



February 21, 2003

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## HOUSE BILL No. 1541

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DIGEST OF HB 1541 (Updated February 20, 2003 9:49 AM - DI 75)

**Citations Affected:** IC 3-5; IC 3-6; IC 3-7; IC 3-11; IC 3-11.7; IC 5-26.5; noncode.

**Synopsis:** Help America Vote Act compliance. Conforms election law to the federal Help America Vote Act. Establishes the state election administration interim study committee to study issues relating to state election administration. Appropriates federal money received under the federal Help America Vote Act. Repeals superseded statutes relating to funding of voting systems.

**Effective:** Upon passage; July 1, 2003.

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### Weinzapfel, Richardson, Budak

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January 16, 2003, read first time and referred to Committee on Elections and Apportionment.  
February 20, 2003, amended, reported — Do Pass. Recommitted to Committee on Ways and Means.

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HB 1541—LS 7289/DI 75+



February 21, 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.

## HOUSE BILL No. 1541

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A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

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

- 1 SECTION 1. IC 3-5-2-26.2 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 26.2. "HAVA" refers to the federal Help  
4 America Vote Act of 2002 (42 U.S.C. 15301 through 15545). A  
5 reference to:**  
6 (1) "Section 101" of HAVA is a reference to 42 U.S.C. 15301;  
7 and  
8 (2) "Section 102" of HAVA is a reference to 42 U.S.C. 15302.  
9 SECTION 2. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE  
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2003]: **Sec. 26.4. "Identifying information" refers to any of the  
12 following:**  
13 (1) A copy of a current and valid piece of identification  
14 containing a photograph of the voter.  
15 (2) A copy of any of the following that shows the name and  
16 address of the voter:  
17 (A) A current utility bill.

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1           **(B) A current bank statement.**

2           **(C) A current government check.**

3           **(D) A current paycheck.**

4           **(E) A current government document.**

5           SECTION 3. IC 3-5-2-53 IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2003]: Sec. 53. "Voting system" means **the**  
7 **following:**

8           **(1) Before January 1, 2006,** a combination of mechanical,  
9 electromechanical, or electronic equipment that is used to cast  
10 and count votes. The term includes the software and firmware  
11 required to program and to control the equipment. Equipment that  
12 is not an integral part of a voting system but that can be used as  
13 an adjunct to the system is considered to be a component of the  
14 system.

15           **(2) After December 31, 2005, as provided in 42 U.S.C. 15481:**

16           **(A) the total combination of mechanical,**  
17 **electromechanical, or electronic equipment (including the**  
18 **software, firmware, and documentation required to**  
19 **program, control, and support that equipment) that is**  
20 **used:**

21           **(i) to define ballots;**

22           **(ii) to cast and count votes;**

23           **(iii) to report or display election results; and**

24           **(iv) to maintain and produce any audit trail information;**  
25 **and**

26           **(B) the practices and associated documentation used:**

27           **(i) to identify system components and versions of those**  
28 **components;**

29           **(ii) to test the system during its development and**  
30 **maintenance;**

31           **(iii) to maintain records of system errors and defects;**

32           **(iii) to determine specific system changes to be made to**  
33 **a system after the initial qualification of the system; and**

34           **(iv) to make available any materials to the voter (such as**  
35 **notices, instructions, forms, or paper ballots).**

36           SECTION 4. IC 3-5-8-2, AS ADDED BY P.L.126-2002, SECTION  
37 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
38 2003]: Sec. 2. **(a)** The statement required by section 1 of this chapter  
39 must contain the following:

40           (1) A statement of the qualifications that an individual must meet  
41 to vote in Indiana, including qualifications relating to registration.

42           (2) A statement describing the circumstances that permit a voter

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1 who has moved from the precinct where the voter is registered to  
2 return to that precinct to vote.

3 (3) A statement that an individual who meets the qualifications  
4 and circumstances listed in subdivisions (1) and (2) may vote in  
5 the election.

6 (4) A statement describing how a voter who is challenged at the  
7 polls may be permitted to vote.

8 **(5) Voting instructions.**

9 **(6) General information on voting rights under applicable  
10 federal and Indiana law. This information must include the  
11 following:**

12 **(A) Information on the right of an individual to cast a  
13 provisional ballot.**

14 **(B) Instructions on how to contact the appropriate officials  
15 if voting rights are alleged to have been violated.**

16 **(7) General information on federal and Indiana law regarding  
17 prohibitions on acts of fraud and misrepresentation.**

18 **(8)** A statement informing the voter what assistance is available  
19 to assist the voter at the polls.

20 ~~(6)~~ **(9)** A statement informing the voter what circumstances will  
21 spoil the voter's ballot and the procedures available for the voter  
22 to request a new ballot.

23 ~~(7)~~ **(10)** A statement describing which voters will be permitted to  
24 vote at the closing of the polls.

25 ~~(8)~~ **(11)** Other information that the commission considers  
26 important for a voter to know.

27 **(b) The information required by subsection (a)(5), (a)(6), and  
28 (a)(7) is not required before January 1, 2004.**

29 SECTION 5. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS  
30 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
31 1, 2003]:

32 **Chapter 9. Election Administration Assistance**

33 **Sec. 1. As used in this chapter, "fund" refers to the election  
34 administration fund established by section 3 of this chapter.**

35 **Sec. 2. For purposes of this chapter, "purchase" includes  
36 purchase, lease-purchase, and lease.**

37 **Sec. 3. (a) The election administration fund is established to  
38 carry out the purposes described in this chapter.**

39 **(b) The fund consists of the following:**

40 **(1) Money appropriated to the fund by the general assembly.**

41 **(2) Proceeds of bonds issued by the Indiana bond bank for  
42 acquisition of voting systems as authorized by law.**

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**(3) All money paid to the state under Section 101 of HAVA. The auditor of state shall establish a separate account in the fund for money received under Section 101 of HAVA.**

**(4) All money paid to the state under Section 102 of HAVA. The auditor of state shall establish a separate account in the fund for money received under Section 102 of HAVA.**

**(5) All money paid the state under 42 U.S.C. 15401 through 42 U.S.C. 15408. of the federal act. The auditor of state shall establish a separate account in the fund for money received under 42 U.S.C. 15401 through 42 U.S.C. 15408.**

**The budget agency shall allocate money appropriated by the general assembly and proceeds of bonds issued by the Indiana bond bank to the appropriate account within the fund as required to match federal funds or as otherwise required by law.**

**(c) The election division shall administer the fund.**

**(d) The expenses of administering the fund shall be paid from money in the Section 101 account of the fund.**

**(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund and allocated among the accounts within the fund according to the balances of the respective accounts.**

**(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**(g) Money in the fund is appropriated continuously to carry out the purposes described in this chapter.**

**(h) Expenditures from the fund are subject to approval of the budget agency.**

**Sec. 4. Money received under Section 101 of HAVA shall be used for the following purposes:**

**(1) To reimburse counties for the purchase of new voting systems purchased after November 7, 2000, to the extent that money received under Section 102 of HAVA is insufficient for this purpose.**

**(2) To reimburse counties for upgrade or expansion of existing voting systems to comply with requirements of HAVA.**

**(3) Any other purpose authorized by this title and under Section 101 of HAVA.**

**Sec. 5. (a) Money received under Section 102 of HAVA shall be used to reimburse counties for the purchase of voting systems:**

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1 (1) acquired after November 7, 2000; and

2 (2) to replace:

3 (A) punch card voting systems; or

4 (B) voting machine systems.

5 (b) A county may be reimbursed under this section an amount  
6 not more than the amount determined by STEP TWO of the  
7 following formula:

8 STEP ONE: Determine the number of precincts in the county  
9 that used a punch card voting system or a voting machine  
10 system at the November 2000 general election.

