



February 20, 2004

**ENGROSSED
SENATE BILL No. 398**

DIGEST OF SB 398 (Updated February 17, 2004 11:36 am - DI 75)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-11; IC 3-11.7; IC 9-14; IC 9-24; noncode.

Synopsis: Various election law changes. Provides that a majority vote (rather than the unanimous vote) of a county election board is sufficient to appoint a precinct election officer when a county chairman has failed to make a nomination. Establishes additional specifications for the statewide voter registration file. Permits the election administration assistance fund to be administered in accordance with amendments to the state's HAVA plan. Provides that, after December 31, 2005, the standards used to determine residency for voters are the same standards that must be used to determine residency for applying for a driver's license. Repeals statutes relating to printing of ballots. Legalizes certain actions taken after deadlines set in statutes enacted in 2003. Makes various changes to election law relating to the following: (1) Voter registration. (2) The statewide voter registration file. (3) Administration of election law under HAVA. (4) Certification of voting systems.

Effective: May 7, 2003 (retroactive); upon passage; July 1, 2004; December 1, 2004.

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Landske, Breaux

(HOUSE SPONSORS — MAHERN, RICHARDSON)

January 12, 2004, read first time and referred to Committee on Elections and Civic Affairs.
January 27, 2004, amended, reported favorably — Do Pass.
February 3, 2004, read second time, amended, ordered engrossed.
February 4, 2004, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2004, read first time and referred to Committee on Elections and Apportionment.
February 19, 2004, amended, reported — Do Pass.

ES 398—LS 7022/DI 75+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 398

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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 3-5-2-23.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 23.2. (a) Except as provided in subsection**
4 **(b), "expedited basis" refers to the processing of:**
5 **(1) a voter registration application;**
6 **(2) a cancellation of a voter registration application;**
7 **(3) a transfer of a voter registration application; or**
8 **(4) another document that creates or amends the voter**
9 **registration record of an individual;**
10 **not later than forty-eight (48) hours after the document is received**
11 **by a county voter registration office or an agency required under**
12 **IC 3-7 to transmit voter registration documents to a county voter**
13 **registration office.**
14 **(b) If a voter registration application or other document listed**
15 **in subsection (a) includes a partial Social Security number that**
16 **must be submitted to the Commissioner of Social Security for**
17 **verification under 42 U.S.C. 405(r), "expedited basis" refers to the**

ES 398—LS 7022/DI 75+



1 **processing of the application or document not later than**
2 **forty-eight (48) hours after the bureau of motor vehicles**
3 **commission receives verification from the Commissioner regarding**
4 **the partial Social Security number.**

5 SECTION 2. IC 3-6-6-13, AS AMENDED BY P.L.209-2003,
6 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 13. (a) A county election board shall fill a
8 vacancy in a precinct election office before the hour set for the opening
9 of the polls, upon the nomination of the appropriate county chairman.

10 (b) This subsection applies to a precinct election office when, at
11 noon, fourteen (14) days before election day, the appropriate county
12 chairman has made no nomination for the office. The county election
13 board, by **unanimous majority** vote of the **entire membership of the**
14 **board**, may fill the office by appointing an individual who would be
15 eligible to serve in the office if nominated by the county chairman.

16 (c) If a vacancy is filled by the county election board under
17 subsection (b), the board may, by unanimous vote of the entire
18 membership of the board, fill the office by appointing a student:

- 19 (1) enrolled at an institution of higher education (including a
20 community college); and
- 21 (2) who is a registered voter of the county;
22 to serve as a nonpartisan precinct election officer.

23 SECTION 3. IC 3-7-14-9 IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) An employee of the
25 commission who provides an individual with a driver's license or
26 identification card application shall do the following:

- 27 (1) Inform each individual who applies for a driver's license or an
28 identification card that the information the individual provides on
29 the individual's application will be used to register the individual
30 to vote unless:
 - 31 (A) the individual is not eligible to vote; or
 - 32 (B) the individual declines to register to vote or fails to
33 complete the voter registration part of the application.
- 34 (2) Provide each individual who indicates a desire to register or
35 transfer registration with assistance in filling out the voter
36 registration application if requested to do so by the individual.
- 37 (3) Check the completed voter registration form for legibility and
38 completeness.
- 39 (4) Deliver the completed registration form to the license branch
40 manager (or the employee designated by the manager to be
41 responsible for voter registration services) for transmittal to the
42 appropriate ~~circuit court clerk or board of county voter~~

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registration **office**.
(5) Inform the individual that the individual will receive a mailing from the circuit court clerk or board of registration of the county where the individual resides concerning the disposition of the voter registration application.
(6) Inform each individual who submits a change of address for a driver's license or identification card that the information serves as notice of a change of address for voter registration unless the applicant states in writing on the form that the change of address is not for voter registration purposes.

