

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1264

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-3-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

Sec. 1. (a) Except as provided in sections 7 through 10 of this chapter, the county auditor shall pay the expenses of voter registration and for all election supplies, equipment, and expenses out of the county treasury in the manner provided by law. The county fiscal body shall make the necessary appropriations for these purposes.

(b) The county executive shall pay to the circuit court clerk or board of registration the expenses of:

(1) removing voters from the registration record under IC 3-7-43, IC 3-7-45, or IC 3-7-46; and

(2) performing voter list maintenance programs under IC 3-7; out of the county treasury without appropriation.

(c) Registration expenses incurred by a circuit court clerk or board of registration for:

(1) the salaries of members of a board of registration appointed under IC 3-7-12-9;

(2) the salaries of chief clerks appointed under IC 3-7-12-17; and

(3) the salaries of assistants employed under IC 3-7-12-19;

may not be charged to a municipality. However, the municipality may be charged for wages of extra persons employed to provide additional

HEA 1264



assistance reasonably related to the municipal election.

(d) A political subdivision that conducts or administers an election may not:

- (1) accept private money donations; or
- (2) receive **funds** or expend funds received;

from a person for preparing, administering, or conducting elections or employing individuals on a temporary basis for the purpose of preparing, administering, or conducting elections, including registering voters. This subsection does not prohibit a political subdivision from receiving or expending funds from the state or from the federal government to prepare for, administer, or conduct an election.

(e) A political subdivision that conducts or administers an election may not join the membership of, or participate in a program offered by, a person who has directly financed:

- (1) preparing, administrating, or conducting elections; or**
- (2) employing individuals on a temporary basis for the purpose of preparing, administering, or conducting elections, including registering voters.**

For purposes of this subsection, a person does not include the local, state, or federal government.

SECTION 2. IC 3-5-8-2, AS AMENDED BY P.L.128-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The statement required by section 1 of this chapter must contain the following:

- (1) A statement of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration.
- (2) A statement describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote.
- (3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in the election.
- (4) A statement describing how a voter who is challenged at the polls may be permitted to vote.
- (5) The date of the election and the hours during which the polls will be open, as required by 52 U.S.C. 21082.
- (6) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot, as required by 52 U.S.C. 21082.
- (7) Instructions for:
 - (A) mail-in registrants and first time voters under IC 3-7-33-4.5 and 52 U.S.C. 21083, as required under 52 U.S.C. 21082; and**

HEA 1264



(B) in-person registrants and first time voters under IC 3-7-33-4.7.

- (8) General information on voting rights under applicable federal and state laws, including the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated, as required under 52 U.S.C. 21082.
- (9) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation, as required under 52 U.S.C. 21082.
- (10) A statement informing the voter what assistance is available to assist the voter at the polls.
- (11) A statement informing the voter what circumstances will spoil the voter's ballot and the procedures available for the voter to request a new ballot.
- (12) A statement describing which voters will be permitted to vote at the closing of the polls.
- (13) Other information that the commission considers important for a voter to know.

SECTION 3. IC 3-7-14-7, AS AMENDED BY P.L.128-2015, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. **(a)** As provided in 52 U.S.C. 20504(c)(2), the registration form described in section 5 of this chapter must meet the following requirements:

- (1) The form may not require information that duplicates information required in the driver's license application part of the form, except as set forth in subdivision (3).
- (2) The form may require only the minimum amount of information necessary to do the following:
 - (A) Prevent duplication of voter registrations.
 - (B) Permit the circuit court clerk or board of registration to:
 - (i) assess the eligibility of the applicant; and
 - (ii) administer the election and voter registration system.
- (3) The form must include a statement that does the following:
 - (A) Sets forth each eligibility requirement for registration (including citizenship).
 - (B) Contains an attestation that the applicant meets each of the eligibility requirements.
 - (C) Requires the signature of the applicant, under penalty of perjury.
- (4) The form must include the following, in print that is identical to the print used in the attestation part of the application:

HEA 1264



(A) Information setting forth the penalties provided by law for submission of a false voter registration application.

(B) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(C) A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(b) The registration form described in section 5 of this chapter must include a statement informing the individual that if the individual is registering for the first time, the appropriate information required under IC 3-7-33-4.7 must be submitted with the registration form in order to avoid the additional identification requirements upon voting for the first time.

SECTION 4. IC 3-7-15-5, AS AMENDED BY P.L.169-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The registration form prescribed under section 4 of this chapter must meet the following requirements:

(1) The form must be equivalent to the mail registration form prescribed by the election division under IC 3-7-31 and in compliance with 52 U.S.C. 20506(a)(6)(A)(ii).

(2) The form must include a statement that does the following:

(A) Sets forth each eligibility requirement for registration (including citizenship).

(B) Contains an attestation that the applicant meets each of the eligibility requirements.

(C) Requires the signature of the applicant, under penalty of perjury, and the date the form was signed.

(3) The form must include the following as provided in 52 U.S.C. 20506(a)(6)(B):

(A) A question reading "If you are not registered to vote where you live now, would you like to apply to register to vote here today?".