11 STEP TWO: Multiply the number determined in STEP ONE  
12 by four thousand dollars (\$4,000).

13 Sec. 6. (a) Except as provided in subsection (b), money received  
14 under 42 U.S.C. 15401 through 42 U.S.C. 15408 shall be used to  
15 comply with the requirements of 42 U.S.C. 15481 through  
16 42 U.S.C. 15502.

17 (b) As provided in 42 U.S.C. 15401(b), money received under 42  
18 U.S.C. 15401 through 42 U.S.C. 15408 may be used for other  
19 purposes authorized by Section 101 of HAVA if the election  
20 division makes the certification required by 42 U.S.C.  
21 15401(b)(2)(B).

22 (c) If the election division makes the certification described in  
23 subsection (b), the election division may transfer amounts that do  
24 not in total exceed the amount described in 42 U.S.C.  
25 15401(b)(2)(B) from the account for money received under 42  
26 U.S.C. 15401 through 42 U.S.C. 15408 to the Section 101 account  
27 in the fund.

28 Sec. 7. (a) To receive reimbursement for purchase of voting  
29 systems under this chapter, a county must make application to the  
30 budget agency.

31 (b) The budget agency, after review by the budget committee,  
32 shall approve a county's application for reimbursement under this  
33 chapter if the budget agency determines either of the following:

34 (1) That the county has or has obligated to purchase a new  
35 voting system to replace a punch card voting system or a  
36 voting machine system after November 7, 2000.

37 (2) That the county has or has obligated to purchase an  
38 upgrade or expansion of existing voting systems to comply  
39 with requirements of the federal act.

40 (c) The budget agency shall give priority to applications under  
41 subsection (b)(1) when approving applications under this section.

42 (d) If a county's application is approved under this section, the

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1 election division shall reimburse a county from the fund.

2 (e) Payment of money from the fund is subject to the availability  
3 of money in the fund and the requirements of this chapter and  
4 HAVA.

5 Sec. 8. (a) As used in this section, "department" refers to the  
6 Indiana department of administration established by IC 4-13-1-2.

7 (b) The department shall award quantity purchase agreements  
8 to vendors for new voting systems or upgrades or expansion of  
9 existing voting systems by counties.

10 (c) The department may not issue a quantity purchase  
11 agreement for a voting system that does not satisfy the  
12 requirements for voting systems established under this title.

13 (d) A quantity purchase agreement awarded under this section  
14 must include options for a county to:

- 15 (1) purchase;
- 16 (2) lease-purchase; or
- 17 (3) lease;

18 new voting systems or upgrades or expansion of existing voting  
19 systems.

20 (e) A quantity purchase agreement awarded under IC 3-11-6.5-1  
21 (before its repeal) that otherwise complies with the requirements  
22 of this section is valid under this section.

23 Sec. 9. Before January 1, 2006, each county shall enter into an  
24 agreement to purchase at least one (1) voting system for each  
25 polling place in the county to meet the standards required by  
26 IC 3-11-15-13.

27 SECTION 6. IC 3-6-4.2-15 IS ADDED TO THE INDIANA CODE  
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
29 UPON PASSAGE]: Sec. 15. (a) The co-directors of the election  
30 division shall apply to the Secretary of Health and Human Services  
31 for payments under 42 U.S.C. 15421 through 42 U.S.C. 15425 to do  
32 the following:

33 (1) Make polling places, including the path of travel,  
34 entrances, exits, and voting areas of each polling place,  
35 accessible to individuals with disabilities, including the blind  
36 and visually impaired, in a manner that provides the same  
37 opportunity for access and participation (including privacy  
38 and independence) as for other voters.

39 (2) Provide individuals with disabilities and the other  
40 individuals described in subdivision (1) with information  
41 about the accessibility of polling places, including outreach  
42 programs to inform those individuals about the availability of

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1 accessible polling places.

2 (3) Train election officials, poll workers, and election  
3 volunteers on how best to promote the access and  
4 participation of individuals with disabilities in elections for  
5 federal office.

6 (b) If the co-directors receive payments from the Department of  
7 Health and Human Services under 42 U.S.C. 15421 through 42  
8 U.S.C. 15425, the co-directors shall spend the money as described  
9 in the application submitted by the co-directors under 42 U.S.C.  
10 15423.

11 (c) Money received by the co-directors under this section is  
12 continuously appropriated for the purposes described in subsection  
13 (a).

14 SECTION 7. IC 3-6-4.2-15.1 IS ADDED TO THE INDIANA  
15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2003]: **Sec. 15.1. As required by 42 U.S.C.**  
17 **1973ff-1(b), the election division is designated as the single office**  
18 **responsible for providing information regarding voter registration**  
19 **procedures and absentee ballot procedures to be used by absent**  
20 **uniformed services voters and overseas voters.**

21 SECTION 8. IC 3-6-4.2-16 IS ADDED TO THE INDIANA CODE  
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
23 1, 2003]: **Sec. 16. (a) As required by 42 U.S.C. 1973ff-1(c), not later**  
24 **than ninety (90) days after the date of each regularly scheduled**  
25 **general election for federal offices, the election division shall**  
26 **submit to the Election Assistance Commission the following**  
27 **information:**

28 (1) **The combined number of absentee ballots transmitted to**  
29 **absent uniformed services voters and overseas voters for the**  
30 **election.**

31 (2) **The combined number of absentee ballots returned and**  
32 **cast by absent uniformed services voters and overseas voters**  
33 **at the election.**

34 (b) **The county election board of each county shall assist the**  
35 **election division in compiling the information required by this**  
36 **section. The county election board shall provide information**  
37 **required by the election division under this section not later than**  
38 **deadlines established by the election division.**

39 SECTION 9. IC 3-7-11-2 IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2003]: **Sec. 2. The NVRA official shall do the**  
41 **following:**

42 (1) **Coordinate with the commission to oversee the**

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1 implementation and administration of NVRA by the state, county,  
2 municipal, and nongovernmental offices designated as  
3 registration sites under this article.

4 (2) Develop training programs to assist the offices described in  
5 subdivision (1) in properly administering registration services.

6 (3) Protect the fundamental rights of voters.

7 (4) Consult with the ~~Federal~~ **Federal Election Assistance** Commission  
8 under 42 U.S.C. 1973gg-7 to develop a federal mail registration  
9 form.

10 (5) Comply with 42 U.S.C. 1973gg-4(b) by making federal and  
11 state mail registration forms available for distribution through  
12 governmental and private entities, with particular emphasis on  
13 making the forms available for organized voter registration  
14 programs.

15 (6) Comply with 42 U.S.C. 1973gg-6(g) by notifying a county  
16 registration officer whenever the NVRA official receives  
17 information from a United States attorney that:

18 (A) a person has been convicted of a felony in a district court  
19 of the United States; or

20 (B) the conviction has been overturned.

21 (7) Receive notices from voter registration agencies in other states  
22 indicating that a person has registered in that state and requests  
23 that the person's registration in Indiana be canceled.

24 (8) Forward notices received under subdivision (7) to the  
25 appropriate circuit court clerk or board of registration for  
26 cancellation of the voter's registration as provided in 42 U.S.C.  
27 1973gg-6(a)(3)(A).

28 (9) Assist the ~~Federal~~ **Federal Election Assistance** Commission under 42  
29 U.S.C. 1973gg-7(a)(3) by preparing reports concerning the impact  
30 of NVRA on election administration in Indiana.

31 (10) Recommend improvements to the Federal Election  
32 Commission concerning federal and state procedures, forms, or  
33 other matters affected by NVRA.

34 (11) Develop public awareness programs to assist voters in  
35 understanding the services available to them under NVRA.

