

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

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

- 1 Page 10, after line 12, begin a new paragraph and insert:  
2 "SECTION 25. IC 3-10-1-7.2 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: **Sec. 7.2. (a) Before a voter proceeds to vote in  
5 a primary election, the poll clerk, an assistant poll clerk, or a  
6 member of the precinct election board shall ask the voter to  
7 provide a current and valid photo identification issued by the  
8 government of the United States, the state of Indiana, or an  
9 Indiana political subdivision. Except as provided in subsection (b),  
10 the voter must produce the identification before being permitted  
11 to vote. If the voter is unable or declines to produce the  
12 identification, the board shall provide a provisional ballot to the  
13 voter under IC 3-11.7 after the poll clerk, assistant poll clerk, or  
14 precinct election board member executes a challenge affidavit in  
15 accordance with IC 3-11.7.**  
16 **(b) A voter is not required to produce identification under  
17 subsection (a) if the voter executes an affidavit, in the form  
18 prescribed by the commission, affirming under the penalties for  
19 perjury that either of the following applies to the voter:**  
20 **(1) The voter is indigent and unable to obtain identification  
21 without the payment of a fee.**  
22 **(2) The voter has a religious objection to being**

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**photographed.**

Page 8, after line 42, begin a new paragraph and insert:

"SECTION 9. IC 3-11-8-25, AS AMENDED BY P.L.209-2003, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 25. (a) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

- (1) The voter's name.
- (2) The voter's current residence address.

(b) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) ask the voter to provide 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.

**(c) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide a current and valid photo identification issued by the government of the United States, the state of Indiana, or an Indiana political subdivision. Except as provided in subsection (k), the voter must produce the identification before being permitted to vote. If the voter is unable or declines to produce the identification, the board shall provide a provisional ballot to the voter under IC 3-11.7 after the poll clerk, assistant poll clerk, or precinct election board member executes a challenge affidavit in accordance with IC 3-11.7.**

~~(c)~~ **(d)** This subsection applies after December 31, 2003. The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present a piece of identification described in subsection ~~(d)~~ **(e)** to the poll clerk.

~~(d)~~ **(e)** This subsection applies after December 31, 2003. As required by 42 U.S.C. 15483, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) a current and valid photo identification; or
- (2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

1           ~~(f)~~ **(f)** This subsection applies after December 31, 2003. If a voter  
 2 presents a document under subsection ~~(d)~~, **(e)**, the poll clerk shall add  
 3 a notation to the list indicating the type of document presented by the  
 4 voter. The election division shall prescribe a standardized coding system  
 5 to classify documents presented under this subsection for entry into the  
 6 county voter registration system.

7           ~~(f)~~ **(g)** This subsection applies after December 31, 2003. If a voter  
 8 required to present documentation under subsection ~~(d)~~ **(e)** is unable to  
 9 present the documentation to the poll clerk while present in the polls,  
 10 the poll clerk shall notify the precinct election board. The board shall  
 11 provide a provisional ballot to the voter under IC 3-11.7-2.

12           ~~(g)~~ **(h)** This subsection applies after December 31, 2003. The  
 13 precinct election board shall advise the voter that the voter may file a  
 14 copy of the documentation with the county voter registration office to  
 15 permit the provisional ballot to be counted under IC 3-11.7.

16           ~~(h)~~ **(i)** This subsection does not apply to a precinct in a county  
 17 with a computerized registration system whose inspector was:

- 18           (1) furnished with a list certified under IC 3-7-29; and
- 19           (2) not furnished with a certified photocopy of the signature on  
 20           the affidavit of registration of each voter of the precinct for the  
 21           comparison of signatures under this section.

22 In case of doubt concerning a voter's identity, the precinct election  
 23 board shall compare the voter's signature with the signature on the  
 24 affidavit of registration or any certified copy of the signature provided  
 25 under IC 3-7-29. If the board determines that the voter's signature is  
 26 authentic, the voter may then vote. If either poll clerk doubts the voter's  
 27 identity following comparison of the signatures the poll clerk shall  
 28 challenge the voter in the manner prescribed by section 21 of this  
 29 chapter.

