



January 20, 2006

HOUSE BILL No. 1011

DIGEST OF HB 1011 (Updated January 19, 2006 12:15 pm - DI 75)

Citations Affected: IC 3-5; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-11.7; IC 3-12; IC 3-13; IC 3-14; IC 9-24; IC 33-33; IC 33-35; noncode.

Synopsis: Miscellaneous election law matters. Provides that the fee a person must pay to receive a complete compilation of voter registration information contained in the statewide voter registration list is an annual fee and includes the price for receiving updates of voter registration information throughout the year. Provides that an election official may not receive an election law filing that is offered to be filed after a deadline for the filing unless election law provides for the filing after the deadline. Provides that a vacancy in a legislative office last held by an individual who was not a member of a major political party shall be filled in a special election. Requires the county executive to file a copy of an approved precinct establishment order with the county auditor. Provides that a precinct establishment order issued after June 30, 2005, complies with certain polling place accessibility requirements if the order: (1) includes a statement that the precinct meets the requirements; or (2) states that before April 1, 2006, the county will designate a polling place for the precinct that meets the requirements. Conforms statutes to recognize the requirement in current law for electronic transmittal of data between license branches and the statewide voter registration list. Provides for the election of the precinct committeemen of the Indiana Republican Party during presidential election years. Removes or repeals expired, superseded, or obsolete provisions of election law. Corrects erroneous cross-references. Makes technical changes. Updates election schedules.

Effective: Upon passage; January 1, 2006 (retroactive); July 1, 2006.

**Richardson, Mahern, Behning,
Thomas**

January 4, 2006, read first time and referred to Committee on Elections and Apportionment.
January 19, 2006, amended, reported — Do Pass.

HB 1011—LS 6186/DI 75+



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January 20, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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HOUSE BILL No. 1011



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 3-5-2-53 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2006]: Sec. 53. "Voting system" means, ~~the~~
3 ~~following:~~
4 ~~(1) Before January 1, 2006, a combination of mechanical;~~
5 ~~electromechanical; or electronic equipment that is used to cast~~
6 ~~and count votes. The term includes the software and firmware~~
7 ~~required to program and to control the equipment. Equipment that~~
8 ~~is not an integral part of a voting system but that can be used as~~
9 ~~an adjunct to the system is considered to be a component of the~~
10 ~~system.~~
11 ~~(2) After December 31, 2005, as provided in 42 U.S.C. 15481:~~
12 ~~(A) (1) the total combination of mechanical, electromechanical,~~
13 ~~or electronic equipment (including the software, firmware, and~~
14 ~~documentation required to program, control, and support that~~
15 ~~equipment) that is used:~~
16 ~~(i) (A) to define ballots;~~
17 ~~(ii) (B) to cast and count votes;~~

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- 1 (iii) (C) to report or display election results; and
- 2 (iv) (D) to maintain and produce any audit trail information;
- 3 and
- 4 ~~(B)~~ (2) the practices and associated documentation used:
 - 5 (i) (A) to identify system components and versions of those
 - 6 components;
 - 7 (ii) (B) to test the system during its development and
 - 8 maintenance;
 - 9 (iii) (C) to maintain records of system errors and defects;
 - 10 (iv) (D) to determine specific system changes to be made to a
 - 11 system after the initial qualification of the system; and
 - 12 (v) (E) to make available any materials to the voter (such as
 - 13 notices, instructions, forms, or paper ballots).

14 SECTION 2. IC 3-5-4-1.9 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: **Sec. 1.9. Except as otherwise provided in this**
 17 **title, the election division, an election board, a circuit court clerk,**
 18 **a county voter registration office, or any other official responsible**
 19 **for receiving a filing under this title may not receive a filing that is**
 20 **offered to be filed after a deadline for the filing provided by this**
 21 **title.**

22 SECTION 3. IC 3-7-12-28.1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28.1. ~~(a) This section~~
 24 ~~applies after December 31, 2005.~~

25 ~~(b)~~ (a) In addition to the reports required for the statewide voter file,
 26 the county voter registration office shall file a report with the election
 27 division not later than noon January 31 of each year.