36 SECTION 10. IC 3-7-13-13, AS AMENDED BY P.L.126-2002,  
37 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2003]: Sec. 13. (a) Except as provided in ~~subsection~~  
39 **subsections (b) and (c)**, when an individual registers to vote, the  
40 individual must provide the individual's driver's license number issued  
41 under IC 9-24-11. ~~or the individual's identification card number issued~~  
42 ~~under IC 9-24-16.~~

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1 (b) If an individual does not have a driver's license issued under  
 2 IC 9-24-11, ~~or an identification card issued under IC 9-24-16~~, the  
 3 individual must provide the last four (4) digits of the individual's Social  
 4 Security number when the individual registers to vote.

5 (c) **If an individual does not have a Social Security number, the**  
 6 **individual shall be assigned a number by the statewide voter**  
 7 **registration file.**

8 (d) The number provided by the individual under subsection (a) or  
 9 (b) **or the number assigned under subsection (c)** is the individual's  
 10 voter identification number.

11 (d) ~~A voter's voter identification number may not be changed unless~~  
 12 ~~the voter made an error when providing the number when registering~~  
 13 ~~to vote.~~

14 (e) If a voter transfers the voter's registration and the voter's voter  
 15 identification number is not included in the voter's registration records,  
 16 the voter registration officer of the county in which the voter's  
 17 registration is to be transferred shall require the voter to provide the  
 18 number required by subsection (a) or (b) before the voter's registration  
 19 is transferred. **If the voter does not have any of the numbers**  
 20 **described in subsection (a) or (b), a voter identification number**  
 21 **shall be assigned to the voter as provided in subsection (c).**

22 SECTION 11. IC 3-7-22-2 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As provided in 42  
 24 U.S.C. 1973gg-4(a)(1), a circuit court clerk or board of registration  
 25 shall accept and use the mail voter registration form prescribed by the  
 26 ~~Federal~~ Election Assistance Commission under 42 U.S.C.  
 27 1973gg-7(a)(2).

28 SECTION 12. IC 3-7-22-5 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. A mail registration  
 30 form prescribed under section 3 of this chapter must meet the following  
 31 requirements:

- 32 (1) The form must include a statement that does the following:  
 33 (A) Sets forth each eligibility requirement for registration  
 34 (including citizenship).  
 35 (B) Contains an attestation that the applicant meets each of the  
 36 eligibility requirements.  
 37 (C) Requires the signature of the applicant, under penalty of  
 38 perjury.  
 39 (2) The form must include, in print that is identical to the print  
 40 used in the attestation part of the application, information setting  
 41 forth the penalties provided by law for submission of a false voter  
 42 registration application.



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**(3) The form must include the questions and the information required by 42 U.S.C. 15483(b)(4)(A).**

**(4) The form must include a statement informing an individual who registers by mail of the identification requirements described in 42 U.S.C. 15483(b).**

SECTION 13. IC 3-7-22-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5.5. (a) If an individual who submits a registration form under this chapter fails to answer the question required by 42 U.S.C. 15483(b)(4)(A)(i), the county voter registration office shall:**

- (1) notify the individual of the failure; and**
- (2) provide the individual with an opportunity to complete the form in a timely manner to allow for completion of the registration form before the next election for federal office.**

**(b) As provided by 42 U.S.C. 15483(b)(4)(B), if the individual does not complete the form before the deadline provided in this article, the individual may not vote at the next election.**

SECTION 14. IC 3-7-22-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 10. (a) This section applies to a voter who:**

- (1) registers under this chapter; and**
- (2) has not previously voted in an election for a federal office in Indiana.**

**(b) This section does not apply to a voter who registers under this chapter if any of the following apply:**

- (1) The voter has submitted with the voter's registration form identifying information.**
- (2) The voter has submitted with the voter's registration form the voter's voter identification number, and the voter's identification number is matched with an existing state identification record that contains the same:
 
  - (A) voter identification record number;**
  - (B) name; and**
  - (C) date of birth;****

**that are shown on the voter's voter registration form.**

- (3) The voter satisfies any of the following:
 
  - (A) The voter is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.).**
  - (B) The voter is provided the right to vote otherwise than in person under Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42****

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**U.S.C. 1973ee-1(b)(2)(B)(ii).**

**(C) The voter is entitled to vote otherwise than in person under any other federal law.**

**(c) The county voter registration office shall make notations on the voter's voter registration records and on the poll list to indicate that:**

**(1) the voter must be required to show identifying information before the voter is permitted to vote, for a voter who votes in person; or**

**(2) the absentee ballots submitted by the voter should be treated as a provisional ballot unless the voter submits identifying information with the voter's absentee ballots.**

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

SECTION 15. IC 3-7-26-2, AS AMENDED BY P.L.199-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The election division shall develop and maintain a statewide voter registration file.

(b) Subject to section 20 of this chapter, not later than ~~July~~ **January** 1, 2004, the election division shall maintain the statewide voter registration file so that the file is accessible by the election division and county voter registration offices through a secure connection over the Internet.

**(c) The statewide voter registration file must comply with the standards and requirements described in 42 U.S.C. 15483.**

SECTION 16. IC 3-7-26-3, AS AMENDED BY P.L.199-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Each county voter registration office shall provide the voter registration information required under section 7 of this chapter to the election division.

(b) The voter registration office shall ~~periodically~~ update the voter registration information as provided in this chapter and in IC 3-7-38.1.

(c) The election division shall format the statewide voter registration file required under section 2(b) of this chapter so that only the county voter registration office of a particular county is able to change data in the file for that particular county's voters.

SECTION 17. IC 3-7-26-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. ~~Each year~~ **The circuit court clerk or board of registration county voter registration office** shall submit the information ~~before noon February 15, current as of February 1~~ **to the statewide voter registration file on an expedited**

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1 **basis at the time the information is provided to the county voter**  
 2 **registration office.**

3 SECTION 18. IC 3-7-26-8, AS AMENDED BY P.L.199-2001,  
 4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2003]: Sec. 8. (a) Until a county has the capability to transmit  
 6 the information over the Internet as required under subsection (b), the  
 7 information required by section 7 of this chapter shall be provided on  
 8 magnetic media or other machine readable form to the election  
 9 division.

10 (b) Subject to section 20 of this chapter, not later than ~~July~~ **January**  
 11 **1, 2004**, a county voter registration office shall transmit the information  
 12 required by section 7 of this chapter to the election division over the  
 13 Internet, in a manner and using a method prescribed by the election  
 14 division, through a secure connection to the statewide voter registration  
 15 file.

16 (c) The commission shall prescribe a format to ensure the  
 17 standardization and readability of the data provided under subsection  
 18 (a) or (b).

19 SECTION 19. IC 3-7-26-20, AS ADDED BY P.L.199-2001,  
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2003]: Sec. 20. (a) As used in this section, "file" refers to the  
 22 statewide voter registration file developed and maintained under  
 23 section 2 of this chapter.

24 (b) Notwithstanding the deadlines for implementation of the file  
 25 required by section 2 or ~~section 8~~ of this chapter, the election division  
 26 may delay implementation of all or any part of the operation of the file  
 27 required by section 2 or ~~section 8~~ of this chapter if ~~the commission~~  
 28 ~~adopts a resolution to delay implementation;~~ **the election division**  
 29 **makes the certification to the Election Assistance Commission**  
 30 **required by 42 U.S.C. 15483(d)(1)(B).**

31 ~~(c) A resolution adopted under subsection (b) must contain all of the~~  
 32 ~~following:~~

33 ~~(1) A statement of the reasons for the delay of implementation.~~

34 ~~(2) A statement by the commission that the commission considers~~  
 35 ~~the reasons stated under subdivision (1) as sufficient cause to~~  
 36 ~~delay implementation.~~

37 ~~(3) A new deadline for implementation of the part of the operation~~  
 38 ~~of the file that is delayed under the resolution.~~

39 ~~(d) The commission may do the following:~~

40 ~~(1) amend a resolution adopted under this section.~~

41 ~~(2) Adopt more than one (1) resolution under this section.~~

42 ~~(e) (c) Not later than thirty (30) days after the commission adopts~~

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1 **election division makes a resolution certification** under this section,  
 2 the election division shall send a copy of the **resolution certification**  
 3 **required by subsection (b)** to the following:

4 (1) The legislative council.

