
HOUSE BILL No. 1404

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-11; IC 3-11.5-4; IC 3-12-3-5; IC 3-14-2-31; IC 35-51-3-1.

Synopsis: Various election law matters. Defines for purposes of Indiana election law "emergency first responder" to include a member of the military, a public safety officer, an employee of a public utility, or a physician with an unlimited license to practice medicine or osteopathic medicine. Permits an emergency first responder who is responding to an emergency declaration to apply for an absentee ballot by electronic mail or fax and receive absentee ballots by electronic mail or fax under stated conditions. Defines "false vote history communication" as a written communication sent to an individual that contains information about the individual's voting history that is false. Provides that a person who knowingly or intentionally sends a false vote history statement to five or more individuals commits a Class D felony.

Effective: July 1, 2013.

Bartlett

January 22, 2013, read first time and referred to Committee on Elections and Apportionment.

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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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HOUSE BILL No. 1404



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 3-5-2-21.1 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2013]: **Sec. 21.1. "Emergency declaration" refers to a**
- 4 **declaration:**
- 5 (1) **issued by:**
- 6 (A) **the President of the United States under federal law; or**
- 7 (B) **the governor under Indiana law; and**
- 8 (2) **that declares a state of emergency or disaster.**
- 9 SECTION 2. IC 3-5-2-21.3 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2013]: **Sec. 21.3. "Emergency first responder" refers to any of**
- 12 **the following:**
- 13 (1) **A member of the military or a public safety officer.**
- 14 (2) **An employee of a public utility (as defined in IC 8-1-2-1).**
- 15 (3) **A physician with an unlimited license to practice medicine**
- 16 **or osteopathic medicine.**
- 17 SECTION 3. IC 3-11-4-3, AS AMENDED BY P.L.225-2011,



1 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 3. (a) Except as provided in section 6 of this
3 chapter, an application for an absentee ballot must be received by the
4 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of
5 the board of elections and registration) not earlier than the date the
6 registration period resumes under IC 3-7-13-10 nor later than the
7 following:

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

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

11 (A) completes the application in the office of the circuit court
12 clerk; ~~or~~

13 (B) is an absent uniformed services voter or overseas voter
14 who requests that the ballot be transmitted by electronic mail
15 or fax under section 6(h) of this chapter; ~~or~~

16 **(C) is an emergency first responder who has applied for an**
17 **absentee ballot under section 6.3 of this chapter and**
18 **requests that the ballot be transmitted by fax or electronic**
19 **mail under section 6.3(e) of this chapter.**

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

21 (A) the application is a mailed, transmitted by fax, or hand
22 delivered application from a confined voter or voter caring for
23 a confined person; and

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

26 (4) 11:59 p.m. on the eighth day before election day if the
27 application:

28 (A) is a mailed application; or

29 (B) was transmitted by fax;

30 from other voters.

31 (b) An application for an absentee ballot received by the election
32 division by the time and date specified by subsection (a)(2)(B), (a)(3),
33 or (a)(4) is considered to have been timely received for purposes of
34 processing by the county. The election division shall immediately
35 transmit the application to the circuit court clerk, or the director of the
36 board of elections and registration, of the county where the applicant
37 resides. The election division is not required to complete or file the
38 affidavit required under section 2(h) of this chapter whenever the
39 election division transmits an application under this subsection.

40 SECTION 4. IC 3-11-4-4, AS AMENDED BY P.L.66-2010,
41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2013]: Sec. 4. (a) Applications may be made on application

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1 forms approved by the commission by any of the following means:

- 2 (1) In person.
 3 (2) By fax transmission.
 4 (3) By mail (including United States mail or bonded courier).
 5 (4) By electronic mail with a scanned image of the application
 6 and signature of the applicant, if transmitted by:

7 (A) an absent uniformed services voter or an overseas voter
 8 acting under section 6 of this chapter;

9 (B) **an emergency first responder acting under section 6.3**
 10 **of this chapter.**

11 (b) Application forms shall:

12 (1) be furnished to a central committee of the county at the
 13 request of the central committee;

14 (2) be:

15 (A) mailed;

16 (B) transmitted by fax; or

17 (C) transmitted by electronic mail with a scanned image of the
 18 application;

19 upon request, to a voter applying by mail, by telephone, by
 20 electronic mail, or by fax; and

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

23 (c) A county election board shall accept an application for an
 24 absentee ballot transmitted by fax even though the application is
 25 delivered to the county election board by a person other than the person
 26 submitting the application.

