

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1334

AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-11-4-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an ~~official~~ absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual eligible to assist the voter under IC 3-11-9-2(a) to sign the application on behalf of the voter and add the individual's name to the application. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

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

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.

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(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

(4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with ~~IC 3-11-4-18~~, **section 18 of this chapter**, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall ~~deny the application under section 17.5 of this chapter~~ **implement the procedures prescribed by section 17.6 of this chapter.**

(f) The following statement must be printed in at least 16 point font size, underlined, and clearly legible print on the envelope of an absentee ballot application that a person sends to an individual:

"(Name of person sending the absentee ballot application) has sent you the enclosed application. This is unsolicited and is not sent by a state or local ~~elections~~ **election** official."

(g) This subsection:

(1) applies only to an application to be mailed to an individual; and

(2) does not apply to an application provided to an individual online.

An agency of the state or a political subdivision may not provide an individual with an absentee ballot application unless requested by the individual or a member of the individual's family listed in IC 3-6-6-7(a)(4).

(h) An absentee ballot application must request that the individual include:

(1) on the individual's ballot application:

(A) either:

(i) the individual's ten (10) digit Indiana driver's license



- number issued under IC 9-24-11;
- (ii) the individual's ten (10) digit Indiana identification card number for nondrivers issued under IC 9-24-16; or
- (iii) the unique identifying number assigned to the voter's registration record in the computerized list; and
- (B) the last four (4) digits of the voter's Social Security number; or
- (2) with the individual's ballot application, a photocopy of:
 - (A) the individual's:
 - (i) driver's license issued under IC 9-24; or
 - (ii) Indiana identification card for nondrivers issued under IC 9-24-16; or
 - (B) other proof of identification for the individual under IC 3-5-2-40.5.

Information and documentation described by this subsection that is included on or with an individual's ballot application is confidential. A county voter registration office is only required to redact the confidential information in responding to a public records request under IC 5-14-3. The application form must state that an applicant may include only one (1) of the numbers under subdivision (1) or one (1) of the documents under subdivision (2), but the application may be delayed if the county election board cannot match at least one (1) of the numbers described in this subsection with the voter's registration record.

~~(g)~~ (i) This subsection applies only to an absentee ballot application submitted in an electronic format using a module of the computerized list under IC 3-7-26.3. In order for an individual to access the absentee ballot application, the individual shall provide ~~either~~ **one (1)** of the following:

- (1) The individual's ten (10) digit Indiana driver's license number issued under IC 9-24-11.
- (2) The individual's ten (10) digit Indiana identification card number for nondrivers issued under IC 9-24-16.
- (3) The unique identifying number assigned to the voter's registration record in the computerized list.
- ~~(2)~~ (4) The last four (4) digits of the individual's Social Security number.

Information described by subdivisions (1) through (4) that is provided by an individual under this subsection is confidential. A county voter registration office is only required to redact the confidential information in responding to a public records request under IC 5-14-3.



(j) The county election board shall implement the procedures prescribed by section 17.6 of this chapter if the county election board cannot match at least one (1) of the numbers described in subsection (h) or (i) with the voter's registration record.

~~(h)~~ **(k)** A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the individual submitting the application:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

~~(i)~~ **(l)** This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board or election division not later than:

- (1) noon ten (10) days after the person receives the application; or
- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

~~(j)~~ **(m)** This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county



election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must include an affidavit with the application. The affidavit must be signed by the individual who received the completed application from the applicant. The affidavit must be in a form prescribed by the election division. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
 - (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
 - (3) The date (or dates) that the absentee ballot applications attached to the affidavit were received.
 - (4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
 - (5) A statement that the person is executing the affidavit under the penalties of perjury.
 - (6) A statement setting forth the penalties for perjury.
- ~~(k)~~ **(n)** The county election board shall record the date and time of the filing of the affidavit.

SECTION 2. IC 3-11-4-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.2. (a) Each day the bureau of motor vehicles shall provide to the secretary of state and the election division:**

- (1) driver's license numbers;**
 - (2) identification card numbers; and**
 - (3) the last four (4) digits of a Social Security number;**
- for the purpose of matching these numbers to voter registration records in the statewide voter registration system. The secretary of state and the election division shall provide this information to each county voter registration office through a module of the computerized list.**

(b) At the time it provides the information under subsection (a), the bureau of motor vehicles shall inform the secretary of state and the election division whether an individual identified by one (1) of the numbers listed in subsection (a)(1) through (a)(3) is associated with a temporary credential issued under IC 9-24-11-5(c) or IC 9-24-16-3(f). The secretary of state and the election division



shall provide this information to each county voter registration office through a module of the computerized list. Information provided under this subsection shall be kept confidential.