(b) The commission shall transmit a voter registration form completed after December 31, 2005, to the election division for transmittal to the appropriate county voter registration office in accordance with IC 3-7-26.3.

SECTION 4. IC 3-7-14-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec.11. Whenever an applicant completes a voter registration application under section 4 of this chapter, the commission shall provide the applicant with a written acknowledgment that the applicant has completed a voter registration application at a license branch. The acknowledgment:

- (1) may be:
 - (A) a detachable part; **or**
 - (B) **after December 31, 2005, an electronic version;**
 of the registration form prescribed under section 4 of this chapter; and
- (2) must set forth the name and residential address of the applicant and the date that the application was completed.

SECTION 5. IC 3-7-14-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. (a) An applicant who completes a voter registration application under section 4 of this chapter is not required to submit the application to a ~~circuit court clerk or board of county voter registration member~~. **office.**

(b) The commission shall forward the voter registration part of the application to a ~~circuit court clerk or board of county voter registration office~~ not later than five (5) days after the date of acceptance and as provided in IC 9-24-2.5 and 42 U.S.C. 1973gg-3(c)(2)(E). **This subsection expires January 1, 2006.**

(c) **This subsection applies after December 31, 2005. The commission shall forward the voter registration part of the application to the election division for transmittal to the appropriate county voter registration office on an expedited basis in accordance with IC 3-7-26.3, IC 9-24-2.5 and 42 U.S.C.**

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1973gg-3(c)(2)(E).

SECTION 6. IC 3-7-14-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. Except as provided in section 15 of this chapter, an application under section 4 of this chapter authorizes a ~~circuit court clerk or board of county voter registration office~~ to update the voter registration record of the applicant:

(1) under 42 U.S.C. 1973gg-3(a)(2) unless the applicant fails to sign the voter registration application; **or**

(2) after December 31, 2005, in a manner authorized under IC 3-7-26.3.

SECTION 7. IC 3-7-26-2, AS AMENDED BY P.L.209-2003, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The election division shall develop and maintain a statewide voter registration file.

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

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

SECTION 8. IC 3-7-26-8, AS AMENDED BY P.L.209-2003, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Until a county has the capability to transmit the information over the Internet as required under subsection (b), the information required by section 7 of this chapter shall be provided on magnetic media or other machine readable form to the election division.

~~(b) Subject to section 20 of this chapter, not later than January 1, 2004, After a county has the capability to transmit information in accordance with subsection (a),~~ a county voter registration office shall transmit the information required by section 7 of this chapter to the election division over the Internet, in a manner and using a method prescribed by the election division, through a secure connection. ~~to the statewide voter registration file.~~

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

SECTION 9. IC 3-7-26.3-22 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 22. The computerized list must contain at least the**

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following information for each voter:

- (1) The voter's voting history for at least the previous ten (10) years, if available, including the political party ballot requested by the voter at any primary election during the period.
- (2) The source of the voter's registration application.
- (3) A listing of all previous addresses at which the voter was registered to vote during at least the previous ten (10) years, if available.
- (4) Information concerning the documentation submitted by the voter to comply with the requirements of HAVA.
- (5) Documentation of all changes to the registration made by the voter.
- (6) Documentation concerning all notices sent to the voter by the county voter registration office.

SECTION 10. IC 3-7-26.3-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 23. The computerized list must include absentee ballot management features that do the following:**

- (1) Manage absentee ballots based on the type, eligibility, and status of the absentee voter.
- (2) Permit the printing of absentee labels by group or date, or by individual for use by a voter voting in person at the county election board office.
- (3) Permit the documentation of the date on which each absentee ballot is issued and returned.
- (4) Permit the printing of absentee ballot applications with voter registration information for the absentee ballot applicant.