- 28 ~~(c)~~ (b) The report must include the following:
- 29 (1) Any revisions to the county NVRA implementation plan
 - 30 adopted during the preceding year.
 - 31 (2) Other data prescribed by the division.

32 SECTION 4. IC 3-7-13-13 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Except as
 34 provided in subsections (b) and (c), when an individual registers to
 35 vote, the individual must provide the individual's driver's license
 36 number issued under IC 9-24-11, as provided under 42 U.S.C. 15483.

37 (b) If an individual does not have a driver's license issued under
 38 IC 9-24-11, the individual must provide the last four (4) digits of the
 39 individual's Social Security number when the individual registers to
 40 vote, as provided under 42 U.S.C. 15483.

41 (c) ~~This subsection applies after December 31, 2005.~~ As required
 42 under 42 U.S.C. 15483, if an individual does not have a Social Security

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1 number, the election division shall assign the individual a number to be
2 associated with the individual's registration in the computerized list
3 maintained under IC 3-7-26.3. If the individual has an identification
4 card number issued under IC 9-24-16, the election division shall assign
5 that number as the voter's number under this subsection. If the
6 individual does not have an identification card number issued under
7 IC 9-24-16, the election division shall assign a unique identifying
8 number to the voter's registration record in the computerized list, as
9 provided under 42 U.S.C. 15483.

10 (d) The number provided by the individual under subsection (a) or
11 (b), or the number assigned to the individual under subsection (c), is
12 the individual's voter identification number.

13 (e) A voter's voter identification number may not be changed unless:

14 (1) the voter made an error when providing the number when
15 registering to vote;

16 (2) the election division or a county voter registration office made
17 an error when entering the number into the computerized list
18 under IC 3-7-26.3;

19 (3) the voter obtains or provides a driver's license number under
20 IC 9-24-11 or a Social Security number after the voter was
21 assigned a number under subsection (c); or

22 (4) the voter ceases to have a driver's license number under
23 IC 9-24-11 after the voter provided that number under subsection
24 (a).

25 (f) If a voter transfers the voter's registration and the voter's voter
26 identification number is not included in the voter's registration records,
27 the voter registration officer of the county in which the voter's
28 registration is to be transferred shall require the voter to provide the
29 number required by subsection (a) or (b) before the voter's registration
30 is transferred. If ~~after December 31, 2005~~, the voter does not have
31 either of the numbers described in subsection (a) or (b), a voter
32 identification number shall be assigned to the voter under subsection
33 (c).

34 SECTION 5. IC 3-7-14-9 IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) An employee of the bureau
36 of motor vehicles commission who provides an individual with a
37 driver's license or identification card application shall do the following:

38 (1) Inform each individual who applies for a driver's license or an
39 identification card that the information the individual provides on
40 the individual's application will be used to register the individual
41 to vote unless:

42 (A) the individual is not eligible to vote;

