

## SENATE BILL No. 467

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-11-10.

**Synopsis:** 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 the period that begins on the Saturday immediately preceding election day and ends at noon on the day before election day. Allows an absent uniformed services voter who is eligible to vote in-person by absentee ballot in the circuit court clerk's office to continue to do so during the period specified by current law. Repeals a provision that allows a county election board to establish, before a primary conducted in a municipal election year, a municipal election, or a special election, specific days and hours during which in-person absentee voting may occur at the office of the circuit court clerk.

**Effective:** July 1, 2013.

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**Schneider**

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January 10, 2013, read first time and referred to Committee on Elections.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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# SENATE BILL No. 467



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.225-2011,  
2 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 26. (a) This subsection applies to all counties,  
4 except for a county to which IC 3-6-5.2 applies. As an alternative to  
5 voting by mail, a voter is entitled to cast an absentee ballot before an  
6 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 applies.  
12 As an alternative to voting by mail, a voter is entitled to cast an  
13 absentee ballot before an absentee voter board at any of the following:

- 14 (1) The office of the board of elections and registration.
- 15 (2) A satellite office established under section 26.3 of this
- 16 chapter.
- 17 (c) Except for a location designated under subsection (a)(1), a



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

5 (d) The voter must:

6 (1) sign an application on the form prescribed by the commission  
 7 under IC 3-11-4-5.1; and

8 (2) provide proof of identification;

9 before being permitted to vote. The application must be received by the  
 10 circuit court clerk not later than the time prescribed by IC 3-11-4-3.

11 (e) **Except as provided in subsection (f),** the voter may vote before  
 12 the board ~~not more than twenty-nine (29) days nor later than during a~~  
 13 **period that begins on the Saturday immediately preceding election**  
 14 **day and ends at noon** on the day before election day.

15 (f) An absent uniformed services voter who is eligible to vote by  
 16 absentee ballot in the circuit court clerk's office under IC 3-7-36-14  
 17 may vote before the board not earlier than twenty-nine (29) days before  
 18 the election and not later than noon on election day. If a voter described  
 19 by this subsection wishes to cast an absentee ballot during the period  
 20 beginning at noon on the day before election day and ending at noon on  
 21 election day, the county election board or absentee voter board may  
 22 receive and process the ballot at a location designated by resolution of  
 23 the county election board.

24 (g) The absentee voter board in the office of the circuit court clerk  
 25 must permit voters to cast absentee ballots under this section for at  
 26 least seven (7) hours on ~~each of the two (2) Saturdays~~ **the Saturday**  
 27 **immediately preceding election day.**

28 (h) Notwithstanding subsection (g), in a county with a population of  
 29 less than twenty thousand (20,000), the absentee voter board in the  
 30 office of the circuit court clerk, with the approval of the county election  
 31 board, may reduce the number of hours available to cast absentee  
 32 ballots under this section to a minimum of four (4) hours on ~~each of the~~  
 33 ~~two (2) Saturdays~~ **the Saturday immediately preceding election day.**

34 (i) As provided by 42 U.S.C. 15481, a voter casting an absentee  
 35 ballot under this section must be:

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

38 (2) provided with the opportunity to change the ballot or correct  
 39 any error in a private and independent manner before the ballot is  
 40 cast and counted, including the opportunity to receive a  
 41 replacement ballot if the voter is otherwise unable to change or  
 42 correct the ballot; and

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- 1 (3) notified before the ballot is cast regarding the effect of casting  
 2 multiple votes for the office and provided an opportunity to  
 3 correct the ballot before the ballot is cast and counted.
- 4 (j) As provided by 42 U.S.C. 15481, when an absentee ballot is  
 5 provided under this section, the board must also provide the voter with:  
 6 (1) information concerning the effect of casting multiple votes for  
 7 an office; and  
 8 (2) instructions on how to correct the ballot before the ballot is  
 9 cast and counted, including the issuance of replacement ballots.
- 10 (k) If:  
 11 (1) the voter is unable or declines to present the proof of  
 12 identification; or  
 13 (2) a member of the board determines that the proof of  
 14 identification provided by the voter does not qualify as proof of  
 15 identification under IC 3-5-2-40.5;  
 16 the voter shall be permitted to cast an absentee ballot and the voter's  
 17 absentee ballot shall be treated as a provisional ballot.
- 18 (l) A voter casting an absentee ballot under this section is entitled  
 19 to cast the voter's ballot in accordance with IC 3-11-9.
- 20 SECTION 2. IC 3-11-10-26.3, AS AMENDED BY P.L.225-2011,  
 21 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2013]: Sec. 26.3. (a) A county election board may adopt a  
 23 resolution to authorize the circuit court clerk to establish satellite  
 24 offices in the county where voters may cast absentee ballots before an  
 25 absentee voter board.
- 26 (b) To be adopted under this section, a resolution must be adopted  
 27 by the unanimous vote of the board's entire membership.
- 28 (c) A resolution adopted under this section must do the following:  
 29 (1) State the locations of the satellite offices.  
 30 (2) State the hours at which absentee voting may occur at the  
 31 satellite offices. **However, absentee voting may not occur at a**  
 32 **satellite office earlier than the Saturday immediately**  
 33 **preceding election day or later than noon on the day before**  
 34 **election day.**
- 35 (d) The resolution may contain other provisions the board considers  
 36 useful.
- 37 (e) If a resolution is adopted under this section for a primary  
 38 election, the locations of the satellite offices and the hours at which  
 39 absentee voting may occur at the satellite offices established for the  
 40 primary election must be used for the subsequent general or municipal  
 41 election.
- 42 (f) If a resolution is adopted under this section, the procedure for

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1 casting an absentee ballot at a satellite office must, except as provided  
 2 in this section, be substantially the same as the procedure for casting an  
 3 absentee ballot in the office of the circuit court clerk.

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

6 (h) A satellite office established by a circuit court clerk under this  
 7 section must comply with the polling place accessibility requirements  
 8 of IC 3-11-8.

9 SECTION 3. IC 3-11-10-26.5 IS REPEALED [EFFECTIVE JULY  
 10 1, 2013]. Sec. 26.5: (a) This section applies to:

11 (1) a municipal election;

12 (2) a primary conducted in a municipal election year; and

13 (3) a special election conducted under IC 3-10-8.

14 (b) Notwithstanding section 26 of this chapter, a county election  
 15 board (or a town election board acting under IC 3-10-7) may adopt a  
 16 resolution by the unanimous vote of the board's entire membership  
 17 stating that voters are entitled to vote by absentee ballot before an  
 18 absentee voter board in the office of the circuit court clerk or town  
 19 election board during specific days and hours identified in the  
 20 resolution.

21 (c) If the election board adopts a resolution under subsection (b), the  
 22 board must include written findings of fact in the resolution stating:

23 (1) the number of absentee ballot applications anticipated or  
 24 previously received for the election;

25 (2) the expense to be incurred by providing absentee ballot voting  
 26 in the office during the entire period required under section 26 of  
 27 this chapter; and

28 (3) that voters would experience little or no inconvenience by  
 29 restricting absentee ballot voting in the office to the days and  
 30 hours specified in the resolution.

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