SECTION 11. IC 3-7-26.3-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 24. The computerized list must permit a circuit court clerk to transmit reports or statements to the election division under IC 3-6-5, this article, or IC 3-12-5.**

SECTION 12. IC 3-7-26.3-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 25. The computerized list must include election and poll worker management features such as whether poll workers served only part of an election day.**

SECTION 13. IC 3-7-26.3-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 26. The computerized list must**

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provide fully synchronized backup and recovery with a well-defined disaster recovery plan.

SECTION 14. IC 3-7-26.3-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 27. The computerized list must include signature digitizing features that have the ability to accept and maintain a scanned image of the voter's signature.**

SECTION 15. IC 3-7-26.3-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 28. The computerized list must include street file management features that do the following:**

- (1) Include an integral street file with automatic assignment to election districts and jurisdictions based on residence address location.**
- (2) Permit changing street names throughout a county or for specific areas within a county.**
- (3) Permit interfacing with geographic information systems.**
- (4) Permit comprehensive changes to reflect changes in legislative district or precinct boundary lines.**
- (5) Permit the accommodation of multiple place names within a single ZIP code area.**
- (6) Permit the tracking and management of data concerning polling place locations.**

SECTION 16. IC 3-7-26.3-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 29. The computerized list must include voter registration management features that do the following:**

- (1) Automatically assign voter identification numbers in accordance with this title.**
- (2) Calculate the number of registered voters by precinct or any election district.**
- (3) Permit expedited web based inquiries concerning polling place locations.**
- (4) Track and report all voter list maintenance transactions performed within the system.**
- (5) Permit tracking regarding the political party ballot requested by voters voting in a primary.**
- (6) Generate a variety of reports on paper, compact disc, or floppy disc format, such as walking lists, call lists, lists of voters by precinct, lists of voters by name, date of birth, or date of registration, and lists of voters by other household**

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- data.**
- (7) Identify voters who are currently less than eighteen (18) years of age.**
- (8) Permit electronic processing of voter registration information received as files from other state and federal agencies.**
- (9) Provide flexible query functions for management and statistical reports, including the ability of the secretary of state or a co-director of the election division to view individual voter registration records.**
- (10) Contain full audit controls and management reports to track and manage the work of county voter registration office employees, including the ability of the secretary of state or the co-directors of the election division to determine whether a county voter registration office is performing voter list maintenance functions in the manner required by IC 3-7.**

SECTION 17. IC 3-7-26.3-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 30. The computerized list must include a help desk support feature, staffed by individuals who can provide assistance to county voter registration offices regarding the proper operation of the system.**

SECTION 18. IC 3-7-26.3-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 31. The computerized list must include features permitting the secretary of state or a co-director of the election division to include other features determined by the secretary of state and the co-directors of the election division.**

SECTION 19. IC 3-7-26.3-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 32. (a) This section applies to a county with a county voter registration office described in IC 3-5-2-16.2(1) or IC 3-5-2-16.2(2).**

(b) The computerized list must permit a county election board to view data concerning voters of the county in order to do the following:

- (1) Administer absentee balloting.**
- (2) Determine whether an individual who wishes to file as a candidate is a voter of the county.**

SECTION 20. IC 3-7-27-20, AS AMENDED BY P.L.209-2003, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20. (a) This section applies to a county that**

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- 1 maintains voter registration information in a computerized system.
- 2 (b) The county voter registration office shall prepare an entry in the
- 3 computerized system that accurately reflects the information set forth
- 4 in the original affidavit of registration and, if the applicant was required
- 5 to provide documentation under IC 3-7-33-4.5, whether the required
- 6 documentation has been provided.
- 7 (c) If the documentation required under IC 3-7-33-4.5 has been
- 8 provided, the entry must include the following:
- 9 (1) The date the documentation was filed with the county voter
- 10 registration office.
- 11 (2) Whether the documentation was filed with the county voter
- 12 registration office:
- 13 (A) **in the form of summary information on a poll list**
- 14 **documented in accordance with IC 3-11-8-25** by a precinct
- 15 election board after the person voted in person at the polling
- 16 place;
- 17 (B) by the county election board after the person applied to
- 18 cast an absentee ballot; or
- 19 (C) by the applicant as part of the original filing of the
- 20 application to register to vote, or in a subsequent filing
- 21 received by the county voter registration office.
- 22 (3) A brief description of the type of documentation provided **or**
- 23 **an optically scanned image of the document.** The election
- 24 division shall provide each county voter registration office with
- 25 a suggested coding system for identifying the types of
- 26 documentation.
- 27 (d) However, the county voter registration office is only required to
- 28 enter a voter's voting history for the previous ten (10) years if that
- 29 history is available.
- 30 (e) The county voter registration office is not required to prepare a
- 31 duplicate paper copy of a registration properly entered into the
- 32 computerized system.
- 33 (f) The computerized system must be able to generate lists of voters
- 34 organized alphabetically and by precinct of residence.
- 35 (g) This section expires January 1, 2006.
- 36 SECTION 21. IC 3-7-27-20.2 IS ADDED TO THE INDIANA
- 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2004]: **Sec. 20.2. (a) This section applies after**
- 39 **December 31, 2005.**
- 40 (b) **The county voter registration office shall prepare an entry**
- 41 **in the computerized system indicating:**
- 42 (1) **whether the applicant was required to provide**