5 (2) The census data advisory committee established by  
 6 IC 2-5-19-2.

7 **(d) This section expires January 1, 2006.**

8 SECTION 20. IC 3-7-26.5 IS ADDED TO THE INDIANA CODE  
 9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2003]:

11 **Chapter 26.5. Statewide Voter Registration Advisory**  
 12 **Committee**

13 **Sec. 1. As used in this chapter, "committee" refers to the**  
 14 **statewide voter registration advisory committee established by**  
 15 **section 2 of this chapter.**

16 **Sec. 2. The statewide voter registration advisory committee is**  
 17 **established.**

18 **Sec. 3. The committee consists of the following:**

19 (1) **The co-directors of the election division.**

20 (2) **The circuit court clerks of the two (2) most populous**  
 21 **counties in Indiana as required by 42 U.S.C. 15405.**

22 (3) **Other individuals appointed by the co-directors in**  
 23 **conformance with 42 U.S.C. 15405.**

24 **Sec. 4. The committee shall assist in developing the state plan**  
 25 **required by 42 U.S.C. 15404.**

26 **Sec. 5. In developing the state plan, the committee shall comply**  
 27 **with 42 U.S.C. 15401 through 42 U.S.C. 15408.**

28 **Sec. 6. (a) For purposes of this section, an individual who holds:**

29 (1) **a state office is considered an employee of the state; or**

30 (2) **an office of a political subdivision is considered an**  
 31 **employee of the political subdivision.**

32 **(b) Each member of the committee who is not a state employee**  
 33 **or an employee of a political subdivision is entitled to receive both**  
 34 **of the following:**

35 (1) **The minimum salary per diem provided by**  
 36 **IC 4-10-11-2.1(b).**

37 (2) **Reimbursement for travel expenses and other expenses**  
 38 **actually incurred in connection with the member's duties, as**  
 39 **provided in the state travel policies and procedures**  
 40 **established by the Indiana department of administration and**  
 41 **approved by the budget agency.**

42 **(c) Each member of the committee who is a state employee or an**

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**employee of a political subdivision is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.**

**Sec. 7. The committee's expenses shall be paid from the Section 101 account of the election administration fund established by IC 3-5-9-3.**

SECTION 21. IC 3-11-3-11, AS AMENDED BY P.L.126-2002, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. The county election board shall deliver the following to each inspector or the inspector's representative:

- (1) The sealed package of paper ballots, provisional ballots, sample ballots, and any other supplies provided for the inspector's precinct by the election division.
- (2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.
- (3) The local ballots printed under the direction of the county election board as follows:
  - (A) The number of ballots equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.
  - (B) In those precincts where voting machines, ballot card systems, or electronic voting systems are to be used, the number of paper ballots that will be required for emergency purposes only.
  - (C) Provisional ballots in the number considered necessary by the county election board.
- (4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

**(5) Copies of the instructions to provisional voters prescribed by the county election board under IC 3-11.7-6-3. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under this section.**

SECTION 22. IC 3-11-4-6, AS AMENDED BY P.L.126-2002, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

- (1) An absent uniformed services voter.

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1 (2) An address confidentiality program participant (as defined in  
 2 IC 5-26.5-1-6).  
 3 (3) An overseas voter.  
 4 (b) A county election board shall make blank absentee ballot  
 5 applications available for persons covered by this section after  
 6 November 20 preceding the election to which the application applies.  
 7 Except as provided in subsection (c), the person may apply for an  
 8 absentee ballot at any time after the applications are made available.  
 9 (c) A person covered by this section may apply for an absentee  
 10 ballot for the next scheduled primary, general, or special election at any  
 11 time by filing a standard form approved under 42 U.S.C. 1973ff(b).  
 12 (d) If the county election board receives an absentee ballot  
 13 application from a person described by this section, the circuit court  
 14 clerk shall mail to the person, free of postage as provided by 39 U.S.C.  
 15 3406, all ballots for the election immediately upon receipt of the ballots  
 16 under sections 13 and 15 of this chapter.  
 17 (e) (d) Whenever a voter described in subsection (a) files an  
 18 application for a primary election absentee ballot and indicates on the  
 19 application that:  
 20 (1) the voter is an absent uniformed services voter; and does not  
 21 expect to be in the county on general election day and on the date  
 22 of any special election conducted during the twelve (12) months  
 23 following the date of the application;  
 24 (2) the voter is an address confidentiality program participant; or  
 25 (3) (2) the voter is an overseas voter; and does not expect to be in  
 26 the county on general election day and on the date of any special  
 27 election conducted during the twelve (12) months following the  
 28 date of the application;  
 29 the application is an adequate application for a general election  
 30 absentee ballot ballots under this chapter and an absentee ballot for a  
 31 special each election conducted during the twelve (12) months for  
 32 federal office through the next two (2) regularly scheduled general  
 33 elections for federal office following the date of the application. The  
 34 circuit court clerk shall mail to the person, free of postage as  
 35 provided by 39 U.S.C. 3406, all ballots for the election immediately  
 36 after the circuit court clerk receives the ballots under sections 13  
 37 and 15 of this chapter.  
 38 (e) Whenever a voter files an application for an absentee ballot  
 39 and indicates on the application that the voter is an address  
 40 confidentiality program participant, the application is an adequate  
 41 application for an absentee ballot under this chapter for each  
 42 election conducted during the year for which the application is

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**made.**

~~(f)~~ **(f)** The circuit court clerk and county election board shall process ~~this application~~ **applications submitted under this section** and send ~~general election and special election~~ absentee ballots to the voter in the same manner as other ~~general election and special election~~ absentee ballot applications and ballots are processed and sent under this chapter.

~~(f)~~ **(g)** The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

- (1) To a law enforcement agency, upon request.
- (2) As directed by a court order.

~~(g)~~ **(h)** The county election board shall transmit and receive absentee ballots by fax to an absent uniformed services voter or an overseas voter at the request of the voter. If the voter wants to submit absentee ballots by fax, the voter must separately sign and date a statement on the cover of the fax transmission that states substantively the following: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot."

~~(h)~~ **(i)** The county election board shall send confirmation to a voter described in subsection ~~(g)~~ **(h)** that the voter's absentee ballot has been received as follows:

- (1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.
- (2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.
- (3) If the voter does not provide a fax number or an electronic mail address, the county election board shall send the confirmation by United States mail.

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

**(j) If an absentee ballot application from an absent uniformed services voter or an overseas voter is rejected, the county election**

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1 **board shall provide the voter with the reasons for the rejection in**  
 2 **the same manner as a confirmation is sent under subsection (i).**

3 SECTION 23. IC 3-11-5-27 IS ADDED TO THE INDIANA CODE  
 4 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 5 **1, 2003]: Sec. 27. This chapter expires January 1, 2006.**

6 SECTION 24. IC 3-11-7-1, AS AMENDED BY P.L.239-2001,  
 7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2003]: Sec. 1. (a) The commission must approve a ballot card  
 9 voting system before it may be used in an election.

10 (b) After June 30, 2001, the commission may not approve a punch  
 11 card voting system for use in an election.