(B) A statement reading "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

(C) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote.

(D) A statement in close proximity to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX,



YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

(E) A statement reading "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."

(F) A statement reading "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your political party or other political preference, you may file a complaint with (insert the title, address, and telephone number of the NVRA official). If you want you may first try to solve the problem by filing a complaint with the county voter registration office of the county where the violation occurred."

(b) The registration form prescribed under section 4 of this chapter must include a statement informing the individual that if the individual is registering for the first time, the appropriate information required under IC 3-7-33-4.7 must be submitted with the registration form in order to avoid the additional identification requirements upon voting for the first time.

SECTION 5. IC 3-7-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. An applicant who fails to check either box described in section ~~5(3)~~ **5(a)(3)** of this chapter or to sign a separate declination form under section 6 of this chapter shall be considered to have declined to register.

SECTION 6. IC 3-7-16-12, AS AMENDED BY P.L.169-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. **(a)** The registration form prescribed under section 11 of this chapter must meet the following requirements:

- (1) The form must be equivalent to the mail registration form prescribed by the election division under IC 3-7-31 and in compliance with 52 U.S.C. 20506(a)(6)(A)(ii).
- (2) The form must include a statement that does the following:
 - (A) Sets forth each eligibility requirement for registration (including citizenship).
 - (B) Contains an attestation that the applicant meets each of the eligibility requirements.
 - (C) Requires the signature of the applicant, under penalty of perjury, and the date the form was signed.
- (3) The form must include the following as provided in 52 U.S.C. 20506(a)(6)(B):
 - (A) A question reading "If you are not registered to vote where

HEA 1264



you live now, would you like to apply to register to vote here today?"

(B) A statement reading "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

(C) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote.

(D) A statement in close proximity to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

(E) A statement reading "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."

(F) A statement reading "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your political party or other political preference, you may file a complaint with (insert the title, address, and telephone number of the NVRA official). If you want you may first try to solve the problem by filing a complaint with the county voter registration office of the county where the violation occurred."

(4) The form must be designed to make voter registration as accessible as possible for persons with disabilities.

(b) The registration form prescribed under section 11 of this chapter must include a statement informing the individual that if the individual is registering for the first time, the appropriate information required under IC 3-7-33-4.7 must be submitted with the registration form in order to avoid the additional identification requirements upon voting for the first time.

SECTION 7. IC 3-7-16-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14. An applicant who fails to check either box described in section ~~12(3)~~ **12(a)(3)** of this chapter or to sign a separate declination form under section 13 of this chapter shall be considered to have declined to register.

SECTION 8. IC 3-7-18-4, AS AMENDED BY P.L.169-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. **(a)** The registration form prescribed under section 3 of this chapter must meet the following requirements:

(1) The form must be equivalent to the mail registration form prescribed by the election division under IC 3-7-31 and in

HEA 1264



compliance with 52 U.S.C. 20506(a)(6)(A)(ii).

- (2) The form must include a statement that does the following:
- (A) Sets forth each eligibility requirement for registration (including citizenship).
 - (B) Contains an attestation that the applicant meets each of the eligibility requirements.
 - (C) Requires the signature of the applicant, under penalty of perjury, and the date the form was signed.
- (3) The form must include the following as provided in 52 U.S.C. 20506(a)(6)(B):
- (A) A question reading "If you are not registered to vote where you live now, would you like to apply to register to vote here today?".
 - (B) A statement reading "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.".
 - (C) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote.
 - (D) A statement in close proximity to the boxes and in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.".
 - (E) A statement reading "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.".
 - (F) A statement reading "If you believe that someone has interfered with your right to register or to decline to register to vote, or your right to choose your political party or other political preference, you may file a complaint with (insert the title, address, and telephone number of the NVRA official). If you want you may first try to solve the problem by filing a complaint with the county voter registration office of the county where the violation occurred.".

(b) The registration form prescribed under section 3 of this chapter must include a statement informing the individual that if the individual is registering for the first time, the appropriate information required under IC 3-7-33-4.7 must be submitted with the registration form in order to avoid the additional identification requirements upon voting for the first time.

SECTION 9. IC 3-7-18-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. An applicant who fails to check

HEA 1264



either box described in section ~~4(3)~~ **4(a)(3)** of this chapter or to sign a separate declination form under section 5 of this chapter shall be considered to have declined to register.

SECTION 10. IC 3-7-22-5, AS AMENDED BY P.L.128-2015, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. A mail registration form prescribed under section 3 of this chapter must meet the following requirements:

- (1) The form must include a statement that does the following:
 - (A) Sets forth each eligibility requirement for registration (including citizenship).
 - (B) Contains an attestation that the applicant meets each of the eligibility requirements.
 - (C) Requires the signature of the applicant, under penalty of perjury.
- (2) The form must include, in print that is identical to the print used in the attestation part of the application, information setting forth the penalties provided by law for submission of a false voter registration application.
- (3) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.
- (4) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be eighteen (18) years of age on or before election day.
- (5) A statement informing the individual that, if the ~~form is submitted by mail and the~~ individual is registering for the first time, the appropriate information required under 52 U.S.C. 21083 **or IC 3-7-33-4.7** must be submitted with the ~~mail-in~~ registration form in order to avoid the additional identification requirements upon voting for the first time.

