



April 1, 2003

**ENGROSSED  
SENATE BILL No. 477**

DIGEST OF SB 477 (Updated March 31, 2003 2:36 PM - DI 75)

**Citations Affected:** IC 3-6; IC 3-11.

**Synopsis:** Polling place and voting machine accessibility. Requires each county election board to conduct training and educational meetings for precinct election officers. Requires the meeting to include information related to making polling places and voting systems accessible to elderly voters. Requires voting systems to meet accessibility requirements not later than January 1, 2006. Establishes standards for accessible facilities and accessible voting systems. Makes technical changes.

**Effective:** July 1, 2003.

**Lawson C, Simpson, Broden,  
Howard**

(HOUSE SPONSORS — MAHERN, RICHARDSON, WELCH, SMITH V)

January 21, 2003, read first time and referred to Committee on Elections and Civic Affairs.  
February 20, 2003, amended, reported favorably — Do Pass.  
February 24, 2003, read second time, ordered engrossed.  
February 25, 2003, engrossed.  
February 27, 2003, read third time, technical correction Rule 33(c) adopted; passed. Yeas 47, nays 2. Engrossed.

**HOUSE ACTION**

March 13, 2003, read first time and referred to Committee on Elections and Apportionment.  
March 31, 2003, amended, reported — Do Pass.

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ES 477—LS 7833/DI 75+



April 1, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 477

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

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

- 1 SECTION 1. IC 3-6-6-40 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2003]: **Sec. 40. (a) This section applies after December 31, 2003.**  
4 **(b) The county election board shall conduct a training and**  
5 **educational meeting for precinct election officers.**  
6 **(c) The board shall require inspectors and judges to attend the**  
7 **meeting and may require other precinct election officers to attend**  
8 **the meeting.**  
9 **(d) The meeting required under this section must include**  
10 **information related to making polling places and voting systems**  
11 **accessible to elderly voters and disabled voters. The meeting may**  
12 **include other information relating to the duties of precinct election**  
13 **officers as determined by the county election board.**  
14 **(e) The meeting required by this section must be held not later**  
15 **than the day before election day.**  
16 SECTION 2. IC 3-11-6.5-0.5 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

ES 477—LS 7833/DI 75+



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1 [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. As used in this chapter,**  
 2 **"federal act" refers to the federal Help America Vote Act of 2002.**

3 SECTION 3. IC 3-11-8-1.2 IS ADDED TO THE INDIANA CODE  
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 5 1, 2003]: **Sec. 1.2. (a) As used in this section, "facility" refers to the**  
 6 **facility in which a polling place is located.**

7 **(b) For purposes of this chapter, a facility is an "accessible**  
 8 **facility" for elderly voters and voters with disabilities only if the**  
 9 **following apply:**

10 **(1) The facility meets the standards for accessibility for**  
 11 **elderly voters and voters with disabilities established under 42**  
 12 **U.S.C. 1973ee through 42 U.S.C. 1973ee-6.**

13 **(2) All the following are accessible to elderly voters and voters**  
 14 **with disabilities in a manner that provides the same**  
 15 **opportunity for access and participation (including privacy**  
 16 **and independence) as for other voters:**

17 **(A) Parking spaces marked and available to conform with**  
 18 **IC 5-16-9.**

19 **(B) The path to the facility that an individual must travel**  
 20 **on the property where the facility is located.**

21 **(C) The entrances of the facility to be used by voters.**

22 **(D) The paths of travel within the facility to the rooms or**  
 23 **areas where the voting systems are located.**

24 **(E) The rooms or areas in the facility where the voting**  
 25 **systems are located.**

26 **(c) The requirements of subsection (b) are satisfied if a facility**  
 27 **will comply with subsection (b) by implementing temporary**  
 28 **measures.**

29 SECTION 4. IC 3-11-8-2 IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2003]: **Sec. 2. A voter shall vote at the polls for**  
 31 **the precinct where the voter resides except when authorized to vote in**  
 32 **another precinct under IC 3-10-10, IC 3-10-11, IC 3-10-12, or at a**  
 33 **special voting poll under ~~section 6~~ **section 6.5** of this chapter.**

34 SECTION 5. IC 3-11-8-3 IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2003]: **Sec. 3. (a) Before each election each**  
 36 **county executive shall secure for each precinct of the county a ~~suitable~~**  
 37 **room ~~an accessible facility~~ in which to hold the election.**