12 **(c) After December 31, 2003, a punch card voting system may**  
 13 **not be used in an election.**

14 SECTION 25. IC 3-11-8-25, AS AMENDED BY P.L.199-2001,  
 15 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2003]: Sec. 25. (a) After a voter has passed the challengers or  
 17 has been sworn in, the voter shall be admitted to the polls. Upon  
 18 entering the polls, the voter shall announce the voter's name to the poll  
 19 clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a  
 20 member of the precinct election board shall require the voter to **do the**  
 21 **following:**

22 **(1) Write the following on the poll list:**

23 **(+) (A) The voter's name.**

24 **(-) (B) The voter's current residence address.**

25 **(2) Show identifying information if a notation has been made**  
 26 **for the voter's name on the poll list under IC 3-7-22-10.**

27 (b) The poll clerk, an assistant poll clerk, or a member of the  
 28 precinct election board shall:

29 (1) ask the voter to provide the voter's voter identification  
 30 number;

31 (2) tell the voter the number the voter may use as a voter  
 32 identification number; and

33 (3) explain to the voter that the voter is not required to provide a  
 34 voter identification number at the polls.

35 (c) This subsection does not apply to a precinct in a county with a  
 36 computerized registration system whose inspector was:

37 (1) furnished with a list certified under IC 3-7-29; and

38 (2) not furnished with a certified photocopy of the signature on  
 39 the affidavit of registration of each voter of the precinct for the  
 40 comparison of signatures under this section.

41 In case of doubt concerning a voter's identity, the precinct election  
 42 board shall compare the voter's signature with the signature on the

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1 affidavit of registration or any certified copy of the signature provided  
 2 under IC 3-7-29. If the board determines that the voter's signature is  
 3 authentic, the voter may then vote. If either poll clerk doubts the voter's  
 4 identity following comparison of the signatures the poll clerk shall  
 5 challenge the voter in the manner prescribed by section 21 of this  
 6 chapter.

7 (d) If, in a precinct governed by subsection (c):

- 8 (1) the poll clerk does not execute a challenger's affidavit; or  
 9 (2) the voter executes a challenged voter's affidavit under section  
 10 22 of this chapter or had executed the affidavit before signing the  
 11 poll list;

12 the voter may then vote.

13 SECTION 26. IC 3-11-10-1, AS AMENDED BY P.L.126-2002,  
 14 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2003]: Sec. 1. (a) A voter voting by absentee ballot shall make  
 16 and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter  
 17 then shall, except as provided in subsection (b), do the following:

- 18 (1) Mark the ballot in the presence of no other person.  
 19 (2) Fold each ballot separately.  
 20 (3) Fold each ballot so as to conceal the marking.  
 21 (4) Enclose each ballot, with the seal and signature of the circuit  
 22 court clerk on the outside, together with any unused ballot, in the  
 23 envelope provided.  
 24 (5) Securely seal the envelope.  
 25 (6) **If IC 3-7-22-10 applies to the voter, place a copy of**  
 26 **identifying information:**  
 27 **(A) in the envelope in which the ballots are mailed; and**  
 28 **(B) not in the envelope described in subdivision (5).**  
 29 (7) Do one (1) of the following:  
 30 (A) Mail the envelope to the county election board, with not  
 31 more than one (1) ballot per envelope.  
 32 (B) Deliver the envelope to the county election board in  
 33 person.  
 34 (C) Deliver the envelope to a member of the voter's household  
 35 or a person designated as the attorney in fact for the voter  
 36 under IC 30-5.

37 (b) A voter permitted to transmit the voter's absentee ballots by fax  
 38 under IC 3-11-4-6 is not required to comply with subsection (a). The  
 39 individual designated by the circuit court clerk to receive absentee  
 40 ballots transmitted by fax shall do the following upon receipt of an  
 41 absentee ballot transmitted by fax:

- 42 (1) Note the receipt of the absentee ballot in the records of the

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1 circuit court clerk as other absentee ballots received by the circuit  
2 court clerk are noted.

3 (2) Fold each ballot received from the voter separately so as to  
4 conceal the marking.

5 (3) Enclose each ballot in a blank absentee ballot envelope.

6 (4) Securely seal the envelope.

7 (5) Mark on the envelope: "Absentee Ballot Received by Fax".

8 (6) Securely attach to the envelope the faxed affidavit received  
9 with the voter's absentee ballots.

10 (c) Except as otherwise provided in this title, absentee ballots  
11 received by fax shall be handled and processed as other absentee  
12 ballots received by the circuit court clerk are handled and processed.

13 SECTION 27. IC 3-11-10-4, AS AMENDED BY P.L.126-2002,  
14 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2003]: Sec. 4. (a) Upon receipt of an absentee ballot, a county  
16 election board (or the absentee voter board in the office of the circuit  
17 court clerk) shall immediately examine the signature of the absentee  
18 voter to determine its genuineness.

19 (b) This subsection does not apply to an absentee ballot cast by a  
20 voter permitted to transmit the voter's absentee ballots by fax under  
21 IC 3-11-4-6. The board shall compare the signature as it appears upon  
22 the envelope containing the absentee ballot with the signature of the  
23 voter as it appears upon the application for the absentee ballot. The  
24 board may also compare the signature on the ballot envelope with any  
25 other admittedly genuine signature of the voter.

26 (c) This subsection applies to an absentee ballot cast by a voter  
27 permitted to transmit the voter's absentee ballots by fax under  
28 IC 3-11-4-6. The board shall compare the signature as it appears on the  
29 affidavit transmitted with the voter's absentee ballot to the voter's  
30 signature as it appears on the application for the absentee ballot. The  
31 board may also compare the signature on the affidavit with any other  
32 admittedly genuine signature of the voter.

33 (d) **This subsection applies to the absentee ballots cast by a voter  
34 to whom IC 3-7-22-10 applies. If identifying information is not  
35 included with the absentee ballot envelope, the board shall write on  
36 the ballot envelope that the ballots must be treated as provisional  
37 ballots under IC 3-11.7.**

38 (e) If a member of the absentee voter board questions whether a  
39 signature on a ballot envelope or transmitted affidavit is genuine, the  
40 matter shall be referred to the county election board for consideration  
41 under section 5 of this chapter.

42 SECTION 28. IC 3-11-10-12 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) Each county  
2 election board shall have all absentee ballots (**including absentee**  
3 **ballots required to be treated as provisional ballots**) delivered to the  
4 precinct election boards at their respective polls on election day.

5 (b) The absentee ballots shall be delivered during the hours that the  
6 polls are open and in sufficient time to enable the precinct election  
7 boards to vote the ballots during the time the polls are open.

8 (c) This subsection applies to a special write-in absentee ballot  
9 described in:

- 10 (1) 42 U.S.C. 1973ff for federal offices; and
- 11 (2) IC 3-11-4-12(d) for state offices.

12 If the county election board receives both a special write-in absentee  
13 ballot and the regular absentee ballot described by IC 3-11-4-12 from  
14 the same voter, the county election board shall reject the special  
15 write-in ballot and deliver only the regular absentee ballot to the  
16 precinct election board.

17 SECTION 29. IC 3-11-10-16, AS AMENDED BY P.L.126-2002,  
18 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2003]: Sec. 16. (a) If the inspector finds under section 15 of  
20 this chapter that:

- 21 (1) the affidavit is properly executed;
- 22 (2) the signatures correspond;
- 23 (3) the absentee voter is a qualified voter of the precinct;
- 24 (4) the absentee voter is registered;
- 25 (5) the absentee voter has not voted in person at the election; ~~and~~
- 26 (6) in case of a primary election, if the absentee voter has not
- 27 previously voted, the absentee voter has executed the proper
- 28 declaration relative to age and qualifications and the political
- 29 party with which the absentee voter intends to affiliate; **and**
- 30 **(7) the absentee ballot is not required to be treated as a**
- 31 **provisional ballot as provided in section 4 of this chapter;**

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

36 (b) The inspector shall then hand the ballots to the judges who shall  
37 deposit the ballots in the proper ballot box and enter the absentee  
38 voter's name on the poll list, as if the absentee voter had been present  
39 and voted in person. If the voter has registered and voted under  
40 IC 3-7-36-14, the inspector shall attach to the poll list the circuit court  
41 clerk's certification that the voter has registered.

