
HOUSE BILL No. 1541

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-6-4.2; IC 3-7; IC 3-11; IC 3-11.7; IC 5-26.5-2-5.

Synopsis: Help America Vote Act compliance. Conforms election law to the federal Help America Vote Act. Makes appropriations from the state general fund to provide state matching funds required by 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 Repeals superseded statutes relating to funding of voting systems.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.

Weinzapfel

January 16, 2003, read first time and referred to Committee on Elections and Apportionment.

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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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HOUSE BILL No. 1541



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 3-5-2-26.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 26.4. "Identifying information" refers to any of the**
4 **following:**

- 5 (1) **A copy of a current and valid piece of identification**
- 6 **containing a photograph of the voter.**
- 7 (2) **A copy of any of the following that shows the name and**
- 8 **address of the voter:**
 - 9 (A) **A current utility bill.**
 - 10 (B) **A current bank statement.**
 - 11 (C) **A current government check.**
 - 12 (D) **A current paycheck.**
 - 13 (E) **A current government document.**

14 SECTION 2. IC 3-5-8-2, AS ADDED BY P.L.126-2002, SECTION
15 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
16 2003]: **Sec. 2. (a)** The statement required by section 1 of this chapter
17 must contain the following:



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

3 (2) A statement describing the circumstances that permit a voter
4 who has moved from the precinct where the voter is registered to
5 return to that precinct to vote.

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

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

11 (5) **Voting instructions.**

12 (6) **General information on voting rights under applicable
13 federal and Indiana law. This information must include the
14 following:**

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

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

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

21 (8) A statement informing the voter what assistance is available
22 to assist the voter at the polls.

23 ~~(9)~~ (9) A statement informing the voter what circumstances will
24 spoil the voter's ballot and the procedures available for the voter
25 to request a new ballot.

26 ~~(10)~~ (10) A statement describing which voters will be permitted to
27 vote at the closing of the polls.

28 ~~(11)~~ (11) Other information that the commission considers
29 important for a voter to know.

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

32 SECTION 3. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS
33 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2003]:

35 **Chapter 9. Election Administration Assistance**

36 **Sec. 1. As used in this chapter, "federal act" refers to the Help
37 America Vote Act of 2002.**

38 **Sec. 2. As used in this chapter, "fund" refers to the election
39 administration fund established by section 4 of this chapter.**

40 **Sec. 3. For purposes of this chapter, "purchase" includes
41 purchase, lease-purchase, and lease.**

42 **Sec. 4. (a) The election administration fund is established to**

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1 carry out the purposes described in this chapter.

2 (b) The fund consists of the following:

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

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

6 (3) All money paid to the state under Section 101 of the
7 federal act. The auditor of state shall establish a separate
8 account in the fund for money received under Section 101 of
9 the federal act.

10 (4) All money paid to the state under Section 102 of the
11 federal act. The auditor of state shall establish a separate
12 account in the fund for money received under Section 102 of
13 the federal act.

14 (5) All money paid the state under Title II, Subtitle D, Part 1
15 of the federal act. The auditor of state shall establish a
16 separate account in the fund for money received under Title
17 II, Subtitle D, Part 1 of the federal act.

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

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

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

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

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

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

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

37 **Sec. 5. Money received under Section 101 of the federal act shall**
38 **be used for the following purposes:**

39 (1) To reimburse counties for the purchase of new voting
40 systems purchased after December 31, 2000, to the extent that
41 money received under Section 102 of the federal act is
42 insufficient for this purpose.

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1 (2) To reimburse counties for upgrade or expansion of
 2 existing voting systems to comply with requirements of the
 3 federal act.

4 (3) Any other purpose authorized by this title and under
 5 Section 101 of the federal act.

6 Sec. 6. (a) Money received under Section 102 of the federal act
 7 shall be used to reimburse counties for the purchase of voting
 8 systems:

9 (1) acquired after December 31, 2000; and

10 (2) to replace:

11 (A) punch card voting systems; or

12 (B) voting machine systems.

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

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

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

21 Sec. 7. (a) Except as provided in subsection (b), money received
 22 under Title II, Subtitle D, Part 1 of the federal act shall be used to
 23 comply with the requirements of Title III of the federal act.

24 (b) As provided in Section 251(b) of the federal act, money
 25 received under Title II, Subtitle D, Part 1 of the federal act may be
 26 used for other purposes authorized by Section 101 of the federal
 27 act if the election division makes the certification required by
 28 Section 251(b)(2)(A) of the federal act.

29 (c) If the election division makes the certification described in
 30 subsection (b), the election division may transfer amounts that do
 31 not in total exceed the amount described in Section 251(b)(2)(B)
 32 from the account for money received under Title II, Subtitle D,
 33 Part 1 of the federal act to the Section 101 account in the fund.