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

32 SECTION 5. IC 3-11-4-6.3 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2013]: **Sec. 6.3. (a) An emergency first responder may apply to**
 35 **vote by absentee ballot under this section.**

36 **(b) An application for an emergency first responder must, in**
 37 **addition to the information required by the commission under**
 38 **section 4 of this chapter, contain the following information:**

39 (1) **A statement that the applicant is an emergency first**
 40 **responder.**

41 (2) **The applicant has been assigned to respond to an**
 42 **emergency under an emergency declaration.**

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1 **(3) The location of the applicant's assignment.**

2 **(4) A statement that the applicant's assignment was made**
 3 **within eight (8) days before the election for which the**
 4 **applicant is applying for an absentee ballot.**

5 **(5) Whether the applicant wants to receive absentee ballots by**
 6 **electronic mail or by fax.**

7 **(c) The election division and county election boards shall make**
 8 **blank absentee ballot forms available online.**

9 **(d) If the county election board receives an absentee ballot**
 10 **application from an emergency first responder, the circuit court**
 11 **clerk shall mail to the person, free of postage as provided by 39**
 12 **U.S.C. 3406, all ballots for the election, unless the individual has**
 13 **indicated under subsection (e) that the person wishes to receive the**
 14 **absentee ballot by electronic mail or fax.**

15 **(e) The county election board shall by fax or electronic mail**
 16 **transmit an absentee ballot to and receive an absentee ballot from**
 17 **an emergency first responder by fax or electronic mail at the**
 18 **request of the voter indicated in the application filed under this**
 19 **section. If the voter wants to submit absentee ballots by fax or**
 20 **electronic mail, the voter must separately sign and date a statement**
 21 **submitted with the fax or electronic mail transmission that states**
 22 **substantively the following: "I understand that by faxing or**
 23 **e-mailing my voted ballot I am voluntarily waiving my right to a**
 24 **secret ballot."**

25 **(f) The county election board shall send confirmation to a voter**
 26 **described in subsection (e) that the voter's absentee ballot has been**
 27 **received as follows:**

28 **(1) If the voter provides a fax number to which a confirmation**
 29 **may be sent, the county election board shall send the**
 30 **confirmation to the voter at the fax number provided by the**
 31 **voter.**

32 **(2) If the voter provides an electronic mail address to which**
 33 **a confirmation may be sent, the county election board shall**
 34 **send the confirmation to the voter at the electronic mail**
 35 **address provided by the voter.**

36 **(3) If:**

37 **(A) the voter does not provide a fax number or an**
 38 **electronic mail address; or**

39 **(B) the number or address provided does not permit the**
 40 **county election board to send the confirmation not later**
 41 **than the end of the first business day after the county**
 42 **election board receives the voter's absentee ballot;**

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1 the county election board shall send the confirmation by
2 United States mail.

3 The county election board shall send the confirmation required by
4 this subsection not later than the end of the first business day after
5 the county election board receives the voter's absentee ballot.

6 (g) A county election board may transmit an absentee ballot to
7 an emergency first responder directly to the voter at the voter's
8 electronic mail address, if requested to do so by the voter. A voter
9 described by this section may transmit the voted absentee ballot to
10 a county election board by electronic mail. An electronic mail
11 message transmitting a voted absentee ballot under this subsection
12 must include an optically scanned image of the voter's signature on
13 the statement required under subsection (e).

