



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1485 be amended to read as follows:

- 1 Page 5, between lines 34 and 35, begin a new paragraph and insert:
- 2 "SECTION 10. IC 3-11-10-1, AS AMENDED BY P.L.157-2019,
- 3 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2021]: Sec. 1. (a) A voter voting by absentee ballot shall make
- 5 and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter
- 6 then shall, except as provided in subsection (b), do the following:
- 7 (1) Mark the ballot in the presence of no other person.
- 8 (2) Fold each ballot separately.
- 9 (3) Fold each ballot so as to conceal the marking.
- 10 (4) Enclose each ballot, with the seal and signature of the circuit
- 11 court clerk on the outside, together with any unused ballot, in the
- 12 envelope provided.
- 13 (5) Securely seal the envelope.
- 14 (6) Do one (1) of the following:
- 15 (A) Deliver the envelope to the county election board, with not
- 16 more than one (1) ballot per envelope, by United States mail
- 17 or by a bonded courier company.
- 18 (B) Deliver the envelope to the county election board in
- 19 person.
- 20 (C) ~~Deliver~~ Give the envelope to a member of the voter's
- 21 **family or** household, **a caretaker**, or a person designated as

1 the attorney in fact for the voter under IC 30-5. ~~for delivery~~
 2 **The person to whom the voter gives the envelope shall**
 3 **deliver the envelope** to the county election board:

- 4 (i) in person;
 5 (ii) by United States mail; ~~or~~
 6 (iii) **at a designated absentee ballot drop box under**
 7 **IC 3-11.5-9; or**
 8 (iv) by a bonded courier company.

9 (b) A voter permitted to transmit the voter's absentee ballots by fax
 10 or electronic mail under IC 3-11-4-6 is not required to comply with
 11 subsection (a). The individual designated by the circuit court clerk to
 12 receive absentee ballots transmitted by fax or electronic mail shall do
 13 the following upon receipt of an absentee ballot transmitted by fax:

- 14 (1) Note the receipt of the absentee ballot in the records of the
 15 circuit court clerk as other absentee ballots received by the circuit
 16 court clerk are noted.
 17 (2) Fold each ballot received from the voter separately so as to
 18 conceal the marking.
 19 (3) Enclose each ballot in a blank absentee ballot envelope.
 20 (4) Securely seal the envelope.
 21 (5) Mark on the envelope: "Absentee Ballot Received by Fax or
 22 Electronic Mail".
 23 (6) Securely attach to the envelope the faxed affidavit received
 24 with the voter's absentee ballots.

25 (c) Except as otherwise provided in this title, absentee ballots
 26 received by fax or electronic mail shall be handled and processed as
 27 other absentee ballots received by the circuit court clerk are handled
 28 and processed.

29 SECTION 11. IC 3-11.5-2-1.3 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2021]: **Sec. 1.3. As used in this article,**
 32 **"absentee ballot drop box" refers to a box that meets the following**
 33 **criteria:**

- 34 (1) **Is made of durable metal or of other sturdy material.**
 35 (2) **Is tamper-proof or comes with tamper detecting features,**
 36 **including a fire suppression feature.**
 37 (3) **Has the capacity to hold at least five hundred (500) ballot**
 38 **return envelopes.**

39 SECTION 12. IC 3-11.5-2-5.5 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2021]: **Sec. 5.5. As used in this article, "third**
 42 **party designee" means an individual authorized by a voter to**
 43 **return the voter's completed absentee ballot sealed in an absentee**
 44 **ballot envelope to the county election board as described in**
 45 **IC 3-11-10-1(a)(6)(C).**

46 SECTION 13. IC 3-11.5-2-6 IS ADDED TO THE INDIANA CODE

1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2021]: **Sec. 6. As used in this article, "travel box" means a**
3 **container with a lid that can be securely fastened so the contents of**
4 **the container will not fall out if the container is turned over.**

5 SECTION 14. IC 3-11.5-9 IS ADDED TO THE INDIANA CODE
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2021]:

8 **Chapter 9. Absentee Ballot Drop Box**

9 **Sec. 1. This chapter applies only if the county election board**
10 **adopts this chapter by the unanimous vote of the entire**
11 **membership of the board.**

12 **Sec. 2. A voter may return a completed absentee ballot sealed in**
13 **an absentee ballot envelope to the county election board by**
14 **depositing the absentee ballot envelope in an absentee ballot drop**
15 **box.**

16 **Sec. 3. (a) A voter may authorize a third party designee to**
17 **return the voter's completed absentee ballot by depositing the**
18 **voter's absentee ballot envelope in an absentee ballot drop box as**
19 **described in section 2 of this chapter if the voter additionally**
20 **completes and returns a third party designee affidavit prescribed**
21 **by the commission that includes the following:**

22 (1) **The voter identifies the third party designee delivering the**
23 **voter's absentee ballot envelope to the absentee ballot drop**
24 **box.**

25 (2) **The voter affirms that the voter has authorized the third**
26 **party designee to return the voter's absentee ballot envelope**
27 **to an absentee ballot drop box.**

28 (3) **The voter describes the relationship of the third party**
29 **designee to the voter to confirm that the third party designee**
30 **is permitted by law to return the voter's absentee ballot**
31 **envelope in an absentee ballot drop box.**

32 (b) **If the affidavit described in subsection (a) is not completed**
33 **or signed by the voter, the absentee ballot shall be treated as a**
34 **provisional ballot under IC 3-11.7. The county election board shall**
35 **immediately inform the voter of the error.**

36 (c) **The voter will have until noon ten (10) days after election**
37 **day to go to the county election board and complete an affidavit**
38 **affirming that the third party designee was authorized by the voter**
39 **to return the voter's absentee ballot envelope and was permitted by**
40 **law to return the voter's absentee ballot envelope.**