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1 (B) the individual declines to register to vote or fails to
 2 complete the voter registration part of the application; or
 3 (C) the individual answers "no" to either question described by
 4 IC 3-7-22-5(3) or IC 3-7-22-5(4).
 5 (2) Provide each individual who indicates a desire to register or
 6 transfer registration with assistance in filling out the voter
 7 registration application if requested to do so by the individual.
 8 (3) Check the completed voter registration form for legibility and
 9 completeness.
 10 ~~(4) Deliver the completed registration form to the license branch~~
 11 ~~manager (or the employee designated by the manager to be~~
 12 ~~responsible for voter registration services) for transmittal to the~~
 13 ~~appropriate circuit court clerk or board of registration.~~
 14 ~~(5)~~ (4) Inform the individual that the individual will receive a
 15 mailing from the county voter registration office of the county
 16 where the individual resides concerning the disposition of the
 17 voter registration application.
 18 ~~(6)~~ (5) Inform each individual who submits a change of address
 19 for a driver's license or identification card that the information
 20 serves as notice of a change of address for voter registration
 21 unless the applicant states in writing on the form that the change
 22 of address is not for voter registration purposes.
 23 (b) The bureau of motor vehicles commission shall transmit a voter
 24 registration form ~~completed after December 31, 2005~~; to the election
 25 division for transmittal to the appropriate county voter registration
 26 office in accordance with IC 3-7-26.3.
 27 SECTION 6. IC 3-7-14-11 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. Whenever an
 29 applicant completes a voter registration application under section 4 of
 30 this chapter, the bureau of motor vehicles commission shall provide the
 31 applicant with a written acknowledgment that the applicant has
 32 completed a voter registration application at a license branch. The
 33 acknowledgment:
 34 (1) may be:
 35 (A) a detachable part; or
 36 (B) ~~after December 31, 2005~~; an electronic version;
 37 of the registration form prescribed under section 4 of this chapter;
 38 and
 39 (2) must set forth the name and residential address of the
 40 applicant and the date that the application was completed.
 41 SECTION 7. IC 3-7-14-12 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) An applicant

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1 who completes a voter registration application under section 4 of this
 2 chapter is not required to submit the application to a county voter
 3 registration office.

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

9 (c) ~~This subsection applies after December 31, 2005.~~ (b) The bureau
 10 of motor vehicles commission shall forward the voter registration part
 11 of the application to the election division for transmittal to the
 12 appropriate county voter registration office on an expedited basis in
 13 accordance with IC 3-7-26.3, IC 9-24-2.5, and 42 U.S.C.
 14 1973gg-3(c)(2)(E).

15 SECTION 8. IC 3-7-14-14 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. Except as provided
 17 in section 15 of this chapter, an application under section 4 of this
 18 chapter authorizes a county voter registration office to update the voter
 19 registration record of the applicant:

- 20 (1) under 42 U.S.C. 1973gg-3(a)(2) unless the applicant fails to
 21 sign the voter registration application; or
 22 (2) ~~after December 31, 2005~~; in a manner authorized under
 23 IC 3-7-26.3.

24 SECTION 9. IC 3-7-26.3-3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As required under 42
 26 U.S.C. 15483, ~~and not later than January 1, 2006~~, the secretary of state
 27 with the consent of the co-directors of the election division shall
 28 implement, in a uniform and nondiscriminatory manner, a single,
 29 uniform, official, centralized, and interactive statewide voter
 30 registration list under this chapter.

31 SECTION 10. IC 3-7-26.4-1, AS ADDED BY P.L.81-2005,
 32 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2006]: Sec. 1. This chapter applies

- 34 (1) to the computerized list established under IC 3-7-26.3. ~~and~~
 35 (2) ~~after December 31, 2005~~.

36 SECTION 11. IC 3-7-26.4-12, AS ADDED BY P.L.81-2005,
 37 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 12. (a) This section does not apply to the chief
 39 justice of the supreme court or to a person described by section 8 of
 40 this chapter.

41 (b) Notwithstanding IC 5-14-3-8, the election division shall charge
 42 each person described by section 6 of this chapter ~~a~~ **an annual** fee of

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- 1 five thousand dollars (\$5,000) to receive **the following:**
- 2 (1) A complete compilation of the voter registration information
- 3 contained in the computerized list.
- 4 (2) **Updates of the voter registration information made during**
- 5 **the year covered by the fee.**

6 SECTION 12. IC 3-7-27-15 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) This section
 8 does not apply to a county acting in accordance with ~~section 21~~ **section**
 9 **21.1** or 22 of this chapter. The county voter registration office shall
 10 keep all original affidavits or forms of registration in the clerk's or
 11 board's office except when the affidavits or forms are in the possession
 12 of the precinct election boards for use on election day at the polls. The
 13 county voter registration office shall keep any duplicate affidavits or
 14 forms at all times in the clerk's or board's office.