14 SECTION 6. IC 3-11-4-7 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) An absentee ballot
16 application under section 6 of this chapter must be made on a standard
17 form approved under 42 U.S.C. 1973ff(b) or on the form prescribed by
18 the commission under section 5.1 of this chapter. **An absentee ballot
19 application under section 6.3 of this chapter must be made on a
20 standard form prescribed by the commission under section 5.1 of
21 this chapter.**

22 (b) An absentee ballot application under section 6 of this chapter
23 from an:

- 24 (1) absent uniformed services voter; or
- 25 (2) address confidentiality program participant (as defined in
26 IC 5-26.5-1-6);

27 must show that the voter or program participant is a resident otherwise
28 qualified to vote in the precinct. **An absentee ballot application under
29 section 6.3 of this chapter from an emergency first responder must
30 show that the voter is a resident otherwise qualified to vote in the
31 precinct.**

32 (c) An absentee ballot application under section 6 of this chapter
33 from an overseas voter must show that the overseas voter was a
34 resident and otherwise qualified to vote in the precinct where the voter
35 resided before leaving the United States.

36 SECTION 7. IC 3-11-10-1, AS AMENDED BY P.L.198-2005,
37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2013]: Sec. 1. (a) A voter voting by absentee ballot shall make
39 and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter
40 then shall, except as provided in subsection (b), do the following:

- 41 (1) Mark the ballot in the presence of no other person.
- 42 (2) Fold each ballot separately.

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- 1 (3) Fold each ballot so as to conceal the marking.
- 2 (4) Enclose each ballot, with the seal and signature of the circuit
- 3 court clerk on the outside, together with any unused ballot, in the
- 4 envelope provided.
- 5 (5) Securely seal the envelope.
- 6 (6) Do one (1) of the following:
- 7 (A) Mail the envelope to the county election board, with not
- 8 more than one (1) ballot per envelope.
- 9 (B) Deliver the envelope to the county election board in
- 10 person.
- 11 (C) Deliver the envelope to a member of the voter's household
- 12 or a person designated as the attorney in fact for the voter
- 13 under IC 30-5 for delivery to the county election board:
- 14 (i) in person;
- 15 (ii) by United States mail; or
- 16 (iii) by a bonded courier company.
- 17 (b) A voter permitted to transmit the voter's absentee ballots by fax
- 18 or electronic mail under IC 3-11-4-6 or **IC 3-11-4-6.3** is not required
- 19 to comply with subsection (a). The individual designated by the circuit
- 20 court clerk to receive absentee ballots transmitted by fax or electronic
- 21 mail shall do the following upon receipt of an absentee ballot
- 22 transmitted by fax:
- 23 (1) Note the receipt of the absentee ballot in the records of the
- 24 circuit court clerk as other absentee ballots received by the circuit
- 25 court clerk are noted.
- 26 (2) Fold each ballot received from the voter separately so as to
- 27 conceal the marking.
- 28 (3) Enclose each ballot in a blank absentee ballot envelope.
- 29 (4) Securely seal the envelope.
- 30 (5) Mark on the envelope: "Absentee Ballot Received by Fax or
- 31 Electronic Mail".
- 32 (6) Securely attach to the envelope the faxed affidavit received
- 33 with the voter's absentee ballots.
- 34 (c) Except as otherwise provided in this title, absentee ballots
- 35 received by fax or electronic mail shall be handled and processed as
- 36 other absentee ballots received by the circuit court clerk are handled
- 37 and processed.
- 38 SECTION 8. IC 3-11-10-4, AS AMENDED BY P.L.198-2005,
- 39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2013]: Sec. 4. (a) Upon receipt of an absentee ballot, a county
- 41 election board (or the absentee voter board in the office of the circuit
- 42 court clerk) shall immediately examine the signature of the absentee

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1 voter to determine its genuineness.

2 (b) This subsection does not apply to an absentee ballot cast by a
3 voter permitted to transmit the voter's absentee ballots by fax or
4 electronic mail under IC 3-11-4-6 **or IC 3-11-4-6.3**. The board shall
5 compare the signature as it appears upon the envelope containing the
6 absentee ballot with the signature of the voter as it appears upon the
7 application for the absentee ballot. The board may also compare the
8 signature on the ballot envelope with any other admittedly genuine
9 signature of the voter.