38 **(b) If there is no suitable room ~~an accessible facility is not~~**  
 39 **available within the precinct, then the polls may be located in a public**  
 40 **building in an adjoining precinct if the public building is:**

41 **(1) either:**

42 **(A) not more than one (1) mile from the closest boundary of**

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1 the precinct for which it is the polls; or  
 2 ~~(2) (B)~~ located in the same township as the precinct that ~~has no~~  
 3 ~~suitable room does not have an accessible facility~~ available;  
 4 if the polling place complies with accessibility requirements  
 5 for disabled voters under 42 U.S.C. 1973ee through 1973ee-6.  
 6 **and**

7 **(2) an accessible facility.**

8 (c) If the county election board, by a unanimous vote of its entire  
 9 membership, determines that ~~there is no suitable room an accessible~~  
 10 **facility is not** available under subsection (b), the board may locate the  
 11 polls in the most convenient available ~~room accessible facility~~ in the  
 12 county. ~~that complies with the accessibility requirements for disabled~~  
 13 ~~voters.~~

14 SECTION 6. IC 3-11-8-3.1 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.1. (a) A county  
 16 executive shall designate the polls for each precinct not less than  
 17 twenty-nine (29) days before election day.

18 (b) The designation of a polling place under this section remains in  
 19 effect until:

- 20 (1) the location of the polling place is altered by an order of the  
 21 county executive or county election board under this chapter; or  
 22 (2) a precinct establishment order issued under IC 3-11-1.5:  
 23 (A) designates a new polling place location; or  
 24 (B) combines the existing precinct with another precinct  
 25 established by the order.

26 (c) The county executive shall then file the report required by  
 27 section ~~6~~ **6.5** of this chapter concerning polls that are inaccessible to  
 28 voters with disabilities.

29 SECTION 7. IC 3-11-8-3.2 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.2. (a) A county  
 31 executive shall give ten (10) days notice of the place of voting in each  
 32 precinct by publication in the manner prescribed by IC 5-3-1-4. **The**  
 33 **notice must include the following information:**

- 34 **(1) For each precinct, whether the polls are located in an**  
 35 **accessible facility.**  
 36 **(2) If special polling places are designated under section 6.5 of**  
 37 **this chapter:**  
 38 **(A) the location of each special polling place; and**  
 39 **(B) the procedures for elderly voters and voters with**  
 40 **disabilities to apply to vote at a special polling place.**

41 (b) If it is necessary to change a place for voting after giving notice,  
 42 notice of the change shall be given in the same manner. However,



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1 except as provided in subsection ~~(b)~~; ~~no~~ **(c)**, a change may **not** be made  
2 within two (2) days before an election.

3 ~~(b)~~ **(c)** If the county election board determines by a unanimous vote  
4 of the board's entire membership that the use of a polling place at an  
5 election would be dangerous or impossible, the county election board  
6 may order the relocation of the polling place during the final two (2)  
7 days before an election. The county election board shall give the best  
8 possible notice of this change to news media and the voters of the  
9 precinct. **If an order is adopted under this subsection, the order  
10 expires after the election.**

11 SECTION 8. IC 3-11-8-6, AS AMENDED BY P.L.38-1999,  
12 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2003]: Sec. 6. ~~(a)~~ **If possible; Except as provided in section  
14 6.5 of this chapter,** the county executive shall locate the polls for each  
15 precinct in a **an accessible** facility. ~~that meets the standards for~~  
16 ~~accessibility for voters with disabilities and elderly voters established~~  
17 ~~under 42 U.S.C. 1973ee through 1973ee-6. If the county executive~~  
18 ~~determines that no accessible facility is available in a precinct and that~~  
19 ~~no facility can be made temporarily accessible, the county executive~~  
20 ~~shall designate at least one (1) special voting poll in the county at least~~  
21 ~~twenty-nine (29) days before election day. A special voting poll must:~~

- 22 (1) be accessible to voters with disabilities and elderly voters  
23 under federal law; and  
24 (2) operate under all other requirements for precincts and polls  
25 under this title.

26 ~~(b)~~ The county executive shall:

- 27 (1) provide public notice; and  
28 (2) file a report;

29 listing each inaccessible precinct and each special voting poll in the  
30 county with the election division at least twenty-nine (29) days before  
31 election day. The list shall be available to any person upon request.