42 (c) If an absentee ballot is opened under this section in a precinct

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1 using voting machines, the precinct election board shall prepare  
 2 certificates and memoranda under IC 3-12-2-6 that distinguish the  
 3 votes cast by absentee ballots from votes cast on voting machines.

4 SECTION 30. IC 3-11-10-28 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28. **(a)** A voter voting  
 6 before an absentee voter board shall mark the voter's ballot in the  
 7 presence of the board, but not in such a manner that either of the  
 8 members of the board can see for whom the voter voted, unless the  
 9 voter requests the help of the board in marking a ballot under  
 10 IC 3-11-9.

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

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

16 **(d) If the voter is a voter to whom IC 3-7-22-10 applies, the  
 17 voter must show identifying information before the voter votes  
 18 under this section. If the voter does not have identifying  
 19 information, the voter's ballots shall be treated as provisional  
 20 ballots under IC 3-11.7.**

21 SECTION 31. IC 3-11-10-35 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 35. **(a) This section  
 23 does not apply to an absentee ballot required to be treated as a  
 24 provisional ballot.**

25 **(b)** If an envelope containing an absentee ballot has not been opened  
 26 before the close of the polls, then the envelope may not be opened  
 27 without an order of a court.

28 SECTION 32. IC 3-11-15-13, AS AMENDED BY P.L.126-2002,  
 29 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2003]: Sec. 13. (a) ~~Except as provided in this chapter,~~ To be  
 31 approved for use in Indiana, a voting system shall meet **the following  
 32 standards:**

33 **(1) A voting system must be accessible for individuals with  
 34 disabilities, including nonvisual accessibility for the blind and  
 35 visually impaired in a manner that provides the same  
 36 opportunity for access and participation (including privacy  
 37 and independence) as for other voters. A county complies with  
 38 the standards described in this subdivision if each precinct in  
 39 the county has at least one (1) voting system equipped for  
 40 individuals with disabilities that complies with the standards  
 41 described in this subdivision.**

42 **(2) A voting system must do the following:**



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**(A) Permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted.**

**(B) Provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).**

**(C) If the voter selects votes for more than one (1) candidate for a single office, the voting system must:**

- (i) notify the voter that the voter has selected more than one (1) candidate for a single office on the ballot;**
- (ii) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and**
- (iii) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.**

**A voting system must ensure that any notification required under this clause preserves the privacy of the voter and the confidentiality of the ballot.**

**(3) A voting system must produce a record with an audit capacity for the voting system that satisfies the following:**

- (A) The voting system must produce a permanent paper record with a manual audit capacity for the voting system.**
- (B) The voting system must provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.**
- (C) The paper record produced under clause (A) must be available as an official record for any recount conducted with respect to any election in which the voting system is used.**

**(4) A voting system must provide alternative language accessibility under the requirements of 42 U.S.C. 1973aa-1a.**

**(5) The error rate of a voting system in counting ballots (determined by taking into account only those errors that are attributable to the voting system and not attributable to an act of the voter) must comply with the error rate standards established by the voting systems standards approved by the Federal Election Commission on April 30, 2002.**

**(6) A voting system must meet the Voting System Standards established by the Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems**

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1            ~~issued~~ **approved** by the Federal Election Commission on ~~January~~  
2            ~~25, 1990:~~ **April 30, 2002.**

3            (b) The commission may adopt rules under IC 4-22-2 to require a  
4            voting system to meet standards more recent than standards described  
5            in subsection ~~(a):~~ **(a)(6)**. If the commission adopts rules under this  
6            subsection, a voting system must meet the standards described in the  
7            rules instead of the standards described in subsection ~~(a):~~ **(a)(6)**.

8            **(c) A voting system that does not meet the standards described**  
9            **in subsection (a) after December 31, 2005, may not be used in**  
10           **Indiana.**

11           SECTION 33. IC 3-11.7-2-1, AS ADDED BY P.L.126-2002,  
12           SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13           JULY 1, 2003]: Sec. 1. **(a) This section applies to the following**  
14           **individuals:**

15           (1) An individual:

16               ~~(1)~~ **(A)** whose name does not appear on the registration list;  
17               and

18               ~~(2)~~ **(B)** who is not permitted to vote under IC 3-7-48-1,  
19               IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or  
20               IC 3-10-12.

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

24           (3) **An individual required to show identifying information**  
25           **under this title who does not have any of the identifying**  
26           **information.**

27           (b) **A member of the precinct election board shall inform an**  
28           **individual described in subsection (a)(1) that the individual may**  
29           **cast a provisional ballot if the individual executes an affidavit**  
30           **described in IC 3-11-8-23.**

31           (c) **A member of the precinct election board shall inform an**  
32           **individual described in subsection (a)(2) that the individual may**  
33           **cast a provisional ballot.**

34           (d) **The ballots of an individual described in subsection (a)(3)**  
35           **shall be treated as a provisional ballot under this article.**

36           SECTION 34. IC 3-11.7-2-2, AS ADDED BY P.L.126-2002,  
37           SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38           JULY 1, 2003]: Sec. 2. (a) A provisional voter shall do the following:

39           (1) Mark the ballot in the presence of no other person, unless the  
40           voter requests help in marking a ballot under IC 3-11-9.

41           (2) Fold each ballot separately.

42           (3) Fold each ballot so as to conceal the marking.



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(4) 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.

(5) 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) or 1(a)(2) of this chapter. Upon receiving the envelope containing the provisional voter's ballots, a member of the precinct election board shall give the provisional voter the written instructions prescribed by the county election board under IC 3-11.7-6-3.**

SECTION 35. IC 3-11.7-2-3, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) **Except as provided in subsection (c)**, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

**(c) This subsection applies to the sealed envelope and affixed affidavits of a provisional voter described in section 1(a)(2) of this chapter. The precinct election board shall securely keep the sealed envelope in an envelope or container different from the envelope or container described in subsection (b). The envelope or container described in this subsection must be marked "Special Order Provisional Ballots".**

SECTION 36. IC 3-11.7-2-4, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a)** At the close of the polls, the precinct election board shall **do the following:**

**(1) Seal:**  
(+) **(A)** all the provisional ballots; and  
(-) **(B)** any spoiled provisional ballots;  
**of provisional voters other than provisional voters described in section 1(a)(2) of this chapter** in the container described in section 3(b) of this chapter and mark on the container the number of provisional ballots contained.

**(2) Seal:**  
**(A) all the provisional ballots; and**

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**(B) any spoiled provisional ballots;  
of provisional voters described in section 1(a)(2) of this  
chapter in the container described in section 3(c) of this  
chapter and mark on the container the number of provisional  
ballots contained.**

**(b) The inspector shall return the ~~container~~ containers with all the  
provisional ballots to the circuit court clerk after the close of the polls.**

SECTION 37. IC 3-11.7-6-3 IS ADDED TO THE INDIANA CODE  
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
1, 2003]: **Sec. 3. (a) The county election board shall establish a toll  
free telephone number or an Internet web site that will enable a  
provisional voter to ascertain:**

- (1) whether the provisional voter's ballots have been counted;**
- and**
- (2) if the provisional voter's ballots have not been counted, the  
reason that the ballots were not counted.**

**(b) The county election board shall prescribe written  
instructions that inform a provisional voter how the provisional  
voter may ascertain whether the provisional voter's ballots have  
been counted.**

SECTION 38. IC 5-26.5-2-5, AS ADDED BY P.L.273-2001,  
SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2003]: **Sec. 5. A program participant who is otherwise  
qualified to vote may apply to vote in the same manner as an absent  
uniformed services voter under provided in IC 3-11-4-6.**

SECTION 39. IC 3-11-6.5 IS REPEALED [EFFECTIVE JULY 1,  
2003].