34 Sec. 8. (a) To receive reimbursement for purchase of voting
 35 systems under this chapter, a county must make application to the
 36 budget agency.

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

40 (1) That the county has or has obligated to purchase a new
 41 voting system to replace a punch card voting system or a
 42 voting machine system after December 30, 2000.

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

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

6 (d) If a county's application is approved under this section, the
7 election division shall reimburse a county from the fund.

8 (e) Payment of money from the fund is subject to the availability
9 of money in the fund and the requirements of this chapter and the
10 federal act.

11 **Sec. 9.** Before January 1, 2006, each county shall enter into an
12 agreement to purchase at least one (1) voting system for each
13 precinct in the county to meet the standards required by
14 IC 3-11-15-13.

15 SECTION 4. IC 3-6-4.2-15 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: **Sec. 15.** (a) The co-directors of the election
18 division shall apply to the Secretary of Health and Human Services
19 for payments under Sections 261 through 265 of the Help America
20 Vote Act of 2002 to make polling places, including the path of
21 travel, entrances, exits, and voting areas of each polling place,
22 accessible to individuals with disabilities, including the blind and
23 visually impaired, in a manner that provides the same opportunity
24 for access and participation (including privacy and independence)
25 as for other voters.

26 (b) If the co-directors receive payments from the Department of
27 Health and Human Services under Sections 261 through 265 of the
28 Help America Vote Act, the co-directors shall spend the money as
29 described in the application submitted by the co-directors under
30 Section 263 of the Help America Vote Act of 2002.

31 (c) Money received by the co-directors under this section is
32 continuously appropriated for the purposes described in subsection
33 (a).

34 SECTION 5. IC 3-6-4.2-15.1 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 15.1.** (a) As required by 42 U.S.C.
36 1973ff-1(b), the election division is designated as the single office
37 responsible for providing information regarding voter registration
38 procedures and absentee ballot procedures to be used by absent
39 uniformed services voters and overseas voters.

40 (b) The election division is responsible for carrying out the
41 state's responsibilities under the Uniformed and Overseas Citizens
42 Act.

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1 **Absentee Voting Act (42 U.S.C. 1973ff).**

2 SECTION 6. IC 3-6-4.2-16 IS ADDED TO THE INDIANA CODE
 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 4 1, 2003]: **Sec. 16. (a) As required by 42 U.S.C. 1973ff-1(c), not later**
 5 **than ninety (90) days after the date of each regularly scheduled**
 6 **general election for federal offices, the election division shall**
 7 **submit to the Election Assistance Commission the following**
 8 **information:**

9 (1) **The combined number of absentee ballots transmitted to**
 10 **absent uniformed services voters and overseas voters for the**
 11 **election.**

12 (2) **The combined number of absentee ballots returned and**
 13 **cast by absent uniformed services voters and overseas voters**
 14 **at the election.**

15 (b) **The county election board of each county shall assist the**
 16 **election division in compiling the information required by this**
 17 **section.**

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

21 (1) Coordinate with the commission to oversee the
 22 implementation and administration of NVRA by the state, county,
 23 municipal, and nongovernmental offices designated as
 24 registration sites under this article.

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

27 (3) Protect the fundamental rights of voters.

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

31 (5) Comply with 42 U.S.C. 1973gg-4(b) by making federal and
 32 state mail registration forms available for distribution through
 33 governmental and private entities, with particular emphasis on
 34 making the forms available for organized voter registration
 35 programs.

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

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

41 (B) the conviction has been overturned.

42 (7) Receive notices from voter registration agencies in other states

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1 indicating that a person has registered in that state and requests
2 that the person's registration in Indiana be canceled.

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

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

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

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

15 SECTION 8. IC 3-7-13-13, AS AMENDED BY P.L.126-2002,
16 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2003]: Sec. 13. (a) Except as provided in ~~subsection~~
18 **subsections (b) and (c)**, when an individual registers to vote, the
19 individual must provide the individual's driver's license number issued
20 under IC 9-24-11 or the individual's identification card number issued
21 under IC 9-24-16.

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

26 **(c) If an individual does not have a Social Security number, the**
27 **individual shall be assigned a number by the statewide voter**
28 **registration file. The number assigned to the individual under this**
29 **subsection may not have the same format as an Indiana driver's**
30 **license number, an Indiana identification card number, or a Social**
31 **Security number.**

32 **(d)** The number provided by the individual under subsection (a) or
33 **(b) or the number assigned under subsection (c)** is the individual's
34 voter identification number.

35 ~~(d)~~ **(e)** A voter's voter identification number may not be changed
36 unless the voter made an error when providing the number when
37 registering to vote.

