

Adopted Rejected

COMMITTEE REPORT

YES: 14
NO: 0

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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-5-2-26.2 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]: **Sec. 26.2. "HAVA" refers to the federal Help**
- 6 **America Vote Act of 2002 (42 U.S.C. 15301 through 15545). A**
- 7 **reference to:**
- 8 (1) "Section 101" of HAVA is a reference to 42 U.S.C. 15301;
- 9 **and**
- 10 (2) "Section 102" of HAVA is a reference to 42 U.S.C. 15302."
- 11 Page 1, between lines 13 and 14, begin a new paragraph and insert:
- 12 "SECTION 2. IC 3-5-2-53 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 53. "Voting system"
- 14 means **the following:**

- 1 **(1) Before January 1, 2006**, a combination of mechanical,
 2 electromechanical, or electronic equipment that is used to cast
 3 and count votes. The term includes the software and firmware
 4 required to program and to control the equipment. Equipment that
 5 is not an integral part of a voting system but that can be used as
 6 an adjunct to the system is considered to be a component of the
 7 system.
- 8 **(2) After December 31, 2005, as provided in 42 U.S.C. 15481:**
- 9 **(A) the total combination of mechanical,**
 10 **electromechanical, or electronic equipment (including the**
 11 **software, firmware, and documentation required to**
 12 **program, control, and support that equipment) that is**
 13 **used:**
- 14 **(i) to define ballots;**
 15 **(ii) to cast and count votes;**
 16 **(iii) to report or display election results; and**
 17 **(iv) to maintain and produce any audit trail information;**
 18 **and**
- 19 **(B) the practices and associated documentation used:**
- 20 **(i) to identify system components and versions of those**
 21 **components;**
 22 **(ii) to test the system during its development and**
 23 **maintenance;**
 24 **(iii) to maintain records of system errors and defects;**
 25 **(iii) to determine specific system changes to be made to**
 26 **a system after the initial qualification of the system; and**
 27 **(iv) to make available any materials to the voter (such as**
 28 **notices, instructions, forms, or paper ballots)."**
- 29 Page 2, delete lines 36 through 37.
- 30 Page 2, line 38, delete "2." and insert "1."
- 31 Page 2, line 39, delete "4" and insert "3".
- 32 Page 2, line 40, delete "3." and insert "2."
- 33 Page 2, line 42, delete "4." and insert "3."
- 34 Page 3, line 6, delete "of the" and insert "**of HAVA.**".
- 35 Page 3, line 7, delete "federal act."
- 36 Page 3, line 8, after "of" insert "**HAVA.**".
- 37 Page 3, delete line 9.
- 38 Page 3, line 10, delete "of the" and insert "**of HAVA.**".

- 1 Page 3, line 11, delete "federal act."
- 2 Page 3, line 12, after "of" insert "**HAVA**".
- 3 Page 3, delete line 13.
- 4 Page 3, line 14, delete "Title II, Subtitle D, Part 1" and insert "**42**
- 5 **U.S.C. 15401 through 42 U.S.C. 15408**".
- 6 Page 3, line 16, delete "Title" and insert "**42 U.S.C. 15401 through**
- 7 **42 U.S.C. 15408**".
- 8 Page 3, delete line 17.
- 9 Page 3, lines 37, delete "5." and insert "**4**".
- 10 Page 3, line 37, delete "the federal act" and insert "**HAVA**".
- 11 Page 3, line 40, delete "December 31, 2000," and insert "**November**
- 12 **7, 2000**".
- 13 Page 3, line 41, delete "the federal act" and insert "**HAVA**".
- 14 Page 4, line 2, delete "the" and insert "**HAVA**".
- 15 Page 4, delete line 3.
- 16 Page 4, line 5, delete "the federal act" and insert "**HAVA**".
- 17 Page 4, line 6, delete "6." and insert "**5**".
- 18 Page 4, line 6, delete "the federal act" and insert "**HAVA**".
- 19 Page 4, line 9, delete "December 31, 2000," and insert "**November**
- 20 **7, 2000**".
- 21 Page 4, line 21, delete "7." and insert "**6**".
- 22 Page 4, line 22, delete "Title II, Subtitle D, Part 1 of the federal act"
- 23 and insert "**42 U.S.C. 15401 through 42 U.S.C. 15408**".
- 24 Page 4, line 23, delete "Title III of the federal act" and insert "**42**
- 25 **U.S.C. 15481 through 42 U.S.C. 15502**".
- 26 Page 4, line 24, delete "Section 251(b) of the federal act," and insert
- 27 "**42 U.S.C. 15401(b)**".
- 28 Page 4, line 25, delete "Title II, Subtitle D, Part 1 of the federal act"
- 29 and insert "**42 U.S.C. 15401 through 42 U.S.C. 15408**".
- 30 Page 4, line 26, delete "the federal" and insert "**HAVA**".
- 31 Page 4, line 27, delete "act".
- 32 Page 4, line 27, after "by" insert "**42 U.S.C. 15401(b)(2)(B)**".
- 33 Page 4, delete line 28.
- 34 Page 4, line 31, delete "Section 251(b)(2)(B)" and insert "**42 U.S.C.**
- 35 **15401(b)(2)(B)**".
- 36 Page 4, line 32, delete "Title II, Subtitle D," and insert "**42 U.S.C.**
- 37 **15401 through 42 U.S.C. 15408**".
- 38 Page 4, line 33, delete "Part 1 of the federal act".