10 (c) This subsection applies to an absentee ballot cast by a voter
11 permitted to transmit the voter's absentee ballots by fax or electronic
12 mail under IC 3-11-4-6 **or IC 3-11-4-6.3**. The board shall compare the
13 signature as it appears on the affidavit transmitted with the voter's
14 absentee ballot to the voter's signature as it appears on the application
15 for the absentee ballot. The board may also compare the signature on
16 the affidavit with any other admittedly genuine signature of the voter.

17 (d) If a member of the absentee voter board questions whether a
18 signature on a ballot envelope or transmitted affidavit is genuine, the
19 matter shall be referred to the county election board for consideration
20 under section 5 of this chapter.

21 SECTION 9. IC 3-11-10-14, AS AMENDED BY P.L.198-2005,
22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2013]: Sec. 14. Subject to section 11 of this chapter, absentee
24 ballots received by mail (or by fax or electronic mail under IC 3-11-4-6
25 **or IC 3-11-4-6.3**) after the county election board has started the final
26 delivery of the ballots to the precincts on election day are considered
27 as arriving too late and need not be delivered to the polls.

28 SECTION 10. IC 3-11-10-17, AS AMENDED BY P.L.225-2011,
29 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2013]: Sec. 17. (a) If the inspector finds under section 15 of
31 this chapter that any of the following applies, a ballot may not be
32 accepted or counted:

33 (1) The affidavit is insufficient or the ballot has not been endorsed
34 with the initials of:

35 (A) the two (2) members of the absentee voter board in the
36 office of the circuit court clerk under IC 3-11-4-19 or section
37 27 of this chapter;

38 (B) the two (2) members of the absentee voter board visiting
39 the voter under section 25(b) of ~~the~~ **this** chapter; or

40 (C) the two (2) appointed members of the county election
41 board or their designated representatives under IC 3-11-4-19.

42 (2) A copy of the voter's signature has been furnished to the

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1 precinct election board and that the signatures do not correspond
2 or there is no signature.

3 (3) The absentee voter is not a qualified voter in the precinct.

4 (4) The absentee voter has not registered.

5 (5) The ballot is open or has been opened and resealed. This
6 subdivision does not permit an absentee ballot transmitted by fax
7 or electronic mail under IC 3-11-4-6 or IC 3-11-4-6.3 to be
8 rejected because the ballot was sealed in the absentee ballot
9 envelope by the individual designated by the circuit court to
10 receive absentee ballots transmitted by fax or electronic mail.

11 (6) The ballot envelope contains more than one (1) ballot of any
12 kind for the same office or public question.

13 (7) In the case of a primary election, if the absentee voter has not
14 previously voted, the voter failed to execute the proper
15 declaration relative to age and qualifications and the political
16 party with which the voter intends to affiliate.

17 (8) The ballot has been challenged and not supported.

18 (b) Subsection (c) applies whenever a voter with a disability is
19 unable to make a signature:

20 (1) on an absentee ballot application that corresponds to the
21 voter's signature in the records of the county voter registration
22 office; or

23 (2) on an absentee ballot secrecy envelope that corresponds with
24 the voter's signature:

25 (A) in the records of the county voter registration office; or

26 (B) on the absentee ballot application.

27 (c) The voter may request that the voter's signature or mark be
28 attested to by:

29 (1) the absentee voter board under section 25(b) of this chapter;

30 (2) a member of the voter's household; or

31 (3) an individual serving as attorney in fact for the voter.

32 (d) An attestation under subsection (c) provides an adequate basis
33 for an inspector to determine that a signature or mark complies with
34 subsection (a)(2).

35 SECTION 11. IC 3-11-10-24, AS AMENDED BY P.L.225-2011,
36 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 24. (a) Except as provided in subsection (b), a
38 voter who satisfies any of the following is entitled to vote by mail:

39 (1) The voter has a specific, reasonable expectation of being
40 absent from the county on election day during the entire twelve

41 (12) hours that the polls are open.

42 (2) The voter will be absent from the precinct of the voter's

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1 residence on election day because of service as:

2 (A) a precinct election officer under IC 3-6-6;

3 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

4 (C) a challenger or pollbook holder under IC 3-6-7; or

5 (D) a person employed by an election board to administer the
6 election for which the absentee ballot is requested.

