

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.

SENATE ENROLLED ACT No. 477

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-6-6-40 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 40. (a) This section applies after December 31, 2003.**

(b) The county election board shall conduct a training and educational meeting for precinct election officers.

(c) The board shall require inspectors and judges to attend the meeting and may require other precinct election officers to attend the meeting.

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

(e) The meeting required by this section must be held not later than the day before election day.

SECTION 2. IC 3-11-6.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. As used in this chapter, "federal act" refers to the federal Help America Vote Act of 2002.**

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

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facility in which a polling place is located.

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

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

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

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

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

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

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

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

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

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

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

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

(1) **either:**

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

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

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(2) an accessible facility.

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

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

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

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

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

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

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

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

~~(b)~~ **(c)** If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board

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may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. **If an order is adopted under this subsection, the order expires after the election.**

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

(1) be accessible to voters with disabilities and elderly voters under federal law; and

(2) operate under all other requirements for precincts and polls under this title:

(b) The county executive shall:

(1) provide public notice; and

(2) file a report;

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

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

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

(1) whose regular precinct poll is inaccessible to voters with disabilities or elderly voters; and

(2) who submits an application on a form prescribed by the commission at least ten (10) days before election day.

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

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

or

(2) by mail:

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

(1) Provide each voter with disabilities or elderly voter assigned

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under subsection (d) a ballot that includes all offices and public questions to be voted for in the voter's precinct of residence.

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

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

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

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

(c) A special polling place must:

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

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

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

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

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

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

- (1) Provide each elderly voter or voter with disabilities assigned to the special polling place under subsection (e) a ballot that includes all offices and public questions to be voted for in the voter's precinct of residence.**

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

(g) Votes cast at a special polling place shall be counted and

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reported in the same manner as votes cast at a precinct under this title.

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

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

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

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

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

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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