual:  
 8 (1) The address to which the absentee ballot would be mailed, if  
 9 different from the voter registration address of the individual.  
 10 (2) In a primary election, the major political party ballot requested  
 11 by the individual.  
 12 (3) In a primary or general election, the types of absentee ballots  
 13 requested by the individual.  
 14 (4) The reason why the individual is entitled to vote an absentee  
 15 ballot:  
 16 (A) by mail; or  
 17 (B) before an absentee voter board (other than an absentee  
 18 voter board located in the office of the circuit court clerk or a  
 19 satellite office);  
 20 in accordance with IC 3-11-4-18, IC 3-11-10-24, or  
 21 IC 3-11-10-25. **A person assisting a voter, other than a voter  
 22 with disabilities, may not assist the voter in filling out the  
 23 information described in this subdivision on the voter's  
 24 application for an absentee ballot.**  
 25 (e) If the county election board determines that an absentee ballot  
 26 application does not comply with subsection (d), the board shall deny  
 27 the application under section 17.5 of this chapter.  
 28 (f) A person who assists an individual in completing any  
 29 information described in subsection (d) on an absentee ballot  
 30 application shall state under the penalties for perjury the following  
 31 information on the application:  
 32 (1) The full name, residence and mailing address, and daytime  
 33 and evening telephone numbers (if any) of the person providing  
 34 the assistance.  
 35 (2) The date this assistance was provided.  
 36 (3) That the person providing the assistance has complied with  
 37 Indiana laws governing the submission of absentee ballot  
 38 applications.  
 39 (4) That the person has no knowledge or reason to believe that the  
 40 individual submitting the application:  
 41 (A) is ineligible to vote or to cast an absentee ballot; or  
 42 (B) did not properly complete and sign the application.

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1 (g) This subsection does not apply to an employee of the United  
 2 States Postal Service or a bonded courier company acting in the  
 3 individual's capacity as an employee of the United States Postal Service  
 4 or a bonded courier company. A person who receives a completed  
 5 absentee ballot application from the individual who has applied for the  
 6 absentee ballot shall file the application with the appropriate county  
 7 election board not later than:

8 (1) noon seven (7) days after the person receives the application;

9 or

10 (2) the deadline set by Indiana law for filing the application with  
 11 the board;

12 whichever occurs first.

13 (h) This subsection does not apply to an employee of the United  
 14 States Postal Service or a bonded courier company acting in the  
 15 individual's capacity as an employee of the United States Postal Service  
 16 or a bonded courier company. A person filing an absentee ballot  
 17 application, other than the person's own absentee ballot application,  
 18 must **do the following:**

19 (1) Sign an affidavit at the time of filing the application. The  
 20 affidavit must be in a form prescribed by the commission. The  
 21 form must include the following:

22 (1) (A) A statement of the full name, residence and mailing  
 23 address, and daytime and evening telephone numbers (if any)  
 24 of the person submitting the application.

25 (2) (B) A statement that the person filing the affidavit has  
 26 complied with Indiana laws governing the submission of  
 27 absentee ballot applications.

28 (3) (C) A statement that the person has no knowledge or  
 29 reason to believe that the individual whose application is to be  
 30 filed:

31 (A) (i) is ineligible to vote or to cast an absentee ballot; or

32 (B) (ii) did not properly complete and sign the application.

33 (4) (D) A statement that the person is executing the affidavit  
 34 under the penalties of perjury.

35 (5) (E) A statement setting forth the penalties for perjury.