SECTION 11. IC 3-7-27-20.2, AS AMENDED BY P.L.164-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 20.2. (a) The county voter registration office shall prepare an entry in the computerized system indicating:

- (1) whether the applicant was required to provide documentation under IC 3-7-33-4.5 **or IC 3-7-33-4.7**; and
 - (2) if so, whether the required documentation has been provided.
- (b) If the documentation required under IC 3-7-33-4.5 **or IC 3-7-33-4.7** has been provided, the entry must include the following:
- (1) The date the documentation was filed with the county voter registration office.

HEA 1264



(2) Whether the documentation was filed with the county voter registration office by:

- (A) a precinct election board after the person voted in person at the polling place;
- (B) the county election board after the person applied to cast an absentee ballot; or
- (C) the applicant as part of the original filing of the application to register to vote, or in a subsequent filing received by the county voter registration office.

(3) A brief description of the type of documentation provided.

The election division shall provide each county voter registration office with a suggested coding system for identifying the types of documentation.

SECTION 12. IC 3-7-29-1, AS AMENDED BY P.L.169-2015, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (f), this section does not apply to a county that:

- (1) has adopted an order under section 6(a)(1) of this chapter; or
- (2) is a vote center county under IC 3-11-18.1.

(b) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(c) The lists must contain the following information concerning each registered voter:

- (1) The full name of the voter.
- (2) The address of the voter.
- (3) The assigned voter identification number.
- (4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.
- (5) The date of birth of the voter, including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.
- (6) The scanned signature of the voter.
- (7) Whether the voter is required to provide an affirmation of the voter's residence.
- (8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.
- (9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.
- (10) A space for a poll clerk to indicate when a voter has cast an

HEA 1264



absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5 or **IC 3-7-33-4.7**, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement:

(1) by signing a poll list; or

(2) on a poll list concerning the individual's name, voter identification number, or residence address;

commits a Level 6 felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under section 6(a)(1) of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll book; and

(2) indicates that an individual commits a Level 6 felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer concerning:

(A) the individual's name;

(B) the individual's voter identification number; or

(C) the individual's residence address.

SECTION 13. IC 3-7-33-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 4.7. (a) The requirements of this section:**

(1) apply to an individual who has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted a registration application if the application was received by the county voter registration office after December 31, 2002, and before January 1, 2006; and

(2) do not apply to an individual who:

(A) submits with the individual's application the:

HEA 1264



- (i) individual's Indiana driver's license number; or
- (ii) last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same identification number, name, and date of birth set forth in the voter registration application;

(B) is an absent uniformed services voter or overseas voter;

(C) is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20102(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual; or

(D) is entitled to vote other than in person under any other federal law.

(b) Subject to subsection (c), an individual who applies to register to vote in person at a registration agency shall present with the individual's application:

- (1) a current and valid photo identification; or
- (2) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(c) When a county voter registration office receives a voter registration application under subsection (b), the office shall determine whether the applicant:

- (1) complied with the proof of residence requirements under subsection (b); or
- (2) must provide additional documentation to comply with the proof of residence requirements under subsection (b).

(d) If the county voter registration office determines that the applicant:

- (1) is not required to submit additional documentation under subsection (b); or
- (2) has provided the documentation required under subsection (b);

the county voter registration office shall process the application in accordance with section 5 of this chapter.

(e) If the county voter registration office determines that the



applicant is required to submit additional documentation under subsection (b), the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(f) The county voter registration office shall remove the notation described in subsection (e) after the voter votes in an election for a federal office.

(g) The requirements of this section must be administered in a uniform and nondiscriminatory manner.

SECTION 14. IC 3-7-33-5.7, AS ADDED BY P.L.227-2023, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5.7. (a) The statewide voter registration system must contain a feature that identifies:

- (1) potential nonresidential addresses submitted on voter registration applications; **and**
- (2) voter registrations in the statewide voter registration system that list a potential nonresidential address.**

(b) This subsection applies to an application with a residence address that the statewide voter registration system identifies as a potential nonresidential address. Before the county voter registration official makes a determination on the application under section 5 of this chapter, the official shall conduct research on the application to determine if:

- (1) an individual could reside at the address stated on the application; or
- (2) the applicant resides at a nontraditional address described in IC 3-5-5-18.

SECTION 15. IC 3-7-38.2-2, AS AMENDED BY P.L.141-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 2. (a) Except as provided in subsection (b) or (c), a voter list maintenance program conducted under this chapter must:

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (52 U.S.C. 10101);
- (2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary or general election.

(b) A voter list maintenance program conducted under this chapter in a year other than a year in which a general election is conducted must:

HEA 1264



(1) comply with the requirements set forth in subsection (a)(1) and (a)(2); and

(2) be completed not later than twenty-nine (29) days before a municipal election or special election (other than for a federal office) is conducted.