30           ~~(i)~~ **(j)** If, in a precinct governed by subsection ~~(h)~~ **(i)**:

- 31           (1) the poll clerk does not execute a challenger's affidavit; or
- 32           (2) the voter executes a challenged voter's affidavit under section  
 33           22 of this chapter or had executed the affidavit before signing the  
 34           poll list;

35 the voter may then vote.

36           **(k) A voter is not required to produce identification under  
 37 subsection (c) if the voter executes an affidavit, in the form  
 38 prescribed by the commission, affirming under the penalties for  
 39 perjury that either of the following applies to the voter:**

- 40           **(1) The voter is indigent and unable to obtain identification  
 41           without the payment of a fee.**
- 42           **(2) The voter has a religious objection to being  
 43           photographed.**

44           ~~(j)~~ **(l)** This section expires January 1, 2006.

45           SECTION 10. IC 3-11-8-25.1, AS ADDED BY P.L.209-2003,  
 46           SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 47           JULY 1, 2004]: Sec. 25.1. (a) This section applies after December 31,  
 48           2005.

1 (b) After a voter has passed the challengers or has been sworn in,  
 2 the voter shall be admitted to the polls. Upon entering the polls, the  
 3 voter shall announce the voter's name to the poll clerks or assistant poll  
 4 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct  
 5 election board shall require the voter to write the following on the poll  
 6 list:

7 (1) The voter's name.

8 (2) The voter's current residence address.

9 (c) The poll clerk, an assistant poll clerk, or a member of the  
 10 precinct election board shall:

11 (1) ask the voter to provide or update the voter's voter  
 12 identification number;

13 (2) tell the voter the number the voter may use as a voter  
 14 identification number; and

15 (3) explain to the voter that the voter is not required to provide or  
 16 update a voter identification number at the polls.

17 **(d) The poll clerk, an assistant poll clerk, or a member of the**  
 18 **precinct election board shall ask the voter to provide a current**  
 19 **and valid photo identification issued by the government of the**  
 20 **United States, the state of Indiana, or an Indiana political**  
 21 **subdivision. Except as provided in subsection (e), the voter must**  
 22 **produce the identification before being permitted to vote. If the**  
 23 **voter is unable or declines to produce the identification, the board**  
 24 **shall provide a provisional ballot to the voter under IC 3-11.7 after**  
 25 **the poll clerk, assistant poll clerk, or precinct election board**  
 26 **member executes a challenge affidavit in accordance with**  
 27 **IC 3-11.7.**

28 (e) A voter is not required to produce identification under  
 29 subsection (d) if the voter executes an affidavit, in the form  
 30 prescribed by the commission, affirming under the penalties for  
 31 perjury that either of the following applies to the voter:

32 (1) The voter is indigent and unable to obtain identification  
 33 without the payment of a fee.

34 (2) The voter has a religious objection to being  
 35 photographed.

36 ~~(f)~~ (f) In case of doubt concerning a voter's identity, the precinct  
 37 election board shall compare the voter's signature with the signature on  
 38 the affidavit of registration or any certified copy of the signature  
 39 provided under IC 3-7-29. If the board determines that the voter's  
 40 signature is authentic, the voter may then vote. If either poll clerk  
 41 doubts the voter's identity following comparison of the signatures, the  
 42 poll clerk shall challenge the voter in the manner prescribed by section  
 43 21 of this chapter.

44 ~~(g)~~ (g) If, in a precinct governed by subsection (c):

45 (1) the poll clerk does not execute a challenger's affidavit; or

46 (2) the voter executes a challenged voter's affidavit under section  
 47 22 of this chapter or executed the affidavit before signing the poll  
 48 list;

- 1 the voter may then vote."
- 2 Renumber all SECTIONS consecutively.  
(Reference is to ESB 398 as printed February 20, 2004.)

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Representative THOMPSON