SECTION 40. [EFFECTIVE JULY 1, 2003] **(a) As used in this  
SECTION, "committee" refers to the state election administration  
interim study committee established by subsection (b).**

**(b) There is established the state election administration interim  
study committee.**

**(c) The committee shall do the following:**

- (1) Study the structure of the state's election administration  
system.**
- (2) Study other issues relating to the administration of state  
elections that the committee considers relevant.**
- (3) Study any issues assigned to the committee by the  
legislative council.**
- (4) Make recommendations for legislation regarding issues  
studied under subdivisions (1) through (3).**

**(d) The committee shall operate under the policies governing**

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1 study committees adopted by the legislative council.

2 (e) The affirmative votes of a majority of the voting members  
3 appointed to the committee are required for the committee to take  
4 action on any measure, including final reports.

5 (f) This SECTION expires January 1, 2004.

6 SECTION 41. [EFFECTIVE UPON PASSAGE] (a) As used in this  
7 SECTION, "federal act" refers to the Help America Vote Act of  
8 2002.

9 (b) Not later than April 15, 2003, the governor, in consultation  
10 and coordination with the secretary of state, shall notify the federal  
11 Administrator of General Services that the state of Indiana intends  
12 to use payments under Section 101 of the federal act in accordance  
13 with Section 101 of the federal act.

14 (c) This SECTION expires January 1, 2004.

15 SECTION 42. [EFFECTIVE UPON PASSAGE] (a) As used in this  
16 SECTION, "federal act" refers to the Help America Vote Act of  
17 2002.

18 (b) Not later than April 15, 2003, the governor, in consultation  
19 and coordination with the secretary of state, shall give the notice  
20 to the federal Administrator of General Services under Section  
21 102(b) of the federal act in accordance with Section 102 of the  
22 federal act.

23 (c) This SECTION expires January 1, 2004.

24 SECTION 43. [EFFECTIVE UPON PASSAGE] (a) As used in this  
25 SECTION, "federal act" refers to the Help America Vote Act of  
26 2002.

27 (b) Not later than July 1, 2003, the governor, in consultation and  
28 coordination with the co-directors of the election division  
29 appointed under IC 3-6-4.2-3, shall file with the federal Election  
30 Assistance Commission the statement required by Section 253(a)  
31 of the federal act.

32 (c) This SECTION expires January 1, 2004.

33 SECTION 44. [EFFECTIVE JULY 1, 2003] (a) As used in this  
34 SECTION, "federal act" refers to the Help America Vote Act of  
35 2002.

36 (b) Notwithstanding IC 3-11-5-1(c), as amended by this act, a  
37 voting machine system may be used in an election if the secretary  
38 of state certifies to the federal Administrator of General Services  
39 under Section 102(a)(3)(B) of the federal act that the state cannot  
40 replace all voting machine systems in Indiana before January 1,  
41 2004.

42 (c) Notwithstanding IC 3-11-7-1(c), as amended by this act, a



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1 punch card voting system may be used in an election if the  
2 secretary of state certifies to the federal Administrator of General  
3 Services under Section 102(a)(3)(B) of the federal act that the state  
4 cannot replace all punch card voting systems in Indiana before  
5 January 1, 2004.  
6 (d) This SECTION expires January 1, 2006.  
7 SECTION 45. [EFFECTIVE JULY 1, 2003] (a) As used in this  
8 SECTION, "commission" refers to the Indiana protection and  
9 advocacy services commission established by IC 12-28-1-6.  
10 (b) As used in this SECTION, "federal act" refers to Title II,  
11 Subtitle D, Part 5 of the Help America Vote Act of 2002.  
12 (c) All money received by the commission from the Secretary of  
13 Health and Human Services under the federal act is appropriated  
14 beginning July 1, 2003, for activities permitted under the federal  
15 act to ensure full participation in the electoral process for  
16 individuals with disabilities, including registering to vote, casting  
17 a vote, and accessing polling places.  
18 (d) This SECTION expires July 1, 2005.  
19 SECTION 46. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1541, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-26.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26.2. "HAVA" refers to the federal Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545). A reference to:**

**(1) "Section 101" of HAVA is a reference to 42 U.S.C. 15301; and**

**(2) "Section 102" of HAVA is a reference to 42 U.S.C. 15302."**

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 53. "Voting system" means the following:**

**(1) Before January 1, 2006,** a combination of mechanical, electromechanical, or electronic equipment that is used to cast and count votes. The term includes the software and firmware required to program and to control the equipment. Equipment that is not an integral part of a voting system but that can be used as an adjunct to the system is considered to be a component of the system.

**(2) After December 31, 2005, as provided in 42 U.S.C. 15481:**

**(A) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support that equipment) that is used:**

**(i) to define ballots;**

**(ii) to cast and count votes;**

**(iii) to report or display election results; and**

**(iv) to maintain and produce any audit trail information;**

**and**

**(B) the practices and associated documentation used:**

**(i) to identify system components and versions of those components;**

**(ii) to test the system during its development and maintenance;**



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(iii) to maintain records of system errors and defects;  
 (iii) to determine specific system changes to be made to a system after the initial qualification of the system; and  
 (iv) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots)."

Page 2, delete lines 36 through 37.

Page 2, line 38, delete "2." and insert "1."

Page 2, line 39, delete "4" and insert "3".

Page 2, line 40, delete "3." and insert "2."

Page 2, line 42, delete "4." and insert "3."

Page 3, line 6, delete "of the" and insert "of HAVA."

Page 3, line 7, delete "federal act."

Page 3, line 8, after "of" insert "HAVA."

Page 3, delete line 9.

Page 3, line 10, delete "of the" and insert "of HAVA."

Page 3, line 11, delete "federal act."

Page 3, line 12, after "of" insert "HAVA."

Page 3, delete line 13.

Page 3, line 14, delete "Title II, Subtitle D, Part 1" and insert "**42 U.S.C. 15401 through 42 U.S.C. 15408.**"

Page 3, line 16, delete "Title" and insert "**42 U.S.C. 15401 through 42 U.S.C. 15408.**"

Page 3, delete line 17.

Page 3, lines 37, delete "5." and insert "4."

Page 3, line 37, delete "the federal act" and insert "HAVA".

Page 3, line 40, delete "December 31, 2000," and insert "**November 7, 2000,**"

Page 3, line 41, delete "the federal act" and insert "HAVA".

Page 4, line 2, delete "the" and insert "HAVA".

Page 4, delete line 3.

Page 4, line 5, delete "the federal act" and insert "HAVA".

Page 4, line 6, delete "6." and insert "5."

Page 4, line 6, delete "the federal act" and insert "HAVA".

Page 4, line 9, delete "December 31, 2000," and insert "**November 7, 2000,**"

Page 4, line 21, delete "7." and insert "6."

Page 4, line 22, delete "Title II, Subtitle D, Part 1 of the federal act" and insert "**42 U.S.C. 15401 through 42 U.S.C. 15408.**"

Page 4, line 23, delete "Title III of the federal act" and insert "**42 U.S.C. 15481 through 42 U.S.C. 15502.**"

Page 4, line 24, delete "Section 251(b) of the federal act," and insert "**42 U.S.C. 15401(b),**"



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Page 4, line 25, delete "Title II, Subtitle D, Part 1 of the federal act" and insert "**42 U.S.C. 15401 through 42 U.S.C. 15408**".

Page 4, line 26, delete "the federal" and insert "**HAVA**".

Page 4, line 27, delete "act".

Page 4, line 27, after "by" insert "**42 U.S.C. 15401(b)(2)(B)**".

Page 4, delete line 28.

Page 4, line 31, delete "Section 251(b)(2)(B)" and insert "**42 U.S.C. 15401(b)(2)(B)**".

Page 4, line 32, delete "Title II, Subtitle D," and insert "**42 U.S.C. 15401 through 42 U.S.C. 15408**".

Page 4, line 33, delete "Part 1 of the federal act".

Page 4, line 34, delete "8." and insert "7".

Page 4, line 42, delete "December 30, 2000." and insert "**November 7, 2000**".