(c) If a special election is required for a vacancy in a federal office in a year in which a general election is not conducted, the voter list maintenance program conducted under this chapter must:

(1) comply with the requirements of subsection (a)(1) and (a)(2); and

(2) be completed not later than ninety (90) days before the date that the special election is conducted.

A voter list maintenance program may also be conducted under this section in a calendar year following the date of the special election if the program is completed no later than the deadline set forth in subsection (a).

(d) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (f) to each voter whose registration has not previously been canceled or designated as inactive under this chapter at the mailing address:

(1) listed in the voter's registration record; and

(2) determined by the county voter registration office not to be the voter's current residence address.

(e) A county voter registration office may use information only from the following sources to make the determination under subsection (d)(2):

(1) The United States Postal Service National Change of Address Service.

(2) A court regarding jury duty notices returned because of an unknown or insufficient address.

(3) The return of a mailing sent by the county voter registration office to all active voters (as defined in IC 3-11-18.1-2) in the county because of an unknown or insufficient address.

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(5) The return by the United States Postal Service after the expiration of the seven (7) day pending period of a notice regarding the disposition of a voter registration application under IC 3-7-33-5 because of an unknown or insufficient address.

HEA 1264



(6) The return of a mailing sent to voters of a precinct advising voters of a change of precinct boundary or the precinct polling place because of an unknown or insufficient address, if the county sends a similar mailing to the voters of each precinct when a boundary or polling place is changed.

(7) Information received from the election division under section 5 of this chapter or section 16 of this chapter.

(8) A declination to register by the voter stating that the voter resides at an address different from the address on the voter's registration record.

(9) Information received from the election division as a result of a comparison between:

(A) a voter registration address; and

(B) commercially available data, such as data from a credit agency.

(f) The notice described in subsection (d) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date (which must be at least thirty (30) days after the date the notice is mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(g) If a voter returns the card described in subsection (f)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(h) If a card is returned as undeliverable due to an unknown or insufficient address by the United States Postal Service after the date specified in subsection (f)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, then designate the voter as inactive.

HEA 1264



(i) If a voter does not return the card described in subsection (f)(2) by the date specified in subsection (f)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(j) A voter's registration that becomes inactive under subsection (h) or (i) remains in inactive status from the date described in subsection (f)(2)(B) until the earlier of the following:

- (1) The date the county voter registration office updates or cancels the voter's registration under subsection (g) after the voter provides a current residence address.
- (2) The day after the second general election in which the voter has not voted or appeared to vote.

(k) After the date described in subsection (j)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 16. IC 3-7-38.2-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2024]: **Sec. 7.1. (a) The secretary of state may contract with a company to receive commercially available data, such as data from a credit agency.**

(b) The secretary of state shall transmit to the NVRA official the information received under subsection (a).

(c) The NVRA official (or a contractor retained by the election division under this chapter) shall use the information supplied by the secretary of state under this section to identify a voter whose residence may have changed.

SECTION 17. IC 3-7-38.2-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2025]: **Sec. 7.3. (a) For purposes of this section, "proof of citizenship" means one (1) or more of the following:**

- (1) The voter's birth certificate or a legible photocopy of the voter's birth certificate.**
- (2) The voter's United States passport or a legible photocopy of the pages of the passport that identify the voter and show the passport number.**
- (3) The voter's United States naturalization documentation, a legible photocopy of the voter's naturalization documentation, or the voter's certificate of naturalization number. A voter who provides a certificate of naturalization number in lieu of the naturalization documentation is not deemed to have provided proof of citizenship until the county voter**



registration office verifies the number with the United States Citizenship and Immigration Services or a successor agency.

(4) A document or method of proof of citizenship established under the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 et seq.).

(b) The NVRA official shall compare the statewide voter registration system with the bureau of motor vehicles list of temporary credentials issued under IC 9-24-11-5(c) or IC 9-24-16-3(f). If evidence exists that a registered voter is not a citizen of the United States, the NVRA official shall notify the county voter registration office of the county in which the individual is registered to vote that the registered voter may not be a citizen of the United States.

(c) After receiving a notice under subsection (b), the county voter registration office shall send a notice to the registered voter inquiring whether the individual is eligible to be registered to vote. An individual who receives a notice under this subsection shall, within thirty (30) days of receiving the notice, provide proof of citizenship to the county voter registration office in person or by mail.

(d) If the individual does not provide proof of citizenship within thirty (30) days of receipt of the notice under subsection (c), the county voter registration office that issued the notice shall cancel the individual's registration.

(e) An individual who is unable to provide documentation as proof of citizenship under this section may appeal in person or by mail to the county election board of the county in which the person was registered to vote. After receiving an appeal, the county election board shall:

- (1) conduct a hearing;
- (2) make a finding concerning the individual's citizenship status; and
- (3) send a copy of its decision to the county voter registration office of the county in which the individual resides.