38 ~~(e)~~ **(f)** If a voter transfers the voter's registration and the voter's voter
39 identification number is not included in the voter's registration records,
40 the voter registration officer of the county in which the voter's
41 registration is to be transferred shall require the voter to provide the
42 number required by subsection (a) or (b) before the voter's registration

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1 is transferred. **If the voter does not have any of the numbers**
 2 **described in subsection (a) or (b), a voter identification number**
 3 **shall be assigned to the voter as provided in subsection (c).**

4 SECTION 9. IC 3-7-22-2 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2003]: Sec. 2. As provided in 42 U.S.C.
 6 1973gg-4(a)(1), a circuit court clerk or board of registration shall
 7 accept and use the mail voter registration form prescribed by the
 8 ~~Federal~~ **Election Assistance** Commission under 42 U.S.C.
 9 1973gg-7(a)(2).

10 SECTION 10. IC 3-7-22-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. A mail registration
 12 form prescribed under section 3 of this chapter must meet the following
 13 requirements:

- 14 (1) The form must include a statement that does the following:
 15 (A) Sets forth each eligibility requirement for registration
 16 (including citizenship).
 17 (B) Contains an attestation that the applicant meets each of the
 18 eligibility requirements.
 19 (C) Requires the signature of the applicant, under penalty of
 20 perjury.
 21 (2) The form must include, in print that is identical to the print
 22 used in the attestation part of the application, information setting
 23 forth the penalties provided by law for submission of a false voter
 24 registration application.
 25 **(3) The form must include the questions and the information**
 26 **required by Section 303(b)(4)(A) of the Help America Vote**
 27 **Act of 2002.**
 28 **(4) The form must include a statement informing an**
 29 **individual who registers by mail of the identification**
 30 **requirements described in Section 303(b) of the Help America**
 31 **Vote Act of 2002.**

32 SECTION 11. IC 3-7-22-5.5 IS ADDED TO THE INDIANA CODE
 33 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2003]: Sec. 5.5. **(a) If an individual who submits a registration**
 35 **form under this chapter fails to answer the question required by**
 36 **Section 303(b)(4)(A)(i) of the Help America Vote Act of 2002, the**
 37 **county voter registration office shall:**

- 38 (1) **notify the individual of the failure; and**
 39 (2) **provide the individual with an opportunity to complete the**
 40 **form in a timely manner to allow for completion of the**
 41 **registration form before the next election for federal office.**
 42 **(b) If the individual does not complete the form before the**

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1 **deadline provided in this article, the individual may not vote at the**
 2 **next election.**

3 SECTION 12. IC 3-7-22-10 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2003]: **Sec. 10. (a) This section applies to a voter who:**

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

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

11 (1) The voter has submitted with the voter's registration form
 12 identifying information.

13 (2) The voter has submitted with the voter's registration form
 14 the voter's voter identification number, and the voter's
 15 identification number is matched with an existing state
 16 identification record that contains the same:

- 17 (A) voter identification record number;
 18 (B) name; and
 19 (C) date of birth;

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

21 (3) The voter satisfies any of the following:

22 (A) The voter is entitled to vote by absentee ballot under
 23 the Uniformed and Overseas Citizens Absentee Voting Act
 24 (42 U.S.C. 1973ff-1 et seq.).

25 (B) The voter is provided the right to vote otherwise than
 26 in person under Section 3(b)(2)(B)(ii) of the Voting
 27 Accessibility for the Elderly and Handicapped Act (42
 28 U.S.C. 1973ee-1(b)(2)(B)(ii)).

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

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

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

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

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

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1 SECTION 13. IC 3-7-26-0.5 IS ADDED TO THE INDIANA CODE
 2 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 3 1, 2003]: **Sec. 0.5. As used in this chapter, "federal act" refers to**
 4 **the Help America Vote Act of 2002.**

5 SECTION 14. IC 3-7-26-2, AS AMENDED BY P.L.199-2001,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2003]: Sec. 2. (a) The election division shall develop and
 8 maintain a statewide voter registration file.

9 (b) Subject to section 20 of this chapter, not later than ~~July~~ **January**
 10 1, 2004, the election division shall maintain the statewide voter
 11 registration file so that the file is accessible by the election division and
 12 county voter registration offices through a secure connection over the
 13 Internet.

14 **(c) The statewide voter registration file must comply with the**
 15 **standards and requirements described in Section 303 of the federal**
 16 **act.**

17 SECTION 15. IC 3-7-26-3, AS AMENDED BY P.L.199-2001,
 18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2003]: Sec. 3. (a) Each county voter registration office shall
 20 provide the voter registration information required under section 7 of
 21 this chapter to the election division.