15 (b) If the original affidavits or forms of registration have been
 16 microfilmed or recorded through a similar electronic process
 17 authorized under IC 5, any duplicate affidavits may be:

- 18 (1) stored in a secure location outside of the office of the clerk or
- 19 board; or
- 20 (2) discarded, if a microfilmed or similar electronic record of the
- 21 duplicate affidavits is stored in a secure location outside of the
- 22 office of the clerk or board.

23 SECTION 13. IC 3-7-27-20.1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20.1. ~~(a) This section~~
 25 ~~applies after December 31, 2005.~~

26 ~~(b)~~ **(a)** The county voter registration office shall prepare an entry in
 27 the computerized system that accurately reflects the information set
 28 forth in the original affidavit of registration. However, the county voter
 29 registration office is required to enter a voter's voting history for the
 30 previous ten (10) years only if that history is available.

31 ~~(c)~~ **(b)** The county voter registration office is not required to prepare
 32 a duplicate paper copy of a registration properly entered into the
 33 computerized system.

34 SECTION 14. IC 3-7-27-20.2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20.2. ~~(a) This section~~
 36 ~~applies after December 31, 2005.~~

37 ~~(b)~~ **(a)** The county voter registration office shall prepare an entry in
 38 the computerized system indicating:

- 39 (1) whether the applicant was required to provide documentation
- 40 under IC 3-7-33-4.5; and
- 41 (2) if so, whether the required documentation has been provided.

42 ~~(c)~~ **(b)** If the documentation required under IC 3-7-33-4.5 has been

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- 1 provided, the entry must include the following:
- 2 (1) The date the documentation was filed with the county voter
- 3 registration office.
- 4 (2) Whether the documentation was filed with the county voter
- 5 registration office by:
- 6 (A) a precinct election board after the person voted in person
- 7 at the polling place;
- 8 (B) the county election board after the person applied to cast
- 9 an absentee ballot; or
- 10 (C) the applicant as part of the original filing of the application
- 11 to register to vote, or in a subsequent filing received by the
- 12 county voter registration office.
- 13 (3) A brief description of the type of documentation provided.

14 The election division shall provide each county voter registration office

15 with a suggested coding system for identifying the types of

16 documentation.

17 SECTION 15. IC 3-7-27-21.1 IS AMENDED TO READ AS

18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21.1. ~~(a) This section~~

19 ~~applies after December 31, 2005.~~

20 ~~(b) (a)~~ The county voter registration office is not required to

21 maintain duplicate paper copies of original registrations.

22 ~~(c) (b)~~ Notwithstanding IC 5-15, a county voter registration office

23 may dispose of duplicate paper copies of original registrations made

24 before January 1, 2006, by destroying the duplicate paper copies.

25 SECTION 16. IC 3-7-27-22 IS AMENDED TO READ AS

26 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. ~~(a) This section~~

27 ~~applies before January 1, 2006, to a county whose voter registration~~

28 ~~records are maintained on a computerized system described by section~~

29 ~~20 of this chapter. After December 31, 2005, this section applies to all~~

30 ~~counties.~~

31 ~~(b)~~ Before January 1, 2006, the county voter registration office may

32 maintain the original affidavits of registration in a secure location

33 outside of the county voter registration office if:

34 (1) the county maintains a regularly updated copy of the

35 computerized record as described in section 21(b) of this chapter;

36 and

37 (2) the original affidavits are not located in the same location as

38 the updated copy of the computerized record.

39 ~~After December 31, 2005,~~ The county voter registration office may

40 maintain the original affidavits of registration in a secure location

41 outside the county voter registration office.

42 SECTION 17. IC 3-7-29-3 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This subsection
 2 applies before January 1, 2006. When the inspector of a precinct
 3 procures the ballots and other election supplies for an election, the
 4 inspector shall also procure from the county voter registration office:

5 (1) in a county whose registration records are not maintained on
 6 a computerized system described by IC 3-7-27-20; the duplicate
 7 copy of the registration record; or

8 (2) in a county with a computerized registration system; the
 9 certified copies of the registration record of the precinct with the
 10 information required under section 1 of this chapter;

11 and other necessary registration supplies.