A county voter registration office that receives a decision under subdivision (3) shall change the voter registration records to accurately reflect the decision of the county election board with respect to the individual.

(f) Documentation provided to show proof of citizenship under this section is confidential and is not available for inspection by the public.

SECTION 18. IC 3-7-38.2-7.4 IS ADDED TO THE INDIANA

HEA 1264



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7.4. **(a) This section applies when the feature within the statewide voter registration system described in IC 3-7-33-5.7(a)(2) identifies a voter registration that lists a potential nonresidential address.**

(b) The county voter registration official shall conduct research on the registration described in subsection (a) to determine if:

- (1) an individual could reside at the address stated on the registration; or**
- (2) the individual resides at a nontraditional residence described in IC 3-5-5-18.**

(c) If the county voter registration official determines, following research under subsection (b), that:

- (1) an individual could not reside at the address; or**
- (2) the individual does not reside at a nontraditional residence described in IC 3-5-5-18;**

the county voter registration official may perform the voter list maintenance procedures under this chapter.

SECTION 19. IC 3-7-38.2-16, AS AMENDED BY P.L.201-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. **(a)** The NVRA official shall, not later than January 31 of each ~~even numbered~~ **even-numbered** year, request information from the

~~(+)~~ United States District Court for the Northern District of Indiana and ~~the~~

~~(-)~~ United States District Court for the Southern District of Indiana

concerning:

- (1) the return of U.S. mail sent by the court for jury selection purposes; and**
- (2) individuals disqualified from jury service due to citizenship status.**

(b) Not later than twenty-eight (28) days following the primary election conducted in that year, the state shall provide each county voter registration office with information concerning any registered voter who:

- (1) appears to no longer reside at the address set forth in the voter's registration record due to a mailing returned to the courts; and**
- (2) is disqualified or potentially disqualified as a prospective juror from jury service because the registered voter is not a United States citizen.**

HEA 1264



(c) Not later than forty-two (42) days following the primary election conducted in that year, the county voter registration office shall:

- (1) send an address confirmation notice to the voter described by ~~this~~ subsection (b) at the voter's mailing address; **or**
- (2) **follow the procedures prescribed by section 7.3 of this chapter.**

SECTION 20. IC 3-10-1-24, AS AMENDED BY P.L.278-2019, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. In a vote center county using an electronic poll book, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll book. The poll clerks shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll book:

- (1) The voter's name.
- (2) Except as provided in subsection (d), the voter's current residence address.
- (3) The name of the voter's party. **A voter shall mark the voter's political party ballot selection on the electronic poll book instead of communicating the selection to the poll clerks.**

After:

- (A) the voter writes the voter's party on the poll list; or
- (B) the voter's party is entered into the electronic poll book; the voter may not change the choice of the voter's party.

(b) The poll clerks shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

(d) The poll list (or each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll book is used, the poll clerk may check the box after stating to the

HEA 1264



voter the address shown on the electronic poll book and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll book.

(e) If the voter makes:

(1) a written affirmation on the poll list (or if an electronic poll book is used, a written affirmation in the manner described in IC 3-7-39-7) that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or

(2) an oral affirmation of a change of address under IC 3-7-39-7; the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.

SECTION 21. IC 3-11-4-17.5, AS AMENDED BY P.L.140-2023, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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:

(1) the applicant is not a voter of the precinct according to the registration record; or

HEA 1264



(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 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 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 or **IC 3-7-33-4.7**; 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 or **IC 3-7-33-4.7** before the absentee ballot may be counted.

HEA 1264



(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 22. IC 3-11-4-18, AS AMENDED BY P.L.227-2023, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application. Each ballot may be assigned a unique tracking number as prescribed by the election division using IMb Tracing or a similar automated tracking method to provide real-time tracking information for the envelope containing the ballot. As used in this subsection, "IMb Tracing" refers to a real-time mail tracking service offered through the United States Postal Service.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 or IC 3-7-33-4.7 with the county voter registration office before 6 p.m. on election day.

(c) Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be transmitted:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under IC 3-7-33-5(g) that the

HEA 1264



applicant is a registered voter.

(d) As required by 52 U.S.C. 21081, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(e) As provided by 52 U.S.C. 21081, when an absentee ballot is transmitted under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 23. IC 3-11-8-10.3, AS AMENDED BY P.L.115-2022, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

(b) An electronic poll book must satisfy all of the following:

- (1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll book.
- (2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both of the following apply:
 - (A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.
 - (B) All data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.
- (3) An electronic poll book may not permit access to voter information other than:
 - (A) information provided on the certified list of voters prepared under IC 3-7-29-1; or
 - (B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

HEA 1264



- (i) The county's receipt of an absentee ballot from the voter.
- (ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.
- (iii) The county's issuance of a certificate of error.

An electronic poll book may not display whether a voter's registration record is in active or inactive status.

(4) The information contained on an electronic poll book must be secure and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

- (A) storing (in external or internal memory) the current local version of the electronic poll list; and
- (B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll book must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

- (A) already received a ballot at the election;
- (B) returned an absentee ballot; or
- (C) submitted any additional documentation required under IC 3-7-33-4.5 or IC 3-7-33-4.7.