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

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

28 SECTION 16. IC 3-7-26-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. ~~Each year~~ **The circuit**
 30 **court clerk or board of registration county voter registration office**
 31 **shall submit the information before noon February 15, current as of**
 32 **February 1, to the statewide voter registration file on an expedited**
 33 **basis at the time the information is provided to the county voter**
 34 **registration office.**

35 SECTION 17. IC 3-7-26-8, AS AMENDED BY P.L.199-2001,
 36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2003]: Sec. 8. (a) Until a county has the capability to transmit
 38 the information over the Internet as required under subsection (b), the
 39 information required by section 7 of this chapter shall be provided on
 40 magnetic media or other machine readable form to the election
 41 division.

42 (b) Subject to section 20 of this chapter, not later than ~~July~~ **January**

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1 1, 2004, a county voter registration office shall transmit the information
 2 required by section 7 of this chapter to the election division over the
 3 Internet, in a manner and using a method prescribed by the election
 4 division, through a secure connection to the statewide voter registration
 5 file.

6 (c) The commission shall prescribe a format to ensure the
 7 standardization and readability of the data provided under subsection
 8 (a) or (b).

9 SECTION 18. IC 3-7-26-20, AS ADDED BY P.L.199-2001,
 10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2003]: Sec. 20. (a) As used in this section, "file" refers to the
 12 statewide voter registration file developed and maintained under
 13 section 2 of this chapter.

14 (b) Notwithstanding the deadlines for implementation of the file
 15 required by section 2 or ~~section 8~~ of this chapter, the election division
 16 may delay implementation of all or any part of the operation of the file
 17 required by section 2 or ~~section 8~~ of this chapter if:

- 18 (1) the commission adopts a resolution to delay implementation;
 19 **and**
 20 (2) **after the commission adopts a resolution under subdivision**
 21 **(1), the election division makes the certification to the Election**
 22 **Assistance Commission required by Section 303(d)(1)(B) of**
 23 **the federal act.**

24 (c) A resolution adopted under subsection (b) must contain all of the
 25 following:

- 26 (1) A statement of the reasons for the delay of implementation.
 27 (2) A statement by the commission that the commission considers
 28 the reasons stated under subdivision (1) as sufficient cause to
 29 delay implementation.
 30 (3) A new deadline for implementation of the part of the operation
 31 of the file that is delayed under the resolution.

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

- 33 (1) amend a resolution adopted under this section.
 34 (2) ~~Adopt more than one (1) resolution under this section.~~

35 (e) Not later than thirty (30) days after the commission adopts a
 36 resolution under this section, the election division shall send a copy of
 37 the resolution **and a copy of the certification required by subsection**
 38 **(b)(2)** to the following:

- 39 (1) The legislative council.
 40 (2) The census data advisory committee established by
 41 IC 2-5-19-2.

42 (f) **This section expires January 1, 2006.**

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1 SECTION 19. IC 3-7-26.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]:

4 **Chapter 26.5. Statewide Voter Registration Advisory**
5 **Committee**

6 **Sec. 1. As used in this chapter, "committee" refers to the**
7 **statewide voter registration advisory committee established by**
8 **section 3 of this chapter.**

9 **Sec. 2. As used in this chapter, "federal act" refers to the Help**
10 **America Vote Act of 2002.**

11 **Sec. 3. The statewide voter registration advisory committee is**
12 **established.**

13 **Sec. 4. The committee consists of the following:**

- 14 (1) **The co-directors of the election division.**
- 15 (2) **The circuit court clerks of the two (2) most populous**
16 **counties in Indiana as required by Section 255 of the federal**
17 **act.**
- 18 (3) **One (1) circuit court clerk appointed by each of the**
19 **co-directors of the election division. The individuals appointed**
20 **under this subdivision may not be members of the same**
21 **political party.**
- 22 (4) **Two (2) individuals appointed by each of the co-directors**
23 **of the election division. The individuals appointed under this**
24 **subdivision must represent individuals with disabilities and**
25 **other stakeholders in the voter registration process. Not more**
26 **than two (2) individuals appointed under this subdivision may**
27 **be members of the same political party.**
- 28 (5) **Two (2) individuals appointed by each of the co-directors**
29 **of the election division. The individuals appointed under this**
30 **subdivision must represent Indiana citizens generally. Not**
31 **more than two (2) individuals appointed under this**
32 **subdivision may be members of the same political party.**

33 **Sec. 5. The committee shall assist the co-directors in developing**
34 **the state plan required by Section 254 of the federal act.**

35 **Sec. 6. The co-directors serve as the co-chairs of the committee.**

36 **Sec. 7. In developing the state plan, the committee shall comply**
37 **with Title II, Subtitle D, Part 1 of the federal act.**

38 **Sec. 8. (a) For purposes of this section, an individual who holds:**

- 39 (1) **a state office is considered an employee of the state; or**
- 40 (2) **an office of a political subdivision is considered an**
41 **employee of the political subdivision.**

42 **(b) Each member of the committee who is not a state employee**

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1 or an employee of a political subdivision is entitled to receive both
2 of the following:

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

5 (2) Reimbursement for travel expenses and other expenses
6 actually incurred in connection with the member's duties, as
7 provided in the state travel policies and procedures
8 established by the Indiana department of administration and
9 approved by the budget agency.