12 (b) This subsection applies after December 31, 2005. When the
 13 inspector of a precinct procures the ballots and other election supplies
 14 for an election, the inspector shall also procure from the county voter
 15 registration office the certified copies of the registration record of the
 16 precinct with the information required under section 1 of this chapter
 17 and other necessary registration supplies.

18 SECTION 18. IC 3-7-29-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This subsection
 20 applies before January 1, 2006. The county voter registration office in
 21 a county with a computerized registration system may also provide the
 22 inspector of each precinct in the county with a certified photocopy of
 23 the signature on the affidavit of registration of each voter of the
 24 precinct for the comparison of signatures under IC 3-10-1-24.5 or
 25 IC 3-11-8-25.

26 (b) This subsection applies after December 31, 2005. The county
 27 voter registration office may also provide the inspector of each precinct
 28 in the county with a certified photocopy of the signature on the
 29 affidavit of registration of each voter of the precinct for the comparison
 30 of signatures under IC 3-10-1-24.5 IC 3-10-1-24.6 or IC 3-11-8-25.
 31 **IC 3-11-8-25.1.**

32 SECTION 19. IC 3-7-30-5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Certain uses of
 34 information from the statewide voter file are prohibited

35 (1) before January 1, 2006, under IC 3-7-26;

36 (2) after December 31, 2005, under IC 3-7-26.3.

37 SECTION 20. IC 3-7-30-6 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Certain voter
 39 registration information in the statewide voter registration file
 40 maintained by the election division

41 (1) under IC 3-7-26 before January 1, 2006; and

42 (2) under IC 3-7-26.3 after December 31, 2005;

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1 is confidential.

2 SECTION 21. IC 3-7-32-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A registration
4 application must be signed:

- 5 (1) in indelible ink or indelible pencil; or
- 6 (2) ~~after December 31, 2005~~; with an electronic signature in a
7 manner authorized under IC 3-7-26.3 if submitted to a license
8 branch under IC 3-7-14.

9 SECTION 22. IC 3-7-32-4, AS AMENDED BY P.L.198-2005,
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2006]: Sec. 4. A voter may not submit a registration
12 application by fax or an electronic transmission except as provided in:

- 13 (1) IC 3-11-4 concerning an absent uniformed services voter or
14 overseas voter submitting a registration application on the
15 standard form approved under 42 U.S.C. 1973ff(b); or
- 16 (2) ~~after December 31, 2005~~; IC 3-7-26.3.

17 SECTION 23. IC 3-7-33-4.5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) Except as
19 provided in subsection (b), this section applies to an individual who:

- 20 (1) submits an application to register to vote by mail under
21 IC 3-7-22; and
- 22 (2) has not previously voted in:
 - 23 (A) a general election in Indiana (or a special election for
24 federal office in Indiana); or
 - 25 (B) a general election (or a special election for federal office)
26 in the county where the individual has submitted an
27 application under this chapter if a statewide voter registration
28 system is not operational in accordance with the requirements
29 of ~~IC 3-7-26~~ IC 3-7-26.3 and 42 U.S.C. 15483 on the date the
30 application is received by the county voter registration office.

31 (b) This section does not apply to an individual who complies with
32 the requirements in any of the following:

- 33 (1) The individual submits an application to register to vote by
34 mail under this chapter and includes with that mailing a copy of:
 - 35 (A) a current and valid photo identification; or
 - 36 (B) a current utility bill, bank statement, government check,
37 paycheck, or government document;
 38 that shows the name and residence address of the voter stated on
39 the voter registration application.
 - 40 (2) The individual submits an application to register to vote by
41 mail under this chapter that includes: ~~the individual's~~
 - 42 (A) **the individual's** Indiana driver's license number; or