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1 **documentation under IC 3-7-33-4.5; and**
 2 **(2) if so, whether the required documentation has been**
 3 **provided.**
 4 **(c) If the documentation required under IC 3-7-33-4.5 has been**
 5 **provided, the entry must include the following:**
 6 **(1) The date the documentation was filed with the county**
 7 **voter registration office.**
 8 **(2) Whether the documentation was filed with the county**
 9 **voter registration office by:**
 10 **(A) a precinct election board after the person voted in**
 11 **person at the polling place;**
 12 **(B) the county election board after the person applied to**
 13 **cast an absentee ballot; or**
 14 **(C) the applicant as part of the original filing of the**
 15 **application to register to vote, or in a subsequent filing**
 16 **received by the county voter registration office.**
 17 **(3) A brief description of the type of documentation provided.**
 18 **The election division shall provide each county voter registration**
 19 **office with a suggested coding system for identifying the types of**
 20 **documentation.**
 21 SECTION 22. IC 3-7-32-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. A registration
 23 application must be signed:
 24 **(1) in indelible ink or indelible pencil; or**
 25 **(2) after December 31, 2005, with an electronic signature in a**
 26 **manner authorized under IC 3-7-26.3 if submitted to a license**
 27 **branch under IC 3-7-14.**
 28 SECTION 23. IC 3-7-32-4, AS AMENDED BY P.L.126-2002,
 29 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2004]: Sec. 4. A voter may not submit a registration
 31 application by electronic transmission except as provided in IC 3-11-4
 32 **or, after December 31, 2005, IC 3-7-26.3.**
 33 SECTION 24. IC 3-7-48-7 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. **(a)** A voter shall be
 35 permitted to vote in a precinct upon written affirmation of the voter's
 36 residence in the precinct if:
 37 **(1) the voter produces a registration receipt indicating that the**
 38 **voter completed a registration form at a license branch or voter**
 39 **registration agency under this article on a date within the**
 40 **registration period; and**
 41 **(2) the county voter registration office advises the precinct**
 42 **election board that the office:**

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- 1 (A) approved the application; or
- 2 (B) has no record of either approving or rejecting the
- 3 application; **and**
- 4 **(3) the voter completes a registration application form and**
- 5 **provides the completed form to the precinct election board**
- 6 **before voting.**

7 **(b) A county election board shall provide each precinct election**
 8 **board with a sufficient number of the registration forms for the**
 9 **purposes described in subsection (a). The precinct election board**
 10 **shall attach the completed registration forms to the poll list for**
 11 **processing by the county voter registration office under**
 12 **IC 3-10-1-31.**

13 SECTION 25. IC 3-11-2-2, AS AMENDED BY P.L.66-2003,
 14 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2004]: Sec. 2. (a) Each county election board shall have the:

- 16 (1) names of all candidates for United States Representative,
- 17 legislative offices, and local offices; and
- 18 (2) local public questions;

19 in election districts within the county printed on a ballot as provided in
 20 this chapter. The county may print all offices on a single ballot under
 21 this section.