10 (c) Each member of the committee who is a state employee or an
11 employee of a political subdivision is entitled to reimbursement for
12 travel expenses and other expenses actually incurred in connection
13 with the member's duties, as provided in the state travel policies
14 and procedures established by the Indiana department of
15 administration and approved by the budget agency.

16 Sec. 9. The committee's expenses shall be paid from the Section
17 101 account of the election administration fund established by
18 IC 3-5-9-4.

19 SECTION 20. IC 3-7-36-15 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2003]: Sec. 15. If a voter registration application from an
22 individual described in section 1 of this chapter is rejected, the
23 circuit court clerk or board of registration shall provide the
24 individual with the reasons for the rejection.

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

29 (1) The sealed package of paper ballots, provisional ballots,
30 sample ballots, and any other supplies provided for the inspector's
31 precinct by the election division.

32 (2) The local sample ballots, the ballot labels, if any, and all poll
33 lists, registration lists, and other supplies considered necessary to
34 conduct the election in the inspector's precinct.

35 (3) The local ballots printed under the direction of the county
36 election board as follows:

37 (A) The number of ballots equal to one hundred percent
38 (100%) of the number of voters in the inspector's precinct,
39 according to the poll list.

40 (B) In those precincts where voting machines, ballot card
41 systems, or electronic voting systems are to be used, the
42 number of paper ballots that will be required for emergency

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- 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.
- (2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).
- (3) An overseas voter.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section after November 20 preceding the election to which the application applies. Except as provided in subsection (c), the person may apply for an absentee ballot at any time after the applications are made available.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing a standard form approved under 42 U.S.C. 1973ff(b).

~~(d) If the county election board receives an absentee ballot application from a person described by this section, the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under sections 13 and 15 of this chapter.~~

~~(e) (d) Whenever a voter described in subsection (a) files an application for a primary election absentee ballot and indicates on the application that:~~

- ~~(1) the voter is an absent uniformed services voter; and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;~~
- ~~(2) the voter is an address confidentiality program participant; or~~
- ~~(3) (2) the voter is an overseas voter; and does not expect to be in the county on general election day and on the date of any special~~

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1 election conducted during the twelve (12) months following the
 2 date of the application;
 3 the application is an adequate application for a ~~general election~~
 4 absentee ~~ballot ballots~~ under this chapter and an absentee ballot for a
 5 ~~special each~~ election conducted during the twelve (12) months for
 6 **federal office through the next two (2) regularly scheduled general**
 7 **elections for federal office** following the date of the application. **The**
 8 **circuit court clerk shall mail to the person, free of postage as**
 9 **provided by 39 U.S.C. 3406, all ballots for the election immediately**
 10 **after the circuit court clerk receives the ballots under sections 13**
 11 **and 15 of this chapter.**

12 **(e) Whenever a voter files an application for an absentee ballot**
 13 **and indicates on the application that the voter is an address**
 14 **confidentiality program participant, the application is an adequate**
 15 **application for an absentee ballot under this chapter for each**
 16 **election conducted during the year for which the application is**
 17 **made.**

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

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

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

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

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

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1 received as follows:

2 (1) If the voter provides a fax number to which a confirmation
3 may be sent, the county election board shall send the confirmation
4 to the voter at the fax number provided by the voter.

5 (2) If the voter provides an electronic mail address to which a
6 confirmation may be sent, the county election board shall send the
7 confirmation to the voter at the electronic mail address provided
8 by the voter.

9 (3) If the voter does not provide a fax number or an electronic
10 mail address, the county election board shall send the
11 confirmation by United States mail.

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

15 **(j) If an absentee ballot application from an absent uniformed
16 services voter or an overseas voter is rejected, the county election
17 board shall provide the voter with the reasons for the rejection in
18 the same manner as a confirmation is sent under subsection (i).**

19 SECTION 23. IC 3-11-5-1 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The commission
21 must approve any form of voting machine before it may be used at an
22 election.