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1 (B) the last four (4) digits of the individual's Social Security
 2 number;
 3 and the county voter registration office or election division
 4 matches the information submitted by the applicant with an
 5 existing Indiana identification record bearing the same number,
 6 name, and date of birth set forth in the voter registration
 7 application.
 8 (3) The individual is an absent uniformed services voter or
 9 overseas voter.
 10 (4) The individual is entitled to vote other than in person under
 11 the federal Voting Accessibility for the Elderly and Handicapped
 12 Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by
 13 the election division that a permanent or temporarily accessible
 14 polling place cannot be provided for the individual.
 15 (5) The individual is entitled to vote other than in person under
 16 any other federal law.
 17 (c) When a county voter registration office receives a voter
 18 registration application by mail, the office shall determine whether the
 19 applicant is subject to the requirements to provide additional
 20 documentation under this section and 42 U.S.C. 15483.
 21 (d) As required by 42 U.S.C. 15483, a county voter registration
 22 office shall administer the requirements of this section in a uniform and
 23 nondiscriminatory manner.
 24 (e) If the county voter registration office determines that the
 25 applicant:
 26 (1) is not required to submit additional documentation under this
 27 section; or
 28 (2) has provided the documentation required under this section;
 29 the county voter registration office shall process the application in
 30 accordance with section 5 of this chapter.
 31 (f) If the county voter registration office determines that the
 32 applicant is required to submit additional documentation under this
 33 section and 42 U.S.C. 15483, the office shall process the application
 34 under section 5 of this chapter and, if the applicant is otherwise eligible
 35 to vote, add the information concerning this documentation to the
 36 voter's computerized registration entry under ~~IC 3-7-27-20(c)~~.
 37 **IC 3-7-27-20.2.**
 38 (g) The county voter registration office shall remove the notation
 39 described in subsection (f) after the voter votes in an election for a
 40 federal office.
 41 SECTION 24. IC 3-7-34-5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) If a registration

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1 form contains all of the information required to be supplied by the
2 voter, but does not include the information required to be supplied by
3 the bureau of motor vehicles commission or a voter registration agency,
4 the county voter registration office shall promptly make one (1) effort
5 to contact the officer, commission, or agency to obtain the information.

6 (b) ~~This subsection applies after December 31, 2005.~~ If the
7 information is not obtained from the officer, commission, or agency
8 under subsection (a) not later than seven (7) days after the county voter
9 registration office provides the notice, the county voter registration
10 office shall notify the NVRA official. The NVRA official shall contact
11 the officer, commission, or agency to request that the information be
12 provided to the county voter registration office or that the officer,
13 commission, or agency file a statement with the county voter
14 registration office indicating why the information is not available.

15 SECTION 25. IC 3-7-34-12 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. ~~(a) This subsection~~
17 ~~applies before January 1, 2006. If the registration form is not~~
18 ~~compatible with the county's voter registration system, the county voter~~
19 ~~registration office may reproduce the form for the county's system and~~
20 ~~retain the original form to document the registration.~~

21 ~~(b) This subsection applies after December 31, 2005.~~ If the
22 registration form is not compatible with the county's voter registration
23 files of original voter registration affidavits, the county voter
24 registration office may reproduce the form for the county's system and
25 retain the original form to document the registration.

26 SECTION 26. IC 3-7-35-2.1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. ~~(a) This section~~
28 ~~applies after December 31, 2005.~~

29 ~~(b) The county voter registration office shall generate a poll list for~~
30 ~~the precinct where the voter resides that does not include the name of~~
31 ~~a voter unless the voter will be:~~

- 32 (1) at least eighteen (18) years of age when the election is
33 conducted; or
- 34 (2) eligible to vote in the election under this article.