32 ~~(c)~~ A precinct poll may also be used as a special voting poll for the  
33 county if the precinct poll meets the standards for accessibility by  
34 voters with disabilities and elderly voters established under federal law:

35 ~~(d)~~ The county election board shall assign a special voting poll to a  
36 voter with disabilities or elderly voter:

- 37 (1) whose regular precinct poll is inaccessible to voters with  
38 disabilities or elderly voters; and  
39 (2) who submits an application on a form prescribed by the  
40 commission at least ten (10) days before election day.

41 ~~(e)~~ Applications may be submitted under subsection ~~(d)~~(2):

- 42 (1) in person at the principal office of the county election board;

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1 or

2 (2) by mail:

3 (f) The precinct election board at a special voting poll shall do the  
4 following:

5 (1) Provide each voter with disabilities or elderly voter assigned  
6 under subsection (d) a ballot that includes all offices and public  
7 questions to be voted for in the voter's precinct of residence.

8 (2) Prepare a separate poll list for the voters with disabilities and  
9 elderly voters assigned to the special voting poll:

10 (g) Votes cast at a special voting poll shall be counted and reported  
11 in the same manner as votes cast at a precinct under this title:

12 SECTION 9. IC 3-11-8-6.5 IS ADDED TO THE INDIANA CODE  
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 2003]: **Sec. 6.5. (a) Not later than twenty-nine (29) days before**  
15 **election day, the county executive shall file a report with the**  
16 **co-directors of the election division listing each precinct of the**  
17 **county for which the county executive was unable to secure an**  
18 **accessible facility for election day. The report must include any**  
19 **other information required by the co-directors.**

20 (b) If the co-directors determine that there are no accessible  
21 facilities the county executive can secure for a precinct polling  
22 place, the co-directors shall authorize the county executive to  
23 designate at least one (1) special polling place in the county.

24 (c) A special polling place must:

25 (1) be located in an accessible facility; and

26 (2) operate under all other requirements for precincts and  
27 polls under this title.

28 (d) A precinct polling place located in an accessible facility may  
29 be used as a special polling place for the county under subsection  
30 (c).

31 (e) The circuit court clerk shall assign a special polling place to  
32 an elderly voter or a voter with disabilities:

33 (1) whose regular precinct polling place is not located in an  
34 accessible facility; and

35 (2) who submits an application on a form prescribed by the  
36 commission not later than ten (10) days before election day.

37 Applications may be submitted under subdivision (2) by mail or in  
38 person at the circuit court clerk's office.

39 (f) The precinct election board at a special polling place shall do  
40 the following:

41 (1) Provide each elderly voter or voter with disabilities  
42 assigned to the special polling place under subsection (e) a

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1           **ballot that includes all offices and public questions to be voted**  
 2           **for in the voter's precinct of residence.**

3           **(2) Prepare a separate poll list for the elderly voters and the**  
 4           **voters with disabilities assigned to the special polling place.**

5           **(g) Votes cast at a special polling place shall be counted and**  
 6           **reported in the same manner as votes cast at a precinct under this**  
 7           **title.**

8           SECTION 10. IC 3-11-15-13, AS AMENDED BY P.L.126-2002,  
 9           SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10          JULY 1, 2003]: Sec. 13. (a) ~~Except as provided in this chapter,~~ To be  
 11          approved for use in Indiana, a voting system shall meet **the following**  
 12          **standards:**

13          **(1) After December 31, 2005, the voting method used in each**  
 14          **polling place must include a voting system that is accessible**  
 15          **for individuals with disabilities, including nonvisual**  
 16          **accessibility for the blind and visually impaired in a manner**  
 17          **that provides the same opportunity for access and**  
 18          **participation (including privacy and independence) as for**  
 19          **other voters. A county complies with the standards described**  
 20          **in this subdivision if each polling place in the county has at**  
 21          **least one (1) voting system equipped for individuals with**  
 22          **disabilities that complies with the standards described in this**  
 23          **subdivision.**

24          **(2) A voting system must meet the Voting System Standards**  
 25          **established by the Performance and Test Standards for Punchcard,**  
 26          **Marksense, and Direct Recording Electronic Voting Systems**  
 27          **issued approved by the Federal Election Commission on January**  
 28          **25, 1990: April 30, 2002.**

29          (b) The commission may adopt rules under IC 4-22-2 to require a  
 30          voting system to meet standards more recent than standards described  
 31          in subsection ~~(a):~~ **(a)(2)**. If the commission adopts rules under this  
 32          subsection, a voting system must meet the standards described in the  
 33          rules instead of the standards described in subsection ~~(a):~~ **(a)(2)**.