7 (3) The voter will be confined on election day to the voter's
8 residence, to a health care facility, or to a hospital because of an
9 illness or injury during the entire twelve (12) hours that the polls
10 are open.

11 (4) The voter is a voter with disabilities.

12 (5) The voter is an elderly voter.

13 (6) The voter is prevented from voting due to the voter's care of
14 an individual confined to a private residence because of illness or
15 injury during the entire twelve (12) hours that the polls are open.

16 (7) The voter is scheduled to work at the person's regular place of
17 employment during the entire twelve (12) hours that the polls are
18 open.

19 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

20 (9) The voter is prevented from voting due to observance of a
21 religious discipline or religious holiday during the entire twelve
22 (12) hours that the polls are open.

23 (10) The voter is an address confidentiality program participant
24 (as defined in IC 5-26.5-1-6).

25 (11) The voter is ~~a member of the military or public safety officer;~~
26 **an emergency first responder.**

27 (b) A voter with disabilities who:

28 (1) is unable to make a voting mark on the ballot or sign the
29 absentee ballot secrecy envelope; and

30 (2) requests that the absentee ballot be delivered to an address
31 within Indiana;

32 must vote before an absentee voter board under section 25(b) of this
33 chapter.

34 (c) If a voter receives an absentee ballot by mail, the voter shall
35 personally mark the ballot in secret and seal the marked ballot inside
36 the envelope provided by the county election board for that purpose.

37 The voter shall:

38 (1) deposit the sealed envelope in the United States mail for
39 delivery to the county election board; or

40 (2) authorize a member of the voter's household or the individual
41 designated as the voter's attorney in fact to:

42 (A) deposit the sealed envelope in the United States mail; or

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1 (B) deliver the sealed envelope in person to the county
 2 election board.

3 (d) If a member of the voter's household or the voter's attorney in
 4 fact delivers the sealed envelope containing a voter's absentee ballot to
 5 the county election board, the individual delivering the ballot shall
 6 complete an affidavit in a form prescribed by the commission. The
 7 affidavit must contain the following information:

8 (1) The name and residence address of the voter whose absentee
 9 ballot is being delivered.

10 (2) A statement of the full name, residence and mailing address,
 11 and daytime and evening telephone numbers (if any) of the
 12 individual delivering the absentee ballot.

13 (3) A statement indicating whether the individual delivering the
 14 absentee ballot is a member of the voter's household or is the
 15 attorney in fact for the voter. If the individual is the attorney in
 16 fact for the voter, the individual must attach a copy of the power
 17 of attorney for the voter, unless a copy of this document has
 18 already been filed with the county election board.

19 (4) The date and location at which the absentee ballot was
 20 delivered by the voter to the individual delivering the ballot to the
 21 county election board.

22 (5) A statement that the individual delivering the absentee ballot
 23 has complied with Indiana laws governing absentee ballots.

24 (6) A statement that the individual delivering the absentee ballot
 25 is executing the affidavit under the penalties of perjury.

26 (7) A statement setting forth the penalties for perjury.

27 (e) The county election board shall record the date and time that the
 28 affidavit under subsection (d) was filed with the board.

29 (f) After a voter has mailed or delivered an absentee ballot to the
 30 office of the circuit court clerk, the voter may not recast a ballot, except
 31 as provided in section 1.5 of this chapter.

32 SECTION 12. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005,
 33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2013]: Sec. 10. Subject to section 7 of this chapter, absentee
 35 ballots received by mail (or by fax or electronic mail under IC 3-11-4-6
 36 **or IC 3-11-4-6.3**) after noon on election day are considered as arriving
 37 too late and may not be counted.