23 **(b) After June 30, 2003, the commission may not approve a
24 voting machine system for use in an election.**

25 **(c) After December 31, 2003, a voting machine system may not
26 be used in an election.**

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

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

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

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

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- 1 (1) Write the following on the poll list:
- 2 (+) (A) The voter's name.
- 3 (2) (B) The voter's current residence address.
- 4 **(2) Show identifying information if a notation has been made**
- 5 **for the voter's name on the poll list under IC 3-7-22-10.**
- 6 (b) The poll clerk, an assistant poll clerk, or a member of the
- 7 precinct election board shall:
- 8 (1) ask the voter to provide the voter's voter identification
- 9 number;
- 10 (2) tell the voter the number the voter may use as a voter
- 11 identification number; and
- 12 (3) explain to the voter that the voter is not required to provide a
- 13 voter identification number at the polls.
- 14 (c) This subsection does not apply to a precinct in a county with a
- 15 computerized registration system whose inspector was:
- 16 (1) furnished with a list certified under IC 3-7-29; and
- 17 (2) not furnished with a certified photocopy of the signature on
- 18 the affidavit of registration of each voter of the precinct for the
- 19 comparison of signatures under this section.
- 20 In case of doubt concerning a voter's identity, the precinct election
- 21 board shall compare the voter's signature with the signature on the
- 22 affidavit of registration or any certified copy of the signature provided
- 23 under IC 3-7-29. If the board determines that the voter's signature is
- 24 authentic, the voter may then vote. If either poll clerk doubts the voter's
- 25 identity following comparison of the signatures the poll clerk shall
- 26 challenge the voter in the manner prescribed by section 21 of this
- 27 chapter.
- 28 (d) If, in a precinct governed by subsection (c):
- 29 (1) the poll clerk does not execute a challenger's affidavit; or
- 30 (2) the voter executes a challenged voter's affidavit under section
- 31 22 of this chapter or had executed the affidavit before signing the
- 32 poll list;
- 33 the voter may then vote.
- 34 SECTION 26. IC 3-11-10-1, AS AMENDED BY P.L.126-2002,
- 35 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2003]: Sec. 1. (a) A voter voting by absentee ballot shall make
- 37 and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter
- 38 then shall, except as provided in subsection (b), do the following:
- 39 (1) Mark the ballot in the presence of no other person.
- 40 (2) Fold each ballot separately.
- 41 (3) Fold each ballot so as to conceal the marking.
- 42 (4) Enclose each ballot, with the seal and signature of the circuit

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1 court clerk on the outside, together with any unused ballot, in the
 2 envelope provided.
 3 (5) Securely seal the envelope.
 4 (6) **If IC 3-7-22-10 applies to the voter, place a copy of**
 5 **identifying information:**
 6 (A) **in the envelope in which the ballots are mailed; and**
 7 (B) **not in the envelope described in subdivision (5).**
 8 (7) Do one (1) of the following:
 9 (A) Mail the envelope to the county election board, with not
 10 more than one (1) ballot per envelope.
 11 (B) Deliver the envelope to the county election board in
 12 person.
 13 (C) Deliver the envelope to a member of the voter's household
 14 or a person designated as the attorney in fact for the voter
 15 under IC 30-5.
 16 (b) A voter permitted to transmit the voter's absentee ballots by fax
 17 under IC 3-11-4-6 is not required to comply with subsection (a). The
 18 individual designated by the circuit court clerk to receive absentee
 19 ballots transmitted by fax shall do the following upon receipt of an
 20 absentee ballot transmitted by fax:
 21 (1) Note the receipt of the absentee ballot in the records of the
 22 circuit court clerk as other absentee ballots received by the circuit
 23 court clerk are noted.
 24 (2) Fold each ballot received from the voter separately so as to
 25 conceal the marking.
 26 (3) Enclose each ballot in a blank absentee ballot envelope.
 27 (4) Securely seal the envelope.
 28 (5) Mark on the envelope: "Absentee Ballot Received by Fax".
 29 (6) Securely attach to the envelope the faxed affidavit received
 30 with the voter's absentee ballots.
 31 (c) Except as otherwise provided in this title, absentee ballots
 32 received by fax shall be handled and processed as other absentee
 33 ballots received by the circuit court clerk are handled and processed.
 34 SECTION 27. IC 3-11-10-4, AS AMENDED BY P.L.126-2002,
 35 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2003]: Sec. 4. (a) Upon receipt of an absentee ballot, a county
 37 election board (or the absentee voter board in the office of the circuit
 38 court clerk) shall immediately examine the signature of the absentee
 39 voter to determine its genuineness.
 40 (b) This subsection does not apply to an absentee ballot cast by a
 41 voter permitted to transmit the voter's absentee ballots by fax under
 42 IC 3-11-4-6. The board shall compare the signature as it appears upon

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1 the envelope containing the absentee ballot with the signature of the
 2 voter as it appears upon the application for the absentee ballot. The
 3 board may also compare the signature on the ballot envelope with any
 4 other admittedly genuine signature of the voter.