22 **(b) This section expires January 1, 2005.**

23 SECTION 26. IC 3-11-2-2.1 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2004]: Sec. 2.1. (a) **This section applies after December 31, 2004.**

26 **(b) Each county election board shall have the:**

- 27 **(1) names of all candidates for election to offices or retention**
- 28 **in offices; and**
- 29 **(2) state and local public questions;**

30 **in election districts wholly or partially within the county printed on**
 31 **a ballot as provided in this chapter. The county may print all**
 32 **offices on a single ballot under this section.**

33 SECTION 27. IC 3-11-4-18, AS AMENDED BY P.L.209-2003,
 34 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) If a voter satisfies any
 36 of the following, the county election board shall, at the request of the
 37 voter, mail the official ballot, postage fully prepaid, to the voter at the
 38 address stated in the application:

- 39 (1) The voter will be absent from the county on election day.
- 40 (2) The voter will be absent from the precinct of the voter's
- 41 residence on election day because of service as:
- 42 (A) a precinct election officer under IC 3-6-6;

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- 1 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
- 2 (C) a challenger or pollbook holder under IC 3-6-7; or
- 3 (D) a person employed by an election board to administer the
- 4 election for which the absentee ballot is requested.
- 5 (3) The voter will be confined on election day to the voter's
- 6 residence, to a health care facility, or to a hospital because of an
- 7 illness or injury.
- 8 (4) The voter is a voter with disabilities.
- 9 (5) The voter is an elderly voter.
- 10 (6) The voter is prevented from voting due to the voter's care of
- 11 an individual confined to a private residence because of illness or
- 12 injury.
- 13 (7) The voter is scheduled to work at the person's regular place of
- 14 employment during the entire twelve (12) hours that the polls are
- 15 open.
- 16 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 17 (b) ~~This subsection applies after December 31, 2003.~~ If the county
- 18 election board mails an absentee ballot to a voter required to file
- 19 additional documentation with the county voter registration office
- 20 before voting by absentee ballot under this chapter, the board shall
- 21 include a notice to the voter in the envelope mailed to the voter under
- 22 section 20 of this chapter. The notice must inform the voter that the
- 23 voter must file the additional documentation required under
- 24 IC 3-7-33-4.5 with the county voter registration office not later than
- 25 noon on election day for the absentee ballot to be counted. The
- 26 commission shall prescribe the form of this notice under IC 3-5-4-8.
- 27 (c) The ballot shall be mailed:
- 28 (1) on the day of the receipt of the voter's application; or
- 29 (2) not more than five (5) days after the date of delivery of the
- 30 ballots under section 15 of this chapter;
- 31 whichever is later.
- 32 (d) In addition to the ballot mailed under subsection (c), the county
- 33 election board shall mail a special absentee ballot for overseas voters.
- 34 (e) The ballot described in subsection (d):
- 35 (1) must be mailed:
- 36 (A) on the day of the receipt of the voter's application; or
- 37 (B) not more than five (5) days after the date of delivery of the
- 38 ballots under section 13(b) of this chapter;
- 39 whichever is later; and
- 40 (2) may not be mailed after the absentee ballots described by
- 41 section 13(a) of this chapter have been delivered to the circuit
- 42 court clerk or the clerk's authorized deputy.

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1 (f) This subsection applies after December 31, 2005. As required by
 2 42 U.S.C. 15481, an election board must establish a voter education
 3 program (specific to a paper ballot or optical scan ballot card provided
 4 as an absentee ballot under this chapter) to notify a voter of the effect
 5 of casting multiple ~~ballots~~ **votes** for a single office.

6 (g) This subsection applies after December 31, 2005. As provided
 7 by 42 U.S.C. 15481, when an absentee ballot is mailed under this
 8 section, the mailing must include:

9 (1) information concerning the effect of casting multiple votes for
 10 an office; and

11 (2) instructions on how to correct the ballot before the ballot is
 12 cast and counted, including the issuance of replacement ballots.

13 **SECTION 28. IC 3-11-6.5-2.1 IS ADDED TO THE INDIANA**
 14 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 15 **[EFFECTIVE UPON PASSAGE]: Sec. 2.1. The secretary of state,**
 16 **with the consent of the co-directors of the election division, may**
 17 **administer the fund in accordance with the HAVA state plan, as**
 18 **published in the Indiana Register on November 1, 2003. The state**
 19 **plan may be amended in accordance with the requirements of**
 20 **HAVA and the procedures for amendment set forth in the plan. If**
 21 **the plan is amended as provided in this section, the fund may be**
 22 **administered in accordance with that amendment.**

23 **SECTION 29. IC 3-11-8-25.2 IS ADDED TO THE INDIANA**
 24 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 25 **[EFFECTIVE JULY 1, 2004]: Sec. 25.2. (a) This section applies after**
 26 **December 31, 2005.**

27 (b) The poll clerk or assistant poll clerk shall examine the list
 28 provided under IC 3-7-29-1 to determine if the county election
 29 board has indicated that the voter is required to provide additional
 30 personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5
 31 before voting in person. If the list (or a certification concerning
 32 absentee voters under IC 3-11-10-12) indicates that the voter is
 33 required to present this identification before voting in person, the
 34 poll clerk shall advise the voter that the voter must present a piece
 35 of identification described in subsection (c) to the poll clerk.