38 SECTION 13. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005,
 39 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2013]: Sec. 13. (a) If the absentee ballot counters find under
 41 section 11 of this chapter that any of the following applies, the ballots
 42 shall be rejected:

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- 1 (1) The affidavit is insufficient or that the ballot has not been
- 2 endorsed with the initials of:
- 3 (A) the two (2) members of the absentee voter board in the
- 4 office of the clerk of the circuit court under IC 3-11-4-19 or
- 5 IC 3-11-10-27;
- 6 (B) the two (2) members of the absentee voter board visiting
- 7 the voter under IC 3-11-10-25; or
- 8 (C) the two (2) appointed members of the county election
- 9 board or their designated representatives under IC 3-11-4-19.
- 10 (2) The signatures do not correspond or there is no signature.
- 11 (3) The absentee voter is not a qualified voter in the precinct.
- 12 (4) The absentee voter has voted in person at the election.
- 13 (5) The absentee voter has not registered.
- 14 (6) The ballot is open or has been opened and resealed. This
- 15 subdivision does not permit an absentee ballot transmitted by fax
- 16 or electronic mail under IC 3-11-4-6 or **IC 3-11-4-6.3** to be
- 17 rejected because the ballot was sealed in the absentee ballot
- 18 envelope by the individual designated by the circuit court to
- 19 receive absentee ballots transmitted by fax or electronic mail.
- 20 (7) The ballot envelope contains more than one (1) ballot of any
- 21 kind for the same office or public question.
- 22 (8) In case of a primary election, if the absentee voter has not
- 23 previously voted, the voter failed to execute the proper
- 24 declaration relative to age and qualifications and the political
- 25 party with which the voter intends to affiliate.
- 26 (9) The ballot has been challenged and not supported.
- 27 (b) Subsection (c) applies whenever a voter with a disability is
- 28 unable to make a signature:
- 29 (1) on an absentee ballot application that corresponds to the
- 30 voter's signature in the records of the county voter registration
- 31 office; or
- 32 (2) on an absentee ballot security envelope that corresponds with
- 33 the voter's signature:
- 34 (A) in the records of the county voter registration office; or
- 35 (B) on the absentee ballot application.
- 36 (c) The voter may request that the voter's signature or mark be
- 37 attested to by any of the following:
- 38 (1) The absentee voter board under section 22 of this chapter.
- 39 (2) A member of the voter's household.
- 40 (3) An individual serving as attorney in fact for the voter.
- 41 (d) An attestation under subsection (c) provides an adequate basis
- 42 for the absentee ballot counters to determine that a signature or mark

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complies with subsection (a)(2).
(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 14. IC 3-12-3-5, AS AMENDED BY P.L.198-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) If a ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating machines, then a remake team composed of one (1) person from each of the major political parties of the county shall have the card prepared for processing so as to record accurately the intention of the voter insofar as it can be ascertained.

(b) If the ballot card voting system is designed to allow the counting and tabulation of votes by the precinct election board, the members of the remake team must be members of the precinct election board in which the ballot was cast.

(c) If necessary, a true, duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged card. Similarly, a duplicate ballot card shall be made of a defective card, not including the uncounted votes.

(d) This subsection applies to:

- (1) an absent uniformed services voter or overseas voter permitted to transmit an absentee ballot by fax or electronic mail under IC 3-11-4-6; or
- (2) **an emergency first responder permitted to transmit an absentee ballot by fax or electronic mail under IC 3-11-4-6.3.**

To facilitate the transmittal and return of the voter's absentee ballot by fax or electronic mail, the county election board may provide the voter with a paper ballot rather than a ballot card. The paper ballot must conform with the requirements for paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns the ballot by fax or electronic mail, a remake team appointed under this section shall prepare a ballot card for processing that accurately records the intention of the voter as indicated on the paper ballot. The ballot card created under this subsection must be marked and counted as a duplicate ballot under sections 6 through 7 of this chapter.

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1 (e) If an automatic tabulating machine fails during the counting and
2 tabulation of votes following the close of the polls, the county election
3 board shall immediately arrange for the repair and proper functioning
4 of the system. The county election board may, by unanimous vote of its
5 entire membership, authorize the counting and tabulation of votes for
6 this election on an automatic tabulating machine approved for use in
7 Indiana by the commission:

8 (1) until the repair and retesting of the malfunctioning machine;
9 and

10 (2) whether or not the machine was tested under IC 3-11-13-22.