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

2 Page 4, line 42, delete "December 30, 2000." and insert "**November**
3 **7, 2000.**".

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

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

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

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

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

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

17 **(1) purchase;**

18 **(2) lease-purchase; or**

19 **(3) lease;**

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

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

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

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

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

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

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

32 **"(1) Make".**

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

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

- 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 Page 5, line 27, delete "Sections 261 through 265 of the" and insert
- 7 **"42 U.S.C. 15421 through 42 U.S.C. 15425,".**
- 8 Page 5, line 28, delete "Help America Vote Act,".
- 9 Page 5, line 29, after "under" insert **"42 U.S.C. 15423."**
- 10 Page 5, delete line 30.
- 11 Page 5, line 36, delete "(a)".
- 12 Page 5, delete lines 41 through 42.
- 13 Page 6, delete line 1.
- 14 Page 6, line 17, after "section." insert **"The county election board**
- 15 **shall provide information required by the election division under**
- 16 **this section not later than deadlines established by the election**
- 17 **division."**
- 18 Page 7, line 20, after "9-24-11" insert ".".
- 19 Page 7, line 20, strike "or the individual's identification card number
- 20 issued".
- 21 Page 7, strike line 21.
- 22 Page 7, line 23, after "9-24-11" insert ",".
- 23 Page 7, line 23, strike "or identification card issued under
- 24 IC 9-24-16,".
- 25 Page 7, line 28, delete "The number assigned to the individual under
- 26 this".
- 27 Page 7, delete lines 29 through 31.
- 28 Page 7, line 35, delete "(e)".
- 29 Page 7, line 35, strike "A voter's identification number may not be
- 30 changed".
- 31 Page 7, strike lines 36 through 37.
- 32 Page 7, line 38, reset in roman "(e)".
- 33 Page 7, line 38, delete "(f)".
- 34 Page 8, line 26, delete "Section 303(b)(4)(A) of the Help America
- 35 Vote" and insert **"42 U.S.C. 15483(b)(4)(A)."**
- 36 Page 8, delete line 27.
- 37 Page 8, line 30, delete "Section 303(b) of the Help America" and
- 38 insert **"42 U.S.C. 15483(b)."**