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

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

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

21 SECTION 28. IC 3-11-10-12 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) Each county
 23 election board shall have all absentee ballots (**including absentee
 24 ballots required to be treated as provisional ballots**) delivered to the
 25 precinct election boards at their respective polls on election day.

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

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

- 31 (1) 42 U.S.C. 1973ff for federal offices; and
- 32 (2) IC 3-11-4-12(d) for state offices.

33 If the county election board receives both a special write-in absentee
 34 ballot and the regular absentee ballot described by IC 3-11-4-12 from
 35 the same voter, the county election board shall reject the special
 36 write-in ballot and deliver only the regular absentee ballot to the
 37 precinct election board.

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

- 42 (1) the affidavit is properly executed;

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- 1 (2) the signatures correspond;
- 2 (3) the absentee voter is a qualified voter of the precinct;
- 3 (4) the absentee voter is registered;
- 4 (5) the absentee voter has not voted in person at the election; **and**
- 5 (6) in case of a primary election, if the absentee voter has not
- 6 previously voted, the absentee voter has executed the proper
- 7 declaration relative to age and qualifications and the political
- 8 party with which the absentee voter intends to affiliate; **and**
- 9 **(7) the absentee ballot is not required to be treated as a**
- 10 **provisional ballot as provided in section 4 of this chapter;**

11 then the inspector shall open the envelope containing the absentee
 12 ballots so as not to deface or destroy the affidavit and take out each
 13 ballot enclosed without unfolding or permitting a ballot to be unfolded
 14 or examined.

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

21 (c) If an absentee ballot is opened under this section in a precinct
 22 using voting machines, the precinct election board shall prepare
 23 certificates and memoranda under IC 3-12-2-6 that distinguish the
 24 votes cast by absentee ballots from votes cast on voting machines.

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

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

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

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

42 SECTION 31. IC 3-11-10-35 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 35. **(a) This section**
 2 **does not apply to an absentee ballot required to be treated as a**
 3 **provisional ballot.**

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

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

12 **(1) A voting system must be accessible for individuals with**
 13 **disabilities, including nonvisual accessibility for the blind and**
 14 **visually impaired in a manner that provides the same**
 15 **opportunity for access and participation (including privacy**
 16 **and independence) as for other voters. A county complies with**
 17 **the standards described in this subdivision if each precinct in**
 18 **the county has at least one (1) voting system equipped for**
 19 **individuals with disabilities that complies with the standards**
 20 **described in this subdivision.**

21 **(2) A voting system must meet the other requirements of**
 22 **Section 301(a) of the Help America Vote Act of 2002.**

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

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

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

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

40 **(1)** An individual:

41 ~~(+)~~ **(A)** whose name does not appear on the registration list;
 42 and

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

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

7 **(3) An individual required to show identifying information**
8 **under this title who does not have any of the identifying**
9 **information.**

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

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

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

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

- 22 (1) Mark the ballot in the presence of no other person, unless the
- 23 voter requests help in marking a ballot under IC 3-11-9.
- 24 (2) Fold each ballot separately.
- 25 (3) Fold each ballot so as to conceal the marking.
- 26 (4) Enclose each ballot, with the seal and signature of the circuit
- 27 court clerk on the outside, together with any unused ballot, in the
- 28 envelope provided by the county election board under
- 29 IC 3-11.7-1-8.
- 30 (5) Securely seal the envelope.

31 (b) A provisional voter may mark a ballot with a pen or a lead
32 pencil.

33 **(c) This subsection applies to a provisional voter described in**
34 **section 1(a)(1) or 1(a)(2) of this chapter. Upon receiving the**
35 **envelope containing the provisional voter's ballots, a member of**
36 **the precinct election board shall give the provisional voter the**
37 **written instructions prescribed by the county election board under**
38 **IC 3-11.7-6-3.**

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

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1 provisional voter under section 1 of this chapter.

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

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

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

17 (1) Seal:

18 (†) (A) all the provisional ballots; and

19 (‡) (B) any spoiled provisional ballots;

20 **of provisional voters other than provisional voters described**
21 **in section 1(a)(2) of this chapter** in the container described in
22 section 3(b) of this chapter and mark on the container the number
23 of provisional ballots contained.