11 SECTION 15. IC 3-14-2-31 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2013]: **Sec. 31. (a) As used in this section, "false vote history
14 communication" means a written communication sent to an
15 individual that contains information about the individual's or
16 another individual's voting history that is false.**

17 **(b) As used in this section, "multiple" means five (5) or more.**

18 **(c) A person who knowingly or intentionally sends a false vote
19 history communication to multiple individuals commits a Class D
20 felony.**

21 SECTION 16. IC 35-51-3-1, AS ADDED BY P.L.70-2011,
22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 3:

24 IC 3-14-1-1 (Concerning elections): **election campaign
25 violations).**

26 IC 3-14-1-2 (Concerning elections): **election campaign
27 violations).**

28 IC 3-14-1-3 (Concerning elections): **election campaign
29 violations).**

30 IC 3-14-1-6 (Concerning elections): **election campaign
31 violations).**

32 IC 3-14-1-7 (Concerning elections): **election campaign
33 violations).**

34 IC 3-14-1-10 (Concerning elections): **election campaign
35 violations).**

36 IC 3-14-1-10.5 (Concerning elections): **election campaign
37 violations).**

38 IC 3-14-1-11 (Concerning elections): **election campaign
39 violations).**

40 IC 3-14-1-13 (Concerning elections): **election campaign
41 violations).**

42 IC 3-14-1-14 (Concerning elections): **election campaign**

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- 1 **violations).**
 2 IC 3-14-1-14.5 (Concerning ~~elections~~): **election campaign**
 3 **violations).**
 4 **IC 3-14-1-17 (Concerning election campaign violations).**
 5 IC 3-14-2-1 (Concerning ~~voting~~): **vote fraud).**
 6 IC 3-14-2-2 (Concerning ~~voting~~): **vote fraud).**
 7 IC 3-14-2-2.5 (Concerning ~~voting~~): **vote fraud).**
 8 IC 3-14-2-3 (Concerning ~~voting~~): **vote fraud).**
 9 IC 3-14-2-4 (Concerning ~~voting~~): **vote fraud).**
 10 IC 3-14-2-5 (Concerning ~~voting~~): **vote fraud).**
 11 IC 3-14-2-6 (Concerning ~~voting~~): **vote fraud).**
 12 IC 3-14-2-7 (Concerning ~~voting~~): **vote fraud).**
 13 IC 3-14-2-8 (Concerning ~~voting~~): **vote fraud).**
 14 IC 3-14-2-9 (Concerning ~~voting~~): **vote fraud).**
 15 IC 3-14-2-10 (Concerning ~~voting~~): **vote fraud).**
 16 IC 3-14-2-11 (Concerning ~~voting~~): **vote fraud).**
 17 IC 3-14-2-12 (Concerning ~~voting~~): **vote fraud).**
 18 IC 3-14-2-13 (Concerning ~~voting~~): **vote fraud).**
 19 IC 3-14-2-14 (Concerning ~~voting~~): **vote fraud).**
 20 IC 3-14-2-15 (Concerning ~~voting~~): **vote fraud).**
 21 IC 3-14-2-16 (Concerning ~~voting~~): **vote fraud).**
 22 IC 3-14-2-17 (Concerning ~~voting~~): **vote fraud).**
 23 IC 3-14-2-18 (Concerning ~~voting~~): **vote fraud).**
 24 IC 3-14-2-19 (Concerning ~~voting~~): **vote fraud).**
 25 IC 3-14-2-20 (Concerning ~~voting~~): **vote fraud).**
 26 IC 3-14-2-21 (Concerning ~~voting~~): **vote fraud).**
 27 IC 3-14-2-22 (Concerning ~~voting~~): **vote fraud).**
 28 IC 3-14-2-23 (Concerning ~~voting~~): **vote fraud).**
 29 IC 3-14-2-24 (Concerning ~~voting~~): **vote fraud).**
 30 IC 3-14-2-25 (Concerning ~~voting~~): **vote fraud).**
 31 IC 3-14-2-26 (Concerning ~~voting~~): **vote fraud).**
 32 IC 3-14-2-27 (Concerning ~~voting~~): **vote fraud).**
 33 IC 3-14-2-28 (Concerning ~~voting~~): **vote fraud).**
 34 IC 3-14-2-29 (Concerning ~~voting~~): **vote fraud).**
 35 IC 3-14-2-30 (Concerning ~~voting~~): **vote fraud).**
 36 **IC 3-14-2-31 (Concerning vote fraud).**
 37 IC 3-14-3-1.1 (Concerning ~~voting~~): **interfering with free**
 38 **elections).**
 39 IC 3-14-3-2 (Concerning ~~voting~~): **interfering with free**
 40 **elections).**
 41 IC 3-14-3-3 (Concerning ~~voting~~): **interfering with free**
 42 **elections).**