- 1 Page 8, delete line 31.
- 2 Page 8, line 35, after "by" insert "**42 U.S.C. 15483(b)(4)(A)(i), the**".
- 3 Page 8, delete line 36.
- 4 Page 8, line 42, delete "If" and insert "**As provided by 42 U.S.C.**
- 5 **15483(b)(4)(B), if**".
- 6 Page 10, delete lines 1 through 4.
- 7 Page 10, line 15, delete "Section 303 of the federal" and insert "**42**
- 8 **U.S.C. 15483.**".
- 9 Page 10, delete line 16.
- 10 Page 11, line 17, delete ":".
- 11 Page 11, line 18, delete "(1)".
- 12 Page 11, line 18, strike "the commission adopts a resolution to delay
- 13 implementation;".
- 14 Page 11, delete lines 19 through 20.
- 15 Page 11, line 21, delete "(1)".
- 16 Page 11, run in lines 17 through 21.
- 17 Page 11, line 22, delete "Section 303(d)(1)(B) of" and insert "**42**
- 18 **U.S.C. 15483(d)(1)(B).**".
- 19 Page 11, delete line 23.
- 20 Page 11, strike lines 24 through 31.
- 21 Page 11, line 32, strike "(d) The commission may".
- 22 Page 11, line 33, strike "amend a resolution adopted under this
- 23 section.".
- 24 Page 11, line 35, strike "(e)" and insert "(c)".
- 25 Page 11, line 35, strike "commission adopts" and insert "**election**
- 26 **division makes**".
- 27 Page 11, line 36, strike "resolution" and insert "**certification**".
- 28 Page 11, line 37, strike "resolution".
- 29 Page 11, line 37, delete "and a copy of the".
- 30 Page 11, line 38, delete "(b)(2)" and insert "(b)".
- 31 Page 11, line 42, delete "(f)" and insert "(d)".
- 32 Page 12, line 8, delete "3" and insert "2".
- 33 Page 12, delete lines 9 through 10.
- 34 Page 12, line 11, delete "3." and insert "2.".
- 35 Page 12, line 13, delete "4." and insert "3.".
- 36 Page 12, line 16, delete "Section 255 of the federal" and insert "**42**
- 37 **U.S.C. 15405.**".
- 38 Page 12, delete line 17.

- 1 Page 12, line 18, delete "One (1) circuit court clerk appointed by
2 each of the" and insert "**Other individuals appointed by the**
3 **co-directors in conformance with 42 U.S.C. 15405.**".
- 4 Page 12, delete lines 19 through 32.
- 5 Page 12, line 33, delete "5." and insert "4".
- 6 Page 12, line 33, delete "the co-directors".
- 7 Page 12, line 34, delete "Section 254 of the federal act." and insert
8 "**42 U.S.C. 15404.**".
- 9 Page 12, delete line 35.
- 10 Page 12, line 36, delete "7." and insert "5".
- 11 Page 12, line 37, delete "Title II, Subtitle D, Part I of the federal
12 act." and insert "**42 U.S.C. 15401 through 42 U.S.C. 15408.**".
- 13 Page 12, line 38, delete "8." and insert "6".
- 14 Page 13, line 16, delete "9." and insert "7".
- 15 Page 13, line 17, after "by" insert "**IC 3-5-9-3.**".
- 16 Page 13, delete lines 18 through 24.
- 17 Page 16, delete lines 19 through 26, begin a new paragraph and
18 insert:
- 19 "SECTION 24. IC 3-11-5-27 IS ADDED TO THE INDIANA CODE
20 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
21 **1, 2003]: Sec. 27. This chapter expires January 1, 2006.**".
- 22 Page 21, delete lines 21 through 22, begin a new line block indented
23 and insert:
- 24 "**(2) A voting system must do the following:**
- 25 **(A) Permit the voter to verify (in a private and**
26 **independent manner) the votes selected by the voter on the**
27 **ballot before the ballot is cast and counted.**
- 28 **(B) Provide the voter with the opportunity (in a private**
29 **and independent manner) to change the ballot or correct**
30 **any error before the ballot is cast and counted (including**
31 **the opportunity to correct the error through the issuance**
32 **of a replacement ballot if the voter was otherwise unable**
33 **to change the ballot or correct any error).**
- 34 **(C) If the voter selects votes for more than one (1)**
35 **candidate for a single office, the voting system must:**
- 36 **(i) notify the voter that the voter has selected more than**
37 **one (1) candidate for a single office on the ballot;**
- 38 **(ii) notify the voter before the ballot is cast and counted**

1 of the effect of casting multiple votes for the office; and
 2 (iii) provide the voter with the opportunity to correct the
 3 ballot before the ballot is cast and counted.

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

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

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

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

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

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

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

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

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

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

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

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

32 "SECTION 40. IC 3-11-6.5 IS REPEALED [EFFECTIVE JULY 1,
 33 2003]."

34 Page 25, delete lines 32 through 42.

35 Page 26, delete lines 1 through 3.

36 Re-number all SECTIONS consecutively.

(Reference is to HB 1541 as introduced.)

and when so amended that said bill do pass.

Representative Mahern