34          SECTION 11. IC 3-11-8-4.2 IS REPEALED [EFFECTIVE JULY  
 35          1, 2003].

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SENATE MOTION

Mr. President: I move that Senator Broden be added as coauthor of Senate Bill 477.

LAWSON C

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 477, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- Page 2, line 33, reset in roman "county executive".
- Page 2, line 33, delete "circuit court clerk".
- Page 3, line 12, reset in roman "county executive".
- Page 3, line 12, delete "circuit court clerk".
- Page 3, delete lines 15 through 20.
- Page 3, line 21, delete "(c)" and insert "(b)".
- Page 3, line 24, reset in roman "county executive".
- Page 3, line 24, delete "circuit court clerk".
- Page 3, line 30, reset in roman "(c)".
- Page 3, line 30, delete "(d)".
- Page 3, line 30, reset in roman "county executive".
- Page 3, line 30, delete "circuit court clerk".
- Page 3, line 34, reset in roman "county".
- Page 3, line 35, reset in roman "executive".
- Page 3, line 35, delete "circuit court clerk".
- Page 4, line 19, delete "circuit court clerk" and insert "**county executive**".
- Page 4, line 21, reset in roman "county executive".
- Page 4, line 21, delete "circuit court clerk".
- Page 4, line 26, reset in roman "county".
- Page 4, line 27, reset in roman "executive".
- Page 4, line 27, delete "circuit court clerk".
- Page 4, line 33, reset in roman "county executive".
- Page 4, line 33, delete "circuit court clerk".
- Page 5, line 35, delete "circuit court clerk" and insert "**county executive**".
- Page 5, line 37, delete "circuit court clerk" and insert "**county executive**".
- Page 5, line 41, delete "circuit court clerk" and insert "**county executive**".
- Page 5, line 42, delete "circuit court clerk" and insert "**county executive**".
- Page 6, delete lines 28 through 42.

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 477 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 7, Nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Engrossed Senate Bill 477.

Page 3, line 10, delete "Except as".

Page 3, line 11, delete "provided in subsection (b), a" and insert "A".

(Reference is to SB 477 as printed February 21, 2003.)

GARTON, Chairperson

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 477, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert "**This section applies after December 31, 2003.**

**(b)**".

Page 1, line 5, delete "(b)" and insert "**(c)**".

Page 1, line 8, delete "(c)" and insert "**(d)**".

Page 1, line 13, delete "(d)" and insert "**(e)**".

Page 2, between lines 15 and 16, begin a new line double block indented and insert:

**"(A) Parking spaces marked and available to conform with IC 5-16-9."**

Page 2, line 16, delete "(A)" and insert "**(B)**".

Page 2, line 18, delete "(B)" and insert "**(C)**".

Page 2, line 19, delete "(C)" and insert "**(D)**".

Page 2, line 21, delete "(D)" and insert "**(E)**".

Page 2, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 5. IC 3-11-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Before each election each county executive shall secure for each precinct of the county a ~~suitable room~~ **an accessible facility** in which to hold the election.

(b) If ~~there is no suitable room~~ **an accessible facility is not** available within the precinct, then the polls may be located in a public building in an adjoining precinct if the public building is:

(1) **either:**

**(A)** not more than one (1) mile from the closest boundary of the precinct for which it is the polls; or

~~(2) (B) located in the same township as the precinct that has no suitable room~~ **does not have an accessible facility** available; ~~if the polling place complies with accessibility requirements for disabled voters under 42 U.S.C. 1973ee through 1973ee-6.~~

**and**

**(2) an accessible facility.**

(c) If the county election board, by a unanimous vote of its entire membership, determines that ~~there is no suitable room~~ **an accessible facility is not** available under subsection (b), the board may locate the

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polls in the most convenient available ~~room~~ **accessible facility** in the county. ~~that complies with the accessibility requirements for disabled voters."~~

Page 3, delete lines 1 through 8.

Page 4, delete lines 7 through 20.

Page 7, after line 1, begin a new paragraph and insert:

"SECTION 11. IC 3-11-8-4.2 IS REPEALED [EFFECTIVE JULY 1, 2003]."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 477 as printed February 21, 2003.)

MAHERN, Chair

Committee Vote: yeas 12, nays 0.

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