24 (2) Seal:

25 (A) all the provisional ballots; and

26 (B) any spoiled provisional ballots;

27 **of provisional voters described in section 1(a)(2) of this**
28 **chapter in the container described in section 3(c) of this**
29 **chapter and mark on the container the number of provisional**
30 **ballots contained.**

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

33 SECTION 37. IC 3-11.7-6-3 IS ADDED TO THE INDIANA CODE
34 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2003]: Sec. 3. (a) **The county election board shall establish a toll**
36 **free telephone number or an Internet web site that will enable a**
37 **provisional voter to ascertain:**

38 (1) **whether the provisional voter's ballots have been counted;**
39 **and**

40 (2) **if the provisional voter's ballots have not been counted, the**
41 **reason that the ballots were not counted.**

42 (b) **The county election board shall prescribe written**

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1 **instructions that inform a provisional voter how the provisional**
 2 **voter may ascertain whether the provisional voter's ballots have**
 3 **been counted.**

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

9 SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE
 10 JULY 1, 2003]: IC 3-7-26-19; IC 3-11-6.5.

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

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

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

17 (1) **Study the structure of the state's election administration**
 18 **system.**

19 (2) **Study other issues relating to the administration of state**
 20 **elections that the committee considers relevant.**

21 (3) **Study any issues assigned to the committee by the**
 22 **legislative council.**

23 (4) **Make recommendations for legislation regarding issues**
 24 **studied under subdivisions (1) through (3).**

25 (d) **The committee shall operate under the policies governing**
 26 **study committees adopted by the legislative council.**

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

30 (f) **This SECTION expires January 1, 2004.**

31 SECTION 41. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
 32 **SECTION, "federal act" refers to the Help America Vote Act of**
 33 **2002.**

34 (b) **Not later than April 15, 2003, the governor, in consultation**
 35 **and coordination with the secretary of state, shall notify the federal**
 36 **Administrator of General Services that the state of Indiana intends**
 37 **to use payments under Section 101 of the federal act in accordance**
 38 **with Section 101 of the federal act.**

39 (c) **This SECTION expires January 1, 2004.**

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

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1 (b) Not later than April 15, 2003, the governor, in consultation
2 and coordination with the secretary of state, shall give the notice
3 to the federal Administrator of General Services under Section
4 102(b) of the federal act in accordance with Section 102 of the
5 federal act.

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

7 SECTION 43. [EFFECTIVE UPON PASSAGE] (a) As used in this
8 SECTION, "federal act" refers to the Help America Vote Act of
9 2002.

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

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

16 SECTION 44. [EFFECTIVE JULY 1, 2003] (a) As used in this
17 SECTION, "federal act" refers to the Help America Vote Act of
18 2002.

19 (b) Notwithstanding IC 3-11-5-1(c), as amended by this act, a
20 voting machine system may be used in an election if the secretary
21 of state certifies to the federal Administrator of General Services
22 under Section 102(a)(3)(B) of the federal act that the state cannot
23 replace all voting machine systems in Indiana before January 1,
24 2004.

25 (c) Notwithstanding IC 3-11-7-1(c), as amended by this act, a
26 punch card voting system may be used in an election if the
27 secretary of state certifies to the federal Administrator of General
28 Services under Section 102(a)(3)(B) of the federal act that the state
29 cannot replace all punch card voting systems in Indiana before
30 January 1, 2004.

31 (d) This SECTION expires January 1, 2006.

32 SECTION 45. [EFFECTIVE JULY 1, 2003] (a) There is
33 appropriated from the state general fund to the election
34 administration fund established by IC 3-5-9-4, as added by this act,
35 one million five hundred eighty-seven thousand six hundred
36 seventy-four dollars (\$1,587,674) for the state fiscal year beginning
37 July 1, 2003, to carry out the purposes of Title II, Subtitle D, Part
38 1 of the Help America Vote Act of 2002.

39 (b) There is appropriated from the state general fund to the
40 election administration fund established by IC 3-5-9-4, as added by
41 this act, one million one hundred thirty-four thousand fifty-two
42 dollars (\$1,134,052) for the state fiscal year beginning July 1, 2004,



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1 to carry out the purposes of Title II, Subtitle D, Part 1 of the Help
2 America Vote Act of 2002.
3 (c) This SECTION expires July 1, 2005.
4 SECTION 46. [EFFECTIVE JULY 1, 2003] (a) As used in this
5 SECTION, "commission" refers to the Indiana protection and
6 advocacy services commission established by IC 12-28-1-6.
7 (b) As used in this SECTION, "federal act" refers to Title II,
8 Subtitle D, Part 5 of the Help America Vote Act of 2002.
9 (c) All money received by the commission from the Secretary of
10 Health and Human Services under the federal act is appropriated
11 beginning July 1, 2003, for activities permitted under the federal
12 act to ensure full participation in the electoral process for
13 individuals with disabilities, including registering to vote, casting
14 a vote, and accessing polling places.
15 (d) This SECTION expires July 1, 2005.
16 SECTION 47. An emergency is declared for this act.

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