35 SECTION 27. IC 3-7-35-3.1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.1. ~~(a) This section~~
37 ~~applies after December 31, 2005.~~

38 ~~(b) The county voter registration office shall generate information~~
39 ~~to be used in the compilation of a jury list that does not include the~~
40 ~~name of a voter unless the voter will be at least eighteen (18) years of~~
41 ~~age when the jury is empaneled.~~

42 SECTION 28. IC 3-7-38.2-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A voter list
 2 maintenance program conducted under this chapter ~~or before January~~
 3 ~~1, 2006, IC 3-7-38.1~~ must: ~~be:~~
 4 (1) ~~be~~ uniform, nondiscriminatory, and in compliance with the
 5 Voting Rights Act of 1965 (42 U.S.C. 1973);
 6 (2) not result in the removal of the name of a person from the
 7 official list of votes solely due to the person's failure to vote; and
 8 (3) ~~be~~ completed not later than ninety (90) days before a primary,
 9 general, or municipal election.
 10 (b) A county voter registration office may conduct a voter list
 11 maintenance program that complies with subsection (a). In conducting
 12 a voter list maintenance program, the county voter registration office
 13 shall mail a notice described in subsection (d) to each registered voter
 14 at the residence address:
 15 (1) listed in the voter's registration record; and
 16 (2) determined by the county voter registration office not to be the
 17 voter's current residence address.
 18 (c) A county voter registration office may use information only from
 19 the following sources to make the determination under subsection
 20 (b)(2):
 21 (1) The United States Postal Service National Change of Address
 22 Service.
 23 (2) A court regarding jury duty notices.
 24 (3) The return of a mailing sent by the county voter registration
 25 office to all voters in the county.
 26 (4) The bureau of motor vehicles concerning the surrender of a
 27 voter's Indiana license for the operation of a motor vehicle to
 28 another jurisdiction.
 29 (d) The notice described in subsection (b) must:
 30 (1) be sent by first class United States mail, postage prepaid, by
 31 a method that requires the notice to be forwarded to the voter; and
 32 (2) include a postage prepaid return card that:
 33 (A) is addressed to the county voter registration office;
 34 (B) states a date by which the card must be returned or the
 35 voter's registration will become inactive until the information
 36 is provided to the county voter registration office; and
 37 (C) permits the voter to provide the voter's current residence
 38 address.
 39 (e) If a voter returns the card described in subsection (d)(2) and
 40 provides a current residence address that establishes that the voter
 41 resides:
 42 (1) in the county, the county voter registration office shall update

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1 the voter's registration record; or
 2 (2) outside the county, the county voter registration office shall
 3 cancel the voter's registration.
 4 (f) If a voter does not return the card described in subsection (d)(2)
 5 by the date specified in subsection (d)(2)(B), the county voter
 6 registration office shall indicate in the voter's registration record that
 7 the voter's registration is inactive.
 8 (g) A voter's registration that becomes inactive under subsection (f)
 9 remains in inactive status from the date described in subsection
 10 (d)(2)(B) until the earlier of the following:
 11 (1) The date the county voter registration office updates or
 12 cancels the voter's registration under subsection (e) after the voter
 13 provides a current residence address.
 14 (2) The day after the second general election in which the voter
 15 has not voted or appeared to vote.
 16 (h) After the date described in subsection (g)(2), the county voter
 17 registration office shall remove the voter's registration from the voter
 18 registration records.
 19 SECTION 29. IC 3-7-38.2-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As provided under
 21 42 U.S.C. 1973gg-6(c)(2)(B)(i), this chapter ~~and before January 1,~~
 22 ~~2006; IC 3-7-38.1 to~~ **does** not prevent the removal of a voter's name
 23 from the voter registration record during the final ninety (90) day
 24 period before a primary, general, or municipal election due to any of
 25 the following in accordance with this article:
 26 (1) The written request of the voter.
 27 (2) Disenfranchisement due to criminal conviction and
 28 incarceration.
 29 (3) The death of the voter.
 30 SECTION 30. IC 3-7-38.2-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As provided under
 32 42 U.S.C. 1973gg-6(c)(2)(B)(ii), this chapter ~~and before January 1,~~
 33 ~~2006; IC 3-7-38.1 to~~ **does** not prevent the correction of voter
 34 registration records under this article.
 35 SECTION 31. IC 3-7-38.2-5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. To assist in
 37 performing voter list maintenance under this chapter, ~~and before~~
 38 ~~January 1, 2006; to supplement the duplicate voter registration~~
 39 ~~elimination program under IC 3-7-38.1,~~ the NVRA official may submit
 40 the names of all registered voters in Indiana to the United States Postal
 41 Service National Change of Address Service. The submission under
 42 this chapter shall be compiled from the county voter registration