(6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has received a ballot.

(7) The electronic poll book must transmit the information in subdivision (6) to the county server so that:

- (A) the server may transmit the information immediately to every other polling place or satellite absentee office in the county; or
- (B) the server makes the information immediately available to every other polling place or satellite office in the county.

(8) The electronic poll book must permit reports to be:

- (A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and
- (B) electronically transmitted by the county election board to a political party or independent candidate who ~~has appointed~~ **is eligible to appoint** a watcher under IC 3-6-8.

(9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or



a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list (as defined in IC 3-7-26.3-2).

(10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from:

- (A) the voter's registration application; or
- (B) a more recent signature of a voter from an absentee application, poll list, electronic poll book, or registration document.

(11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to:

- (A) make an electronic signature for comparison with the signature displayed under subdivision (10); **and**
- (B) **indicate the name of the voter's political party under IC 3-10-1-24.**

An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll book must include a bar code capturing device that:

- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and
- (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(14) The electronic poll book must be compatible with:

- (A) any hardware attached to the electronic poll book, such as signature capturing devices, bar code capturing devices, and network cards;
- (B) the statewide voter registration system; and
- (C) any software system used to prepare voter information to be included on the electronic poll book.

(15) The electronic poll book must have the ability to be used in

HEA 1264



conformity with this title for:

- (A) any type of election conducted in Indiana; or
- (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(16) The procedures for setting up, using, and shutting down an electronic poll book must be reasonably easy for a precinct election officer to learn, understand, and perform. A vendor shall provide sufficient training to election officials and poll workers to completely familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with VSTOP (as described in IC 3-11-18.1-12).

(17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:

- (A) has been set up correctly;
- (B) is working correctly so as to verify the eligibility of the voter;
- (C) is correctly recording that a voter received a ballot; and
- (D) has been shut down correctly.

(18) The electronic poll book must include the following documentation:

- (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll book.
- (B) Training materials that:
 - (i) may be in written or video form; and
 - (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.
- (C) Failsafe data recovery procedures for information included in the electronic poll book.
- (D) Usability tests:
 - (i) that are conducted by the manufacturer of the electronic poll book or an independent testing facility using individuals who are representative of the general public;
 - (ii) that include the setting up, using, and shutting down of the electronic poll book; and
 - (iii) that report their results using industry standard reporting formats.
- (E) A clear model of the electronic poll book system architecture and the following documentation:
 - (i) End user documentation.



- (ii) System-level and administrator level documentation.
- (iii) Developer documentation.
- (F) Detailed information concerning:
 - (i) electronic poll book consumables; and
 - (ii) the vendor's supply chain for those consumables.
- (G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll book.
- (H) Repair and maintenance policies for the electronic poll book.
- (I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:
 - (i) A list of customers who are using or have previously used the vendor's electronic poll book.
 - (ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.
- (J) Information concerning batteries used in the electronic poll book, including the following:
 - (i) A list of all batteries to be used in the electronic poll book and any peripherals.
 - (ii) The expected life span of each battery.
 - (iii) A log documenting when each battery was installed or subsequently replaced.
 - (iv) A schedule for the replacement of each battery not later than thirty (30) days before the end of the expected life span of each battery.
 - (v) Plans to test batteries before each election.
 - (vi) Plans for the emergency replacement of batteries that fail on election day or during the thirty (30) days before election day.
- (19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.
- (20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, including the use, alteration, storage, receipt, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.



(21) The electronic poll book must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.

(22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server approved by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

(A) permit a voter to check in and sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature so that the signature may be assigned to the voter's registration record.

(24) The electronic poll book must have the capacity, for each voter who appears on the electronic poll list, to transmit information that a voter cast a provisional ballot:

(A) from the electronic poll book to the dedicated private server; and

(B) from the dedicated private server to the voter's record in the statewide voter registration system.

This functionality may not be disabled.

(c) The county election board is responsible for the care and custody of all electronic poll books while not in use.

(d) The county election board is responsible for ensuring that all electronic poll books are dedicated devices to be used only for their intended purpose and for no other activity. Software that is not needed for the essential purpose of running the electronic poll book may not be installed on an electronic poll book.

SECTION 24. IC 3-11-8-23, AS AMENDED BY P.L.64-2014, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 23. (a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b) The affidavit of a challenged voter required by section 22.1 of this chapter must be sworn and affirmed and must contain the following:

HEA 1264



- (1) A statement that the voter is a citizen of the United States.
- (2) The voter's date of birth to the best of the voter's information and belief.
- (3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.
- (4) The voter's name and a statement that the voter is generally known by that name.
- (5) A statement that the voter has not voted and will not vote in any other precinct in this election.
- (6) The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.
- (7) If applicable, that, when the voter was challenged to present proof of identification or an additional document to confirm the voter's identity and current residence, the voter presented proof of identification or the additional documentation that complied with IC 3-5-2-40.5, or IC 3-7-33-4.5, or **IC 3-7-33-4.7**.
- (8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.
- (9) If the individual's name does not appear on the registration list, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by IC 3-7-13-10.