(c) If the bureau of motor vehicles provides a driver's license number, an identification card number, or the last four (4) digits of a Social Security number under subsection (a) that is not a part of the voter's registration record, the county voter registration office shall update the voter's registration record to include this information.

(d) Information provided under subsection (a) shall be kept confidential and may only be used for the purposes described in subsection (a). A county voter registration office is only required to redact the confidential information in responding to a public records request under IC 5-14-3.

SECTION 3. IC 3-11-4-3, AS AMENDED BY P.L.131-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) Except as provided in subsection (c) and section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) not earlier than the date the registration period resumes under IC 3-7-13-10 nor later than the following:

- (1) Noon on election day if the voter registers to vote under IC 3-7-36-14.
- (2) Noon on the day before election day if the voter:
 - (A) completes the application in the office of the circuit court clerk under IC 3-11-10-26; or
 - (B) is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by electronic mail or fax under section 6(h) of this chapter.
- (3) Noon on the day before election day if:
 - (A) the application is a mailed, transmitted by electronic mail or fax, or hand delivered application from a confined voter or voter caring for a confined person; and
 - (B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board under IC 3-11-10-25.
- (4) 11:59 p.m. twelve (12) days before election day if the application is:
 - (A) a mailed application;
 - (B) transmitted by electronic mail;
 - (C) transmitted by fax; or



(D) hand delivered;

from other voters who request to vote by mail under IC 3-11-10-24 or for a voter with print disabilities to vote by electronic mail or fax under section 6(h) of this chapter.

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

(c) An application for an absentee ballot for the election may not be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) earlier than December 1 of the year before the election.

SECTION 4. IC 3-11-4-5.1, AS AMENDED BY P.L.115-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5.1. (a) The election division shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

- (1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.
- (2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section ~~2(h)~~ **2(k)** of this chapter.
- (3) Serve as a verified statement for a voter to indicate a change of name under IC 3-7-41. The form must require the applicant to indicate the applicant's previous name.
- (4) Set forth the penalties for perjury.

(c) The form prescribed by the election division shall require that a voter who:

- (1) requests an absentee ballot; and
- (2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written

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affirmation described in IC 3-10-12.

(d) The election division shall approve absentee ballot application forms that comply with this subsection and section ~~2(i)~~ **2** of this chapter and permit the applicant to indicate a change of name under subsection (b). ~~The form prescribed by the election division must request that a voter who requests an absentee ballot:~~

~~(1) provide the last four (4) digits of the voter's Social Security number; or~~

~~(2) state that the voter does not have a Social Security number.~~

~~The form must indicate that the voter's compliance with this request is optional.~~

~~(e) An application form submitted by a voter must comply with subsection (d).~~

~~(f) (e) The form prescribed by the election division must include a statement that permits an applicant to indicate whether:~~

~~(1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and~~

~~(2) the applicant's legal address is the address set forth in the applicant's voter registration.~~

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address to which the absentee ballot is to be mailed.

~~(g) (f) This subsection applies to an application to receive an absentee ballot:~~

~~(1) by mail under IC 3-11-10-24; or~~

~~(2) in the form of an application to vote before an absentee voter board under IC 3-11-10-25 at the voter's place of confinement or the residence of the voter.~~

If the voter wishes to submit an application under this section in an electronic format using a module of the statewide voter registration system, the voter must include a telephone number at which the voter can be reached to submit the application.