36 (c) As required by 42 U.S.C. 15483, a voter described by
 37 IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before
 38 appearing at the polls on election day must present one (1) of the
 39 following documents to the poll clerk:

40 (1) A current and valid photo identification.

41 (2) A current utility bill, bank statement, government check,
 42 paycheck, or government document that shows the name and

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address of the voter.
(d) If a voter presents a document under subsection (c), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(e) If a voter required to present documentation under subsection (c) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(f) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

SECTION 30. IC 3-11-8-26, AS AMENDED BY P.L.209-2003, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) If a voter:

- (1) cannot sign; or
 - (2) is a voter with a disability that makes it difficult for the voter to sign;
- the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list:

- (1) The voter's name.
 - (2) The voter's current residence address.
- (c) The poll clerks shall:
- (1) ask the voter to provide **or update** the voter's voter identification number;
 - (2) tell the voter the number the voter may use as a voter identification number; and
 - (3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

(e) This section expires January 1, 2006.

SECTION 31. IC 3-11-10-24.5, AS ADDED BY P.L.209-2003, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24.5. (a) This section applies after December 31, 2005.

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1 (b) As required by 42 U.S.C. 15481, an election board must
 2 establish a voter education program (specific to a paper ballot or
 3 optical scan ballot card provided as an absentee ballot under this
 4 chapter) to notify a voter of the effect of casting multiple ~~ballots~~ **votes**
 5 for a single office.

6 SECTION 32. IC 3-11-11-1.2, AS ADDED BY P.L.209-2003,
 7 SECTION 150, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: Sec. 1.2. (a) This section applies
 9 after December 31, 2005.

10 (b) As required by 42 U.S.C. 15481, an election board must
 11 establish a voter education program to notify a voter of the effect of
 12 casting multiple ~~ballots~~ **votes** for a single office on a paper ballot.

13 SECTION 33. IC 3-11.7-1-6, AS ADDED BY P.L.126-2002,
 14 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2004]: Sec. 6. (a) All provisional ballots ~~other than those~~
 16 ~~described in section 5 of this chapter~~ shall be prepared and printed
 17 under the direction of each county election board.

18 (b) After completing the estimate required by section 4 of this
 19 chapter, the county election board shall immediately prepare the ballots
 20 and have the ballots printed.

21 (c) Ballots prepared by the county election board under this section
 22 must provide space for the voter to cast a write-in ballot.

23 (d) The provisional ballots that are prepared and printed under this
 24 section shall be delivered to the circuit court clerk not later than:

- 25 (1) forty-five (45) days before a general, primary, or municipal
 26 election; or
- 27 (2) thirty-two (32) days before a special election.

28 SECTION 34. IC 9-14-3-5, AS AMENDED BY P.L.261-2003,
 29 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b),
 31 ~~(c)~~; ~~or~~ (d), ~~or~~ (e), the bureau shall prepare and deliver information on
 32 titles, registrations, and licenses and permits upon the request of any
 33 person. All requests must be submitted in writing to the bureau and,
 34 unless exempted under IC 9-29, must be accompanied by the payment
 35 of the fee prescribed in IC 9-29-2-2.

36 (b) The bureau shall not disclose:

- 37 (1) the Social Security number;
- 38 (2) the federal identification number;
- 39 (3) the driver's license number;
- 40 (4) the digital image of the driver's license applicant;
- 41 (5) a reproduction of the signature secured under IC 9-24-9-1 or
 42 IC 9-24-16-3; or