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- 1 IC 3-14-3-4 (Concerning ~~voting~~): **interfering with free**
 2 **elections).**
 3 IC 3-14-3-5 (Concerning ~~voting~~): **interfering with free**
 4 **elections).**
 5 IC 3-14-3-6 (Concerning ~~voting~~): **interfering with free**
 6 **elections).**
 7 IC 3-14-3-7 (Concerning ~~voting~~): **interfering with free**
 8 **elections).**
 9 IC 3-14-3-8 (Concerning ~~voting~~): **interfering with free**
 10 **elections).**
 11 IC 3-14-3-9 (Concerning ~~voting~~): **interfering with free**
 12 **elections).**
 13 IC 3-14-3-10 (Concerning ~~voting~~): **interfering with free**
 14 **elections).**
 15 IC 3-14-3-11 (Concerning ~~voting~~): **interfering with free**
 16 **elections).**
 17 IC 3-14-3-12 (Concerning ~~voting~~): **interfering with free**
 18 **elections).**
 19 IC 3-14-3-13 (Concerning ~~voting~~): **interfering with free**
 20 **elections).**
 21 IC 3-14-3-14 (Concerning ~~voting~~): **interfering with free**
 22 **elections).**
 23 IC 3-14-3-15 (Concerning ~~voting~~): **interfering with free**
 24 **elections).**
 25 IC 3-14-3-16 (Concerning ~~voting~~): **interfering with free**
 26 **elections).**
 27 IC 3-14-3-17 (Concerning ~~voting~~): **interfering with free**
 28 **elections).**
 29 IC 3-14-3-18 (Concerning ~~voting~~): **interfering with free**
 30 **elections).**
 31 IC 3-14-3-19 (Concerning ~~voting~~): **interfering with free**
 32 **elections).**
 33 IC 3-14-3-20 (Concerning ~~voting~~): **interfering with free**
 34 **elections).**
 35 IC 3-14-3-20.5 (Concerning ~~voting~~): **interfering with free**
 36 **elections).**
 37 IC 3-14-3-21 (Concerning ~~voting~~): **interfering with free**
 38 **elections).**
 39 IC 3-14-3-21.5 (Concerning ~~voting~~): **interfering with free**
 40 **elections).**
 41 IC 3-14-4-1 (Concerning ~~elections~~): **election procedural**
 42 **offenses).**

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- 1 IC 3-14-4-2 (Concerning ~~elections~~): **election procedural**
- 2 **offenses**).
- 3 IC 3-14-4-3 (Concerning ~~elections~~): **election procedural**
- 4 **offenses**).
- 5 IC 3-14-4-3.5 (Concerning ~~elections~~): **election procedural**
- 6 **offenses**).
- 7 IC 3-14-4-4 (Concerning ~~elections~~): **election procedural**
- 8 **offenses**).
- 9 IC 3-14-4-6 (Concerning ~~elections~~): **election procedural**
- 10 **offenses**).
- 11 IC 3-14-4-7 (Concerning ~~elections~~): **election procedural**
- 12 **offenses**).
- 13 IC 3-14-4-8 (Concerning ~~elections~~): **election procedural**
- 14 **offenses**).
- 15 IC 3-14-4-9 (Concerning ~~elections~~): **election procedural**
- 16 **offenses**).
- 17 IC 3-14-4-10 (Concerning ~~elections~~): **election procedural**
- 18 **offenses**).
- 19 IC 3-14-6-1.1 (Concerning ~~elections~~): **election profiteering**).
- 20 IC 3-14-6-2 (Concerning ~~elections~~): **election profiteering**).

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