
SENATE BILL No. 477

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-6-40; IC 3-11.

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

Effective: July 1, 2003.

Lawson C, Simpson

January 21, 2003, read first time and referred to Committee on Elections and Civic Affairs.

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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.

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SENATE BILL No. 477



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

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

1 SECTION 1. IC 3-6-6-40 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 40. (a) The county election board shall conduct a
4 training and educational meeting for precinct election officers.**

5 **(b) The board shall require inspectors and judges to attend the
6 meeting and may require other precinct election officers to attend
7 the meeting.**

8 **(c) The meeting required under this section must include
9 information related to making polling places and voting systems
10 accessible to elderly voters and disabled voters. The meeting may
11 include other information relating to the duties of precinct election
12 officers as determined by the county election board.**

13 **(d) The meeting required by this section must be held not later
14 than the day before election day.**

15 SECTION 2. IC 3-11-6.5-0.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. As used in this chapter,**



1 **"federal act" refers to the federal Help America Vote Act of 2002.**

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

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

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

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

16 **(A) The path to the facility that an individual must travel
17 on the property where the facility is located.**

18 **(B) The entrances of the facility to be used by voters.**

19 **(C) The paths of travel within the facility to the rooms or
20 areas where the voting systems are located.**

21 **(D) The rooms or areas in the facility where the voting
22 systems are located.**

23 **(c) The requirements of subsection (b) are satisfied if a facility
24 will comply with subsection (b) by implementing temporary
25 measures.**

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

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

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

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

41 **(2) located in the same township as the precinct that ~~has no~~
42 suitable room does not have an accessible facility available; if**

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1 the polling place complies with accessibility requirements for
 2 disabled voters under 42 U.S.C. 1973ee through 1973ee-6. and
 3 **(3) an accessible facility.**

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

10 SECTION 6. IC 3-11-8-3.1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.1. (a) **Except as**
 12 **provided in subsection (b), a county executive circuit court clerk**
 13 **shall designate the polls for each precinct not less than twenty-nine**
 14 **(29) days before election day.**

15 (b) **A county may adopt an ordinance to provide that the county**
 16 **executive shall designate the location of the polling place for each**
 17 **precinct in the county. If a county adopts an ordinance under this**
 18 **subsection, the county executive has the rights and responsibilities**
 19 **of the circuit court clerk in designating the location of the polling**
 20 **place for each precinct of the county under this chapter.**

21 (c) The designation of a polling place under this section remains in
 22 effect until:

23 (1) the location of the polling place is altered by an order of the
 24 ~~county executive circuit court clerk~~ or county election board
 25 under this chapter; or

26 (2) a precinct establishment order issued under IC 3-11-1.5:

27 (A) designates a new polling place location; or

28 (B) combines the existing precinct with another precinct
 29 established by the order.

30 ~~(c)~~ **(d)** The ~~county executive circuit court clerk~~ shall then file the
 31 report required by section ~~6~~ **6.5** of this chapter concerning polls that are
 32 inaccessible to voters with disabilities.

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

39 **(1) For each precinct, whether the polls are located in an**
 40 **accessible facility.**

41 **(2) If special polling places are designated under section 6.5 of**
 42 **this chapter:**

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- 1 **(A) the location of each special polling place; and**
 2 **(B) the procedures for elderly voters and voters with**
 3 **disabilities to apply to vote at a special polling place.**

4 **(b)** If it is necessary to change a place for voting after giving notice,
 5 notice of the change shall be given in the same manner. However,
 6 except as provided in subsection ~~(b)~~; **no (c), a change may not** be made
 7 within two (2) days before an election.

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

16 SECTION 8. IC 3-11-8-4.2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.2. If ~~there is one (1)~~
 18 ~~or more towns~~ in a township that contains only one (1) precinct **has a**
 19 **town, the circuit court clerk shall locate the polls for the township**
 20 **at a convenient location in the town. If the township has more than**
 21 **one (1) town, the county executive circuit court clerk shall locate the**
 22 **polls for the township** at a convenient location in the town that has the
 23 largest population.

24 SECTION 9. IC 3-11-8-4.3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.3. If a precinct
 26 contains less than two hundred fifty (250) active voters, the ~~county~~
 27 **executive circuit court clerk** may locate the polls for the precinct at
 28 the polls for an adjoining precinct, using the precinct election board of
 29 the adjoining precinct.