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1 (6) medical or disability information;
 2 of any person except as provided in subsection (c).
 3 (c) The bureau may disclose any information listed in subsection
 4 (b):
 5 (1) to a law enforcement officer; or
 6 (2) to an agent or a designee of the department of state revenue;
 7 or
 8 (3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4),
 9 IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or
 10 (4) for voter registration and election purposes required
 11 under IC 3-7 or IC 9-24-2.5.
 12 ~~(c)~~ (d) As provided under 42 U.S.C. 1973gg-3(b), the commission
 13 may not disclose any information concerning the failure of an applicant
 14 for a motor vehicle driver's license to sign a voter registration
 15 application, except as authorized under IC 3-7-14.
 16 ~~(d)~~ (e) The commission may not disclose any information
 17 concerning the failure of an applicant for a title, registration, license,
 18 or permit (other than a motor vehicle license described under
 19 subsection ~~(c)~~ (d)) to sign a voter registration application, except as
 20 authorized under IC 3-7-14.
 21 SECTION 35. IC 9-24-1-1.5 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2004]: Sec. 1.5. (a) This section applies after December 31, 2005.
 24 (b) The standards set forth in IC 3-5-5 to determine the
 25 residence of an individual applying to become a voter apply to the
 26 determination of the residence of an individual applying for a
 27 license under this article.
 28 (c) This section does not prevent the commission from issuing a
 29 license under this article to an individual who is:
 30 (1) not required by this article to reside in Indiana to receive
 31 the license; and
 32 (2) otherwise qualified to receive the license.
 33 SECTION 36. THE FOLLOWING ARE REPEALED [EFFECTIVE
 34 DECEMBER 1, 2004]: IC 3-11-2-1; IC 3-11.7-1-5.
 35 SECTION 37. P.L.209-2003, SECTION 205, IS AMENDED TO
 36 READ AS FOLLOWS [EFFECTIVE MAY 7, 2003
 37 (RETROACTIVE)]: SECTION 205. (a) The definitions in IC 3-5-2
 38 apply throughout this SECTION.
 39 (b) Not later than July 1, December 31, 2003, the commission shall
 40 act under IC 3-11-4-5.1 to approve absentee ballot application forms
 41 that include a notice that certain voters who registered by mail are
 42 required to provide additional personal identification before voting an

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1 absentee ballot by mail.

2 (c) Notwithstanding IC 3-5-4-8, an absentee ballot application form
3 approved by the commission before December 31, 2003, that does not
4 comply with subsection (b) may not be accepted for filing with a
5 county election board after December 31, 2003.

6 (d) This SECTION expires December 31, 2004.

7 SECTION 38. P.L.209-2003, SECTION 214, IS AMENDED TO
8 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
9 214. (a) The definitions set forth in IC 3-5-2 apply to this SECTION.

10 (b) Subject to subsection (d), a voting machine system may not be
11 used in an election in Indiana after December 31, 2003.

12 (c) Subject to subsection (e), a punch card voting system may not be
13 used in an election in Indiana after December 31, 2003.

14 (d) Notwithstanding subsection (b), a voting machine system may
15 be used in an election in Indiana after December 31, 2003, and before
16 January 1, 2006, if not later than December 31, 2003, the secretary of
17 state with the consent of the co-directors of the election division
18 certifies to the federal Administrator of General Services under Section
19 102(a)(3)(B) of HAVA (42 U.S.C. 15302) that the state cannot replace
20 all voting machine systems in Indiana before January 1, 2004.

21 (e) Notwithstanding subsection (c), a punch card voting system may
22 be used in an election in Indiana after December 31, 2003, and before
23 January 1, 2006, if not later than December 31, 2003, the secretary of
24 state with the consent of the co-directors of the election division
25 certifies to the federal Administrator of General Services under Section
26 102(a)(3)(B) of HAVA (42 U.S.C. 15302) that the state cannot replace
27 all punch card voting systems in Indiana before January 1, 2004.

28 (f) **Notwithstanding any other statute, a voting machine system
29 or a punch card voting system may not be marketed in Indiana.**

30 (g) **Notwithstanding IC 3-11-5, IC 3-11-7, IC 3-11-7.5, and
31 IC 3-11-15, the approval or certification of a voting system issued
32 before January 1, 2005, expires October 1, 2005. If a vendor
33 applied for certification of the voting system after January 1, 2004,
34 and applies for recertification of the voting system after January
35 1, 2005, the application fee under IC 3-11-15-4 is waived if the
36 hardware, software, and firmware of the system is unchanged in
37 the system submitted for recertification under this subsection.**

38 (h) This SECTION expires January 1, 2006.