Page 5, line 9, delete "chapter and the" and insert "**chapter and HAVA**".

Page 5, delete line 10, begin a new paragraph and insert:

**"Sec. 8. (a) As used in this section, "department" refers to the Indiana department of administration established by IC 4-13-1-2.**

**(b) The department shall award quantity purchase agreements to vendors for new voting systems or upgrades or expansion of existing voting systems by counties.**

**(c) The department may not issue a quantity purchase agreement for a voting system that does not satisfy the requirements for voting systems established under this title.**

**(d) A quantity purchase agreement awarded under this section must include options for a county to:**

- (1) purchase;**
- (2) lease-purchase; or**
- (3) lease;**

**new voting systems or upgrades or expansion of existing voting systems.**

**(e) A quantity purchase agreement awarded under IC 3-11-6.5-1 (before its repeal) that otherwise complies with the requirements of this section is valid under this section."**

Page 5, line 13, delete "precinct" and insert "**polling place**".

Page 5, line 19, delete "Sections 261 through 265 of the Help America" and insert "**42 U.S.C. 15421 through 42 U.S.C. 15425**".

Page 5, line 20, delete "Vote Act of 2002".

Page 5, line 20, after "to" insert "**do the following**".

Page 5, line 20, delete "make" begin a new line block indented and insert:

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**"(1) Make".**

Page 5, between lines 25 and 26, begin a new line block indented and insert:

**"(2) Provide individuals with disabilities and the other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform those individuals about the availability of accessible polling places.**

**(3) Train election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections for federal office."**

Page 5, line 27, delete "Sections 261 through 265 of the" and insert **"42 U.S.C. 15421 through 42 U.S.C. 15425,"**

Page 5, line 28, delete "Help America Vote Act,".

Page 5, line 29, after "under" insert **"42 U.S.C. 15423."**

Page 5, delete line 30.

Page 5, line 36, delete "(a)".

Page 5, delete lines 41 through 42.

Page 6, delete line 1.

Page 6, line 17, after "section." insert **"The county election board shall provide information required by the election division under this section not later than deadlines established by the election division."**

Page 7, line 20, after "9-24-11" insert ".".

Page 7, line 20, strike "or the individual's identification card number issued".

Page 7, strike line 21.

Page 7, line 23, after "9-24-11" insert ",".

Page 7, line 23, strike "or identification card issued under IC 9-24-16,".

Page 7, line 28, delete "The number assigned to the individual under this".

Page 7, delete lines 29 through 31.

Page 7, line 35, delete "(e)".

Page 7, line 35, strike "A voter's identification number may not be changed".

Page 7, strike lines 36 through 37.

Page 7, line 38, reset in roman "(e)".

Page 7, line 38, delete "(f)".

Page 8, line 26, delete "Section 303(b)(4)(A) of the Help America Vote" and insert **"42 U.S.C. 15483(b)(4)(A)."**

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- Page 8, delete line 27.
- Page 8, line 30, delete "Section 303(b) of the Help America" and insert "**42 U.S.C. 15483(b)**".
- Page 8, delete line 31.
- Page 8, line 35, after "by" insert "**42 U.S.C. 15483(b)(4)(A)(i), the**".
- Page 8, delete line 36.
- Page 8, line 42, delete "If" and insert "**As provided by 42 U.S.C. 15483(b)(4)(B), if**".
- Page 10, delete lines 1 through 4.
- Page 10, line 15, delete "Section 303 of the federal" and insert "**42 U.S.C. 15483**".
- Page 10, delete line 16.
- Page 11, line 17, delete ":".
- Page 11, line 18, delete "(1)".
- Page 11, line 18, strike "the commission adopts a resolution to delay implementation;"
- Page 11, delete lines 19 through 20.
- Page 11, line 21, delete "(1)".
- Page 11, run in lines 17 through 21.
- Page 11, line 22, delete "Section 303(d)(1)(B) of" and insert "**42 U.S.C. 15483(d)(1)(B)**".
- Page 11, delete line 23.
- Page 11, strike lines 24 through 31.
- Page 11, line 32, strike "(d) The commission may".
- Page 11, line 33, strike "amend a resolution adopted under this section."
- Page 11, line 35, strike "(e)" and insert "**(c)**".
- Page 11, line 35, strike "commission adopts" and insert "**election division makes**".
- Page 11, line 36, strike "resolution" and insert "**certification**".
- Page 11, line 37, strike "resolution".
- Page 11, line 37, delete "and a copy of the".
- Page 11, line 38, delete "(b)(2)" and insert "**(b)**".
- Page 11, line 42, delete "(f)" and insert "**(d)**".
- Page 12, line 8, delete "3" and insert "**2**".
- Page 12, delete lines 9 through 10.
- Page 12, line 11, delete "3." and insert "**2**".
- Page 12, line 13, delete "4." and insert "**3**".
- Page 12, line 16, delete "Section 255 of the federal" and insert "**42 U.S.C. 15405**".
- Page 12, delete line 17.
- Page 12, line 18, delete "One (1) circuit court clerk appointed by

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each of the" and insert **"Other individuals appointed by the co-directors in conformance with 42 U.S.C. 15405."**

Page 12, delete lines 19 through 32.

Page 12, line 33, delete "5." and insert "4."

Page 12, line 33, delete "the co-directors".

Page 12, line 34, delete "Section 254 of the federal act." and insert **"42 U.S.C. 15404."**

Page 12, delete line 35.

Page 12, line 36, delete "7." and insert "5."

Page 12, line 37, delete "Title II, Subtitle D, Part I of the federal act." and insert **"42 U.S.C. 15401 through 42 U.S.C. 15408."**

Page 12, line 38, delete "8." and insert "6."

Page 13, line 16, delete "9." and insert "7."

Page 13, line 17, after "by" insert **"IC 3-5-9-3."**

Page 13, delete lines 18 through 24.

Page 16, delete lines 19 through 26, begin a new paragraph and insert:

**"SECTION 24. IC 3-11-5-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 27. This chapter expires January 1, 2006."**

Page 21, delete lines 21 through 22, begin a new line block indented and insert:

**"(2) A voting system must do the following:**

**(A) Permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted.**

**(B) Provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).**

**(C) If the voter selects votes for more than one (1) candidate for a single office, the voting system must:**

**(i) notify the voter that the voter has selected more than one (1) candidate for a single office on the ballot;**

**(ii) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and**

**(iii) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.**

**A voting system must ensure that any notification required under this clause preserves the privacy of the voter and the**

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confidentiality of the ballot.

(3) A voting system must produce a record with an audit capacity for the voting system that satisfies the following:

(A) The voting system must produce a permanent paper record with a manual audit capacity for the voting system.

(B) The voting system must provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(C) The paper record produced under clause (A) must be available as an official record for any recount conducted with respect to any election in which the voting system is used.

(4) A voting system must provide alternative language accessibility under the requirements of 42 U.S.C. 1973aa-1a.

(5) The error rate of a voting system in counting ballots (determined by taking into account only those errors that are attributable to the voting system and not attributable to an act of the voter) must comply with the error rate standards established by the voting systems standards approved by the Federal Election Commission on April 30, 2002."

Page 21, line 23, delete "(3)" and insert "(6)".

Page 21, line 30, delete "(a)(3)." and insert "(a)(6)".

Page 21, line 32, delete "(a)(3)." and insert "(a)(6)".

Page 23, line 11, delete "After Hours" and insert "Special Order".

Page 24, delete lines 9 through 10, begin a new paragraph and insert:

"SECTION 40. IC 3-11-6.5 IS REPEALED [EFFECTIVE JULY 1, 2003]."

Page 25, delete lines 32 through 42.

Page 26, delete lines 1 through 3.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1541 as introduced.)

MAHERN, Chair

Committee Vote: yeas 14, nays 0.

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