~~(h) (g) The application form for an absentee ballot must enable the applicant to provide the applicant's electronic mail address. However, an applicant's failure to provide an electronic mail address is not a reason for denial of the absentee ballot application.~~

SECTION 5. IC 3-11-4-17, AS AMENDED BY P.L.13-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. Upon receipt of an application for an absentee ballot, a circuit court clerk shall file the application in the clerk's office and record all of the following in the statewide voter registration list maintained under IC 3-7-26.3:

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- (1) The voter's name.
- (2) The date the application is received.
- (3) The information provided by the voter under section ~~5.1(d)~~ **5.1** of this chapter.
- (4) The date the ballot is sent to the voter.
- (5) If mailed, the address to which the ballot is sent.
- (6) If transmitted by fax, the fax number to which the ballot is faxed.
- (7) The date the ballot is marked before the clerk or otherwise received from the voter.
- (8) The combined total number of absentee ballots sent by the county to absent uniformed services voters and overseas voters.
- (9) The total number of absentee ballots returned by voters described in subdivision (8) in time to be counted.
- (10) The total number of absentee ballots described in subdivision (8) that were counted in whole or in part.
- (11) Any other information that is necessary or advisable.

SECTION 6. IC 3-11-4-17.5, AS AMENDED BY P.L.193-2021, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true;
- (3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual acting under section 2(b) of this chapter; and
- (4) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (4), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, IC 3-11-10-26.2, or IC 3-11-10-26.3, the voter shall be permitted to cast a provisional ballot, which the county election board shall retain.

(b) If:

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(1) the applicant is not a voter of the precinct according to the registration record; or
 (2) the application as completed and filed:
 (A) contains a false statement; or
 (B) does not otherwise comply with Indiana or federal law;
 as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) A voter's failure to provide the information requested under section ~~5.1(d)~~ **5.1** of this chapter does not affect a voter's ability to receive an absentee ballot. A county election board may not deny an application because the voter has not provided the information requested under section ~~5.1(d)~~ **5.1** of this chapter as a part of the voter's application for an absentee ballot. **The county election board shall implement the procedures prescribed by section 17.6 of this chapter if the voter fails to provide the information requested under section 5.1 of this chapter.**

(d) If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

- (1) not later than forty-eight (48) hours after the application is denied; and
- (2) to the voter:
 - (A) at the address at which the voter requested that the absentee ballot be mailed;
 - (B) to the voter's electronic mail address, if the voter has provided an electronic mail address on the voter's absentee ballot application; or
 - (C) by personal delivery of the notice.

(e) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

- (1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and
- (2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional



documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(f) If the applicant:

(1) is a voter of the precinct according to the registration record;
and

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 7. IC 3-11-4-17.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 17.6. (a) For purposes of this section, "clerk" means:**

(1) the circuit court clerk; or

(2) in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration.

(b) This subsection applies to an application to receive an absentee ballot by mail under IC 3-11-10-24 that is received by the clerk more than twelve (12) days before election day. If the clerk determines that the application does not fully comply with the requirements of this title, the clerk shall transmit the following to the applicant:

(1) An application for an absentee ballot.

(2) A written notice prescribed by the election division under IC 3-5-4-8 that includes:

(A) a brief explanation of each defect in the noncompliant application;

**(B) a statement informing the voter that the voter is not entitled to vote before election day by absentee ballot unless the application complies with all legal requirements;
and**

(C) instructions for submitting a second application for an absentee ballot.

(c) This subsection applies to an application to receive an absentee ballot by mail under IC 3-11-10-24 that is received by the clerk:

(1) after 11:59 p.m. twelve (12) days before election day; and

(2) before noon on the day before election day.

If the clerk determines that the application does not fully comply



with the requirements of this title, the clerk shall transmit to the applicant a written notice that includes the information described by subsection (b)(2)(A) through (b)(2)(B). If applicable, the notice must also include a statement that the application was late.

(d) This subsection applies to a voter who submits a defective application to receive an absentee ballot that is received by the clerk before the deadline for receipt of absentee ballots under section 3 of this chapter. Notwithstanding the requirement under IC 3-11-10-25(e) for prior unanimous approval by the county election board, the clerk may:

- (1) deliver a second absentee application in person to a voter described by this subsection;
- (2) approve the second absentee application if the clerk determines that each defect in the first absentee application has been corrected; and
- (3) if accompanied by an absentee voter board, provide the absentee ballot to the voter.

(e) After receiving the ballot under subsection (d), the voter may return the voted absentee ballot:

- (1) in person to the absentee voter board; or
- (2) to the county election board;

before the deadline for receipt of absentee ballots under IC 3-11.5-4-10.

(f) If a clerk uses the procedure described in subsection (d), the procedure must be applied uniformly to all applications covered by subsection (d).



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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