39 SECTION 39. [EFFECTIVE UPON PASSAGE] (a) **The definitions
40 set forth in IC 3-5-2 apply throughout this SECTION.**

41 (b) **Notwithstanding P.L.209-2003, SECTION 212 (expired
42 December 31, 2003), the governor's notice before May 1, 2003, to**

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1 the federal Administrator of General Services that the state of
 2 Indiana intends to use payments under Section 101 of HAVA (42
 3 U.S.C. 15301) in accordance with Section 101 of HAVA is legalized.
 4 (c) Notwithstanding P.L.209-2003, SECTION 213 (expired
 5 December 31, 2003), the governor's notice before May 1, 2003, to
 6 the federal Administrator of General Services under Section 102(b)
 7 of HAVA (42 U.S.C. 15302) in accordance with Section 102 of
 8 HAVA is legalized.
 9 (d) Notwithstanding P.L.209-2003, SECTION 216 (expired
 10 December 31, 2003), not later than July 1, 2004, the secretary of
 11 state, with the consent of the co-directors of the election division,
 12 shall file a statement with the federal Election Assistance
 13 Commission certifying that the state is in compliance with the
 14 requirements referred to in Section 253(b) of HAVA (42 U.S.C.
 15 15403). The statement must be in the form authorized by Section
 16 253 of HAVA.
 17 (e) This SECTION expires July 1, 2005.
 18 SECTION 40. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding
 19 IC 3-11.7-1-6, as amended by this act, all provisional ballots other
 20 than those described in IC 3-11.7-1-5 shall be prepared and printed
 21 under the direction of each county election board.
 22 (b) This SECTION expires December 1, 2004.
 23 SECTION 41. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 398, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 12, line 2, delete "[EFFECTIVE JULY 1, 2004]:" and insert "[EFFECTIVE UPON PASSAGE]:".

Page 16, delete lines 39 through 42.

Page 17, delete lines 1 through 2.

Page 18, line 30, delete "IC 3-11.7-1-6" and insert "IC 3-11.7-1-5".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 398 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 398 be amended to read as follows:

Page 1, line 3, delete ""Expedited" and insert "**(a) Except as provided in subsection (b), "expedited"**".

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

"(b) If a voter registration application or other document listed in subsection (a) includes a partial Social Security number that must be submitted to the Commissioner of Social Security for verification under 42 U.S.C. 405(r), "expedited basis" refers to the processing of the application or document not later than forty-eight (48) hours after the bureau of motor vehicles commission receives verification from the Commissioner regarding the partial Social Security number."

(Reference is to SB 398 as printed January 28, 2004.)

LAWSON C

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 398, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 7, delete "jurisdictions in" and insert "**addresses at**".

Page 5, line 8, delete "." and insert "**during at least the previous ten (10) years, if available.**".

Page 5, delete line 11.

Page 5, line 12, delete "(6)" and insert "(5)".

Page 5, line 14, delete "(7)" and insert "(6)".

Page 5, delete lines 30 through 31.

Page 5, line 34, after "must" insert "**permit a circuit court clerk to transmit reports or statements to the election division under IC 3-6-5, this article, or IC 3-12-5.**".

Page 5, delete lines 35 through 42.

Page 6, delete lines 1 through 3.

Page 6, line 7, delete "that do the" and insert "**such as whether poll workers served only part of an election day.**".

Page 6, delete lines 8 through 33.

Page 6, line 36, after "must" insert "**provide fully synchronized backup and recovery with a well-defined disaster recovery plan.**".

Page 6, delete lines 37 through 39.

Page 7, line 1, delete "do the following:" and insert "**have the ability to accept and maintain a scanned image of the voter's signature.**".

Page 7, delete lines 2 through 8.

Page 7, delete lines 18 through 19.

Page 7, line 20, delete "(4)" and insert "(3)".

Page 7, line 21, delete "(5)" and insert "(4)".

Page 7, line 23, delete "(6)" and insert "(5)".

Page 7, line 25, delete "(7)" and insert "(6)".

Page 7, line 38, delete "NVRA and".

Page 8, delete lines 14 through 15.

Page 8, line 16, delete "(11)" and insert "(10)".

Page 11, delete lines 38 through 42.

Page 12, delete lines 1 through 7.

Page 17, between lines 2 and 3, begin a new paragraph and insert:
"(c) This section does not prevent the commission from issuing a license under this article to an individual who is:

(1) not required by this article to reside in Indiana to receive

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the license; and

(2) otherwise qualified to receive the license."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 398 as reprinted February 4, 2004.)

MAHERN, Chair

Committee Vote: yeas 10, nays 0.

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