SECTION 25. IC 3-11-8-25.2, AS AMENDED BY P.L.115-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under:

- (1) 52 U.S.C. 21083 and IC 3-7-33-4.5; or
- (2) **IC 3-7-33-4.7**;

before voting in person. If the list indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 52 U.S.C. 21083 or **IC 3-7-33-4.7**, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 or **IC 3-7-33-4.7** who has

HEA 1264



not complied with IC 3-7-33-4.5 or IC 3-7-33-4.7 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill.
- (3) A current bank statement.
- (4) A current government check.
- (5) A current paycheck.
- (6) A current government document.

The document presented by the voter must show the name and residence address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection (b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(e) The precinct election board shall advise the voter, both orally and in writing, that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7. The election division shall prescribe the form of the explanation required by this subsection.

SECTION 26. IC 3-11-10-11, AS AMENDED BY P.L.227-2023, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. On election day, the county voter registration office shall visit the appropriate post office to accept delivery of mail containing documentation submitted by a voter to comply with IC 3-7-33-4.5 or IC 3-7-33-4.7. The office shall immediately notify the county election board regarding the filing of this documentation.

SECTION 27. IC 3-11-10-28, AS AMENDED BY P.L.109-2021, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 28. (a) A voter voting before an absentee voter board shall mark the voter's ballot in the presence of the board, but not in such a manner that either of the members of the board can see for whom the voter voted, unless the voter requests the help of the board in marking a ballot under IC 3-11-9. The voter shall fold each ballot separately in a manner to conceal the voter's markings.

(b) The voter shall then, in the presence of the board, place the ballot in an envelope furnished by the county election board.

HEA 1264



(c) The circuit court clerk shall provide, to the extent practicable, the same degree of privacy to absentee voters voting at the office of the circuit court clerk as provided to voters at the polls on election day.

(d) This subsection applies to a voter required to present additional information under IC 3-7-33-4.5 **or IC 3-7-33-4.7**. If the voter does not present the required additional information before receiving the absentee ballot, the absentee ballot shall be processed in accordance with IC 3-11.5-4-3.5.

(e) This subsection applies to a voter required to present additional information under IC 3-7-33-4.5 **or IC 3-7-33-4.7**. Upon accepting the completed absentee ballot from the voter, the board shall provide the voter with a notice:

- (1) listing the documentation the voter may submit to the county voter registration office to comply with IC 3-7-33-4.5 **or IC 3-7-33-4.7**; and
- (2) stating the address and hours of the county voter registration office.

SECTION 28. IC 3-11.5-4-3.5, AS ADDED BY P.L.109-2021, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3.5. (a) Upon receipt of an absentee ballot from a voter required to provide additional information to the county voter registration office under IC 3-7-33-4.5 **or IC 3-7-33-4.7**, the county election board shall contact the county voter registration office to determine if the additional information has been filed with the office by the voter.

(b) If the voter has filed the information with the county voter registration office, the county election board shall add a notation to the application indicating that the required information has been filed and that the absentee ballot may be counted if the ballot otherwise complies with this article.

(c) If the voter has not filed the information with the county voter registration office, the county election board shall add a notation on the application filed by a voter described under subsection (b) and on the envelope provided under this chapter reading substantially as follows:

"ABSENTEE BALLOT COUNTERS: AS OF (insert date absentee ballot application approved) THIS VOTER WAS REQUIRED TO FILE ADDITIONAL DOCUMENTATION WITH THE COUNTY VOTER REGISTRATION OFFICE BEFORE THIS BALLOT MAY BE COUNTED. CHECK THE POLL LIST AND COUNTY ELECTION BOARD CERTIFICATION TO SEE IF THE VOTER HAS FILED THIS INFORMATION. IF NOT, PROCESS AS A PROVISIONAL

HEA 1264



BALLOT IF THIS BALLOT OTHERWISE COMPLIES WITH INDIANA LAW."

SECTION 29. IC 3-11.5-4-12, AS AMENDED BY P.L.210-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) Notwithstanding any provision to the contrary in this chapter, in a county described by subsection (e) or (f), the signature review process described in this section may be conducted at any time after receipt of an absentee ballot by the county election board.

(b) If the absentee ballot counters find under section 11 of this chapter that:

- (1) the affidavit is properly executed;
- (2) the signatures correspond;
- (3) the absentee voter is a qualified voter of the precinct;
- (4) the absentee voter is registered and is not required to file additional information with the county voter registration office under IC 3-7-33-4.5 or **IC 3-7-33-4.7**; and
- (5) in case of a primary election, if the absentee voter has not previously voted, the absentee voter has executed the proper declaration relative to age and qualifications and the political party with which the absentee voter intends to affiliate;

the absentee ballot counters shall open the envelope containing the absentee ballots so as not to deface or destroy the affidavit and take out each ballot enclosed without unfolding or permitting a ballot to be unfolded or examined.