36 (2) **A copy of the person's proof of identification.**

37 (i) **If an application for an absentee ballot is filed by fax**  
 38 **transmission by a person filing an application other than the**  
 39 **person's own application, the following must be part of the fax**  
 40 **transmission:**

41 (1) **The affidavit required by subsection (h).**

42 (2) **A copy of the person's proof of identification.**

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1           **(j) The requirements described in subsection (h) apply to each**  
 2 **application delivered by a person for an applicant other than the**  
 3 **person, whether the application is delivered by hand or is**  
 4 **transmitted by fax. If a person files more than one (1) application**  
 5 **at a time, each application must be accompanied by:**

- 6           **(1) an affidavit described in subsection (h); and**  
 7           **(2) a copy of the person's proof of identification.**

8           ~~(j)~~ **(k) The county election board shall record the date and time of**  
 9 **the filing of the each affidavit and proof of identification.**

10           SECTION 2. IC 3-11-4-3, AS AMENDED BY P.L.225-2011,  
 11 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2012]: Sec. 3. (a) Except as provided in section 6 of this  
 13 chapter, an application for an absentee ballot must be received by the  
 14 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of  
 15 the board of elections and registration) not earlier than the date the  
 16 registration period resumes under IC 3-7-13-10 nor later than the  
 17 following:

18           (1) Noon on election day if the voter registers to vote under  
 19 IC 3-7-36-14.

20           (2) Noon on the day before election day if the voter:

21           (A) completes the application in the office of the circuit court  
 22 clerk; or

23           (B) is an absent uniformed services voter or overseas voter  
 24 who requests that the ballot be transmitted by electronic mail  
 25 or fax under section 6(h) of this chapter.

26           (3) Noon on the day before election day if:

27           (A) the application is a mailed, transmitted by fax, or hand  
 28 delivered application from a confined voter or voter caring for  
 29 a confined person; and

30           (B) the applicant requests that the absentee ballots be  
 31 delivered to the applicant by an absentee voter board.

32           (4) 11:59 p.m. on the eighth day before election day if the  
 33 application:

34           (A) is a mailed application;

35           **(B) is a hand delivered application (other than an**  
 36 **application described in subdivision (3)); or**

37           ~~(B)~~ **(C) was transmitted by fax;**

38           from other voters.

39           (b) An application for an absentee ballot received by the election  
 40 division by the time and date specified by subsection (a)(2)(B), (a)(3),  
 41 or (a)(4) is considered to have been timely received for purposes of  
 42 processing by the county. The election division shall immediately

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1 transmit the application to the circuit court clerk, or the director of the  
 2 board of elections and registration, of the county where the applicant  
 3 resides. The election division is not required to complete or file the  
 4 affidavit required under section 2(h) of this chapter whenever the  
 5 election division transmits an application under this subsection.

6 SECTION 3. IC 3-11-4-4, AS AMENDED BY P.L.66-2010,  
 7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2012]: Sec. 4. (a) Applications may be made on application  
 9 forms approved by the commission by any of the following means:

10 (1) In person.

11 (2) By fax transmission.

12 (3) By mail (including United States mail or bonded courier).

13 (4) By electronic mail with a scanned image of the application  
 14 and signature of the applicant, if transmitted by an absent  
 15 uniformed services voter or an overseas voter acting under section  
 16 6 of this chapter.

17 (b) Application forms shall:

18 (1) be furnished to a central committee of the county at the  
 19 request of the central committee;

20 (2) be:

21 (A) mailed;

22 (B) transmitted by fax; or

23 (C) transmitted by electronic mail with a scanned image of the  
 24 application;

25 upon request, to a voter applying by mail, by telephone, by  
 26 electronic mail, or by fax; and

27 (3) be delivered to a voter in person who applies at the circuit  
 28 court clerk's office.

29 (c) **Subject to section 2 of this chapter**, a county election board  
 30 shall accept an application for an absentee ballot transmitted by fax  
 31 even though the application is delivered to the county election board by  
 32 a person other than the person submitting the application.

33 (d) When an application is received under subsection (a)(4), the  
 34 circuit court clerk's office (or, in a county subject to IC 3-6-5.2 or  
 35 IC 3-6-5.4, the office of the board of elections and registration) shall  
 36 send an electronic mail receipt acknowledging receipt of the voter's  
 37 application.

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