30 SECTION 10. IC 3-11-8-6, AS AMENDED BY P.L.38-1999,
 31 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2003]: Sec. 6. ~~(a) If possible;~~ **Except as provided in section**
 33 **6.5 of this chapter,** the ~~county executive circuit court clerk~~ shall
 34 locate the polls for each precinct in a **an accessible** facility. ~~that meets~~
 35 ~~the standards for accessibility for voters with disabilities and elderly~~
 36 ~~voters established under 42 U.S.C. 1973ee through 1973ee-6.~~ If the
 37 ~~county executive determines that no accessible facility is available in~~
 38 ~~a precinct and that no facility can be made temporarily accessible,~~ the
 39 ~~county executive shall designate at least one (1) special voting poll in~~
 40 ~~the county at least twenty-nine (29) days before election day. A special~~
 41 ~~voting poll must:~~

- 42 **(1) be accessible to voters with disabilities and elderly voters**



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- 1 under federal law; and
 2 (2) operate under all other requirements for precincts and polls
 3 under this title.
 4 (b) The county executive shall:
 5 (1) provide public notice; and
 6 (2) file a report;
 7 listing each inaccessible precinct and each special voting poll in the
 8 county with the election division at least twenty-nine (29) days before
 9 election day. The list shall be available to any person upon request.
 10 (c) A precinct poll may also be used as a special voting poll for the
 11 county if the precinct poll meets the standards for accessibility by
 12 voters with disabilities and elderly voters established under federal law.
 13 (d) The county election board shall assign a special voting poll to a
 14 voter with disabilities or elderly voter:
 15 (1) whose regular precinct poll is inaccessible to voters with
 16 disabilities or elderly voters; and
 17 (2) who submits an application on a form prescribed by the
 18 commission at least ten (10) days before election day.
 19 (e) Applications may be submitted under subsection (d)(2):
 20 (1) in person at the principal office of the county election board;
 21 or
 22 (2) by mail.
 23 (f) The precinct election board at a special voting poll shall do the
 24 following:
 25 (1) Provide each voter with disabilities or elderly voter assigned
 26 under subsection (d) a ballot that includes all offices and public
 27 questions to be voted for in the voter's precinct of residence.
 28 (2) Prepare a separate poll list for the voters with disabilities and
 29 elderly voters assigned to the special voting poll.
 30 (g) Votes cast at a special voting poll shall be counted and reported
 31 in the same manner as votes cast at a precinct under this title.
 32 SECTION 11. IC 3-11-8-6.5 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2003]: **Sec. 6.5. (a) Not later than twenty-nine (29) days before**
 35 **election day, the circuit court clerk shall file a report with the**
 36 **co-directors of the election division listing each precinct of the**
 37 **county for which the circuit court clerk was unable to secure an**
 38 **accessible facility for election day. The report must include any**
 39 **other information required by the co-directors.**
 40 (b) If the co-directors determine that there are no accessible
 41 facilities the circuit court clerk can secure for a precinct polling
 42 place, the co-directors shall authorize the circuit court clerk to

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1 designate at least one (1) special polling place in the county.

2 (c) A special polling place must:

- 3 (1) be located in an accessible facility; and
 4 (2) operate under all other requirements for precincts and
 5 polls under this title.

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

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

- 11 (1) whose regular precinct polling place is not located in an
 12 accessible facility; and
 13 (2) who submits an application on a form prescribed by the
 14 commission not later than ten (10) days before election day.

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

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

- 19 (1) Provide each elderly voter or voter with disabilities
 20 assigned to the special polling place under subsection (e) a
 21 ballot that includes all offices and public questions to be voted
 22 for in the voter's precinct of residence.
 23 (2) Prepare a separate poll list for the elderly voters and the
 24 voters with disabilities assigned to the special polling place.

25 (g) Votes cast at a special polling place shall be counted and
 26 reported in the same manner as votes cast at a precinct under this
 27 title.

28 SECTION 12. IC 3-11-8-7 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. In preparing the polls
 30 for an election, the ~~county executive~~ **circuit court clerk** shall:

- 31 (1) have placed within the room a railing separating the part of the
 32 room to be occupied by the precinct election board from that part
 33 of the room to be occupied by the voting machines, ballot card
 34 voting systems, electronic voting systems, and the three (3) or
 35 more booths or compartments for marking paper ballots,
 36 whenever either or two (2) of these voting systems are used;
 37 (2) ensure that the portion of the room set apart for the precinct
 38 election board includes a door at which each voter appears for
 39 challenge; and
 40 (3) provide a chute with a railing, rope, or wire on each side,
 41 beginning fifty (50) feet away from and leading to the door for
 42 challenge and to the room in which the election is held.

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

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

17 **(2) A voting system must meet the Voting System Standards**
 18 **established by the Performance and Test Standards for Punchcard,**
 19 **Marksense, and Direct Recording Electronic Voting Systems**
 20 **issued approved by the Federal Election Commission on January**
 21 **25, 1990. April 30, 2002.**

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

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