41 **Sec. 4. Not later than forty-five (45) days before the election, the**
42 **county election board shall make arrangements to place absentee**
43 **ballot drop boxes in various locations in the county. The locations**
44 **must satisfy the following:**

45 (1) **The absentee ballot drop boxes must be located on any**
46 **property that is a county owned building where the circuit**
47 **court clerk's office or county election board office is located.**

- 1 **(2) The location must have site security and a security camera**
 2 **continuously monitoring the absentee ballot drop box.**
- 3 **Sec. 5. (a) The county election board shall assign as many**
 4 **courier teams as necessary to collect all absentee ballot return**
 5 **envelopes deposited in an absentee ballot drop box each day.**
- 6 **(b) Beginning twenty-eight (28) days before the election, the**
 7 **county election board shall make arrangements for courier teams**
 8 **to open each absentee ballot drop box between 6 p.m. and 7:30 p.m.**
 9 **each day before election day. A courier team shall visit each**
 10 **absentee ballot drop box at 6 p.m. on election day and make the**
 11 **final collection from the absentee ballot drop box for that election.**
- 12 **(c) Each of the appointed members of the county election board**
 13 **shall keep one (1) of the keys for each absentee ballot drop box.**
 14 **Each appointed member shall keep the key securely in the manner**
 15 **determined by that appointed member. If an appointed member**
 16 **cannot be present each day, then that member shall designate**
 17 **someone from the member's political party to be present with the**
 18 **key to the lock at the time the courier team arrives to pick up the**
 19 **supplies described in subsection (e).**
- 20 **(d) A courier team shall arrive at the circuit court clerk's office**
 21 **not later than 5 p.m. before visiting an absentee ballot drop box.**
- 22 **(e) The appointed members of the county election board shall**
 23 **give the following to members of the courier team:**
- 24 **(1) A new seal to replace the seal that will be broken when the**
 25 **courier team opens the absentee ballot drop box.**
- 26 **(2) One (1) of the keys necessary to open the absentee ballot**
 27 **drop box to one (1) of the members of the courier team.**
- 28 **(3) The other key necessary to open the absentee ballot drop**
 29 **box to the other courier.**
- 30 **(4) A log for the courier team to note all of the following:**
- 31 **(A) The date and time the courier team arrived at the**
 32 **absentee ballot drop box.**
- 33 **(B) The date and time the courier team broke the seal and**
 34 **opened the absentee ballot drop box.**
- 35 **(C) The number on the seal that was broken.**
- 36 **(D) A place to mark "yes" or "no" to the statement "Was**
 37 **the seal on the absentee ballot drop box broken when you**
 38 **arrived to collect the absentee ballots?".**
- 39 **(E) The time the absentee ballot drop box was relocked and**
 40 **sealed by the courier team.**
- 41 **(F) The number of the seal applied to the absentee ballot**
 42 **drop box after it is relocked.**
- 43 **(G) A place for each member of the courier team to sign**
 44 **the log.**
- 45 **(5) A travel box.**
- 46 **(f) After receiving the materials from the appointed board**
 47 **members of the county election board under subsection (e), the**

1 courier team shall visit the absentee ballot drop box assigned to the
2 courier team.

3 (g) After unlocking the absentee ballot drop box, the courier
4 team shall transfer all absentee ballot return envelopes in the
5 absentee ballot drop box to the travel box.

6 (h) The courier team shall do all of the following:

7 (1) Close the opening of the absentee ballot drop box.

8 (2) Lock the absentee ballot drop box.

9 (3) Apply a new seal to the absentee ballot drop box.

10 (4) Complete the log provided under subsection (e)(4).

11 (5) On election day, securely seal the opening where voters
12 deposit ballots including a notice that reads: "The election has
13 concluded. No more absentee ballots are accepted."

14 (i) Immediately after the requirements in subsection (h) are
15 completed, the courier team shall return the travel box to the
16 circuit court clerk's office.

17 Sec. 6. (a) This section applies when a courier team finds and
18 reports on the log provided under section 5(e)(4) of this chapter
19 that a seal to the absentee ballot drop box was broken before the
20 absentee ballot drop box was unlocked.

21 (b) Absentee ballots found in the drop box shall be treated as
22 provisional ballots under IC 3-11.7.

23 Sec. 7. (a) The circuit court clerk shall arrange for each
24 absentee ballot drop box to be collected and returned to the clerk's
25 office:

26 (1) after noon; and

27 (2) not later than 5 p.m.;

28 not later than a week after election day.

29 (b) Upon return of an absentee ballot drop box under subsection
30 (a), the circuit court clerk (or the clerk's designee) shall unlock
31 each absentee ballot drop box.

32 (c) If an absentee ballot return envelope is found in an absentee
33 ballot drop box when opened under subsection (b), the absentee
34 ballot return envelope shall be delivered to the county election
35 board.

36 (d) The county election board shall:

37 (1) reject the absentee ballot;

38 (2) have the statement "Rejected by the county election
39 board" printed on the absentee ballot return envelope; and

40 (3) have the circuit court clerk seal the absentee ballot
41 envelope with any other ballots rejected under this title.

42 Sec. 8. Each circuit court clerk shall certify the names of the
43 voters whose absentee ballots have been received at an absentee
44 ballot drop box when making the certification under
45 IC 3-11.5-4-8(b).

46 Sec. 9. Each circuit court clerk shall keep all accepted absentee
47 ballot envelopes securely in the clerk's office until the absentee

- 1 **ballot envelopes are opened by absentee ballot counters in**
- 2 **accordance with this article."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1485 as printed February 11, 2021.)

Representative Errington