(c) If the absentee ballot counters find under subsection (b) that the voter has not filed the additional information required to be filed with the county voter registration office under IC 3-7-33-4.5 or **IC 3-7-33-4.7**, but that all of the other findings listed under subsection (b) apply, the absentee ballot shall be processed as a provisional ballot under IC 3-11.7.

(d) The absentee ballot counters shall then deposit the ballots in a secure envelope with the name of the precinct set forth on the outside of the envelope. After the absentee ballot counters or the county election board has made the findings described in subsection (b) or section 13 of this chapter for all absentee ballots of the precinct, the absentee ballot counters shall remove all the ballots deposited in the envelope under this section for counting under IC 3-11.5-5 or IC 3-11.5-6.

(e) This subsection applies to a county having a consolidated city. For an absentee ballot cast in person by a voter under IC 3-11-10-25, IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may,

HEA 1264



but are not required to, make the findings required under subsection (b)(2) or (b)(3). ~~of this section.~~

(f) This subsection applies to a county:

- (1) that does not have a consolidated city; and
- (2) when the county election board has adopted a resolution by the unanimous vote of its entire membership to use the procedures set forth in this subsection.

For an absentee ballot cast in person by a voter under IC 3-11-10-25, IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may, but are not required to, make the findings required under subsection (b)(2) or (b)(3). ~~of this section.~~

(g) A resolution adopted under subsection (f) may be repealed or amended only by the unanimous vote of the entire membership of the county election board.

SECTION 30. IC 3-11.7-2-1, AS AMENDED BY P.L.128-2015, SECTION 201, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) As provided by 52 U.S.C. 21082, this section applies to the following individuals:

(1) An individual:

- (A) whose name does not appear on the registration list; and
- (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) As required by 52 U.S.C. 21083, a voter who has registered to vote but has not:

- (1) presented identification required under 52 U.S.C. 21083 to the poll clerk before voting in person under IC 3-11-8-25.1; or
- (2) filed a copy of the identification required under 52 U.S.C. 21083 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A voter who has registered to vote but has not:

- (1) presented documentation required under IC 3-7-33-4.7 to the poll clerk before voting in person; or**
- (2) filed a copy of the identification required under IC 3-7-33-4.7 with the county voter registration office before**

HEA 1264



**the voter's absentee ballot is cast;
is entitled to vote a provisional ballot under this article.**

(e) (d) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

- (1) is eligible to vote under IC 3-7-13-1;
- (2) submitted a voter registration application during the registration period described by IC 3-7-13-10; and
- (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) (e) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

SECTION 31. IC 3-11.7-2-2, AS AMENDED BY P.L.115-2022, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) A provisional voter shall do the following:

- (1) Execute the affidavit described in IC 3-10-1-9 or IC 3-11-8-23.
- (2) Sign the poll list.
- (3) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.
- (4) Fold each ballot separately.
- (5) Fold each ballot so as to conceal the marking.
- (6) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.
- (7) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52 U.S.C. 21082, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

(d) This subsection applies to a provisional voter described in section 1(a), ~~or~~ 1(b), ~~or~~ 1(c) of this chapter. In addition to the written instructions required by subsection (c), a precinct election officer shall provide the provisional voter, both orally and in writing, an explanation of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection.

HEA 1264



SECTION 32. IC 3-11.7-5-2, AS AMENDED BY P.L.128-2015, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

- (1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.
- (2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26.
- (3) Based on all the information available to the county election board, including:
 - (A) information provided by the provisional voter;
 - (B) information contained in the county's voter registration records; and
 - (C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 52 U.S.C. 21083 with the county voter registration office not later than the closing of the polls on election day.

(d) Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(c) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.7 with the county voter registration office not later

HEA 1264



than the closing of the polls on election day.

SECTION 33. IC 3-14-5-1, AS AMENDED BY P.L.157-2019, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) This section applies during an election whenever a voter makes an affidavit before the inspector in a precinct that a person who has offered to vote is an illegal voter in the precinct. This section does not apply to an affidavit executed by an individual who:

- (1) is subject to the requirements set forth in IC 3-7-33-4.5 **or IC 3-7-33-4.7;**
- (2) is challenged solely as a result of the individual's inability or refusal to comply with IC 3-7-33-4.5 **or IC 3-7-33-4.7;** and
- (3) subsequently complies with IC 3-7-33-4.5 **or IC 3-7-33-4.7, as applicable,** before the close of the polls on election day.

(b) Immediately after the close of the polls the inspector shall deliver the affidavit to the county election board. After the final date and hour for filing a recount or contest and the county election board has completed the county election board's canvas of the returns, the county election board shall forward the affidavits to the prosecuting attorney for the county under section 2 of this chapter. The prosecuting attorney for the county shall:

- (1) proceed as if the affidavit had been made before the prosecuting attorney; and
- (2) ensure that the grand jury notifies the NVRA official under section 2 of this chapter if a violation of NVRA appears to have occurred.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1264