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1 information submitted to the election division under

2 (1) ~~IC 3-7-26 before January 1, 2006; and~~

3 (2) ~~IC 3-7-26.3. after December 31, 2005.~~

4 SECTION 32. IC 3-7-40-4 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) ~~This subsection~~
6 ~~applies before January 1, 2006. One (1) time each calendar year the~~
7 ~~NVRA official may submit to the United States Postal Service a list of~~
8 ~~the names and addresses of voters with rural route addresses.~~

9 (b) ~~This subsection applies after December 31, 2005. The NVRA~~
10 ~~official may submit to the United States Postal Service a list of the~~
11 ~~names and addresses of voters with rural route addresses.~~

12 SECTION 33. IC 3-7-40-6 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) ~~This subsection~~
14 ~~applies before January 1, 2006. When notified by the NVRA official of~~
15 ~~a conversion from rural route addresses to numbered addresses under~~
16 ~~this chapter, the county voter registration office shall, as soon as~~
17 ~~practicable, do the following:~~

18 (1) ~~Draw a red line through the rural route address appearing on~~
19 ~~the affidavit or form of registration and write the numbered~~
20 ~~address that replaces the rural route address on the affidavit or~~
21 ~~form.~~

22 (2) ~~Make an appropriate entry in each computerized record for the~~
23 ~~precinct.~~

24 (b) ~~This subsection applies after December 31, 2005. When notified~~
25 ~~by the NVRA official of a conversion from rural route addresses to~~
26 ~~numbered addresses under this chapter, the county voter registration~~
27 ~~office shall, as soon as practicable, amend:~~

28 (1) ~~the original affidavit filed by the voter to indicate the~~
29 ~~numbered address that replaces the rural route address on the~~
30 ~~affidavit; and~~

31 (2) ~~the entry for the voter in the computerized list under~~
32 ~~IC 3-7-26.3.~~

33 SECTION 34. IC 3-7-41-2 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The statement
35 described in section 1 of this chapter may be filed with the county voter
36 registration office at any time. A voter who wishes to indicate that the
37 voter's name has changed may also write the necessary information
38 concerning the name change on the poll list under ~~IC 3-11-8-25~~
39 **IC 3-11-8-25.1** before the person receives a ballot. The person may
40 then vote if otherwise qualified.

41 SECTION 35. IC 3-7-42-4 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) ~~This subsection~~

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1 applies before January 1, 2006. At the time of transfer, the county voter
2 registration office shall draw a red line through the name or number of
3 the precinct appearing on the affidavit or form of registration and shall
4 write the name or number of the precinct to which the voter has been
5 transferred and make an appropriate entry in the computerized record
6 for the precinct.

7 (b) This subsection applies after December 31, 2005. At the time of
8 transfer, the county voter registration office shall amend:

9 (1) the original affidavit filed by the voter to indicate the changed
10 mailing address, street name, or residence number on the
11 affidavit; and

12 (2) the entry for the voter in the computerized list under
13 IC 3-7-26.3.

14 SECTION 36. IC 3-7-43-6 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) This section
16 applies to a voter who requests a cancellation of voter registration
17 under IC 3-7-39-6.

18 (b) This subsection applies before January 1, 2006. The county voter
19 registration office of the county in which a voter registers shall send the
20 authorization of cancellation to the county voter registration office of
21 the counties of previous residence within fifteen (15) days after receipt
22 of the authorization. However, all authorizations shall be sent to the
23 county voter registration office not later than the fifteenth day before
24 the date on which an election will be held.

25 (c) This subsection applies after December 31, 2005. (b) The county
26 voter registration office of the county in which a voter registers shall
27 send the authorization of cancellation to the county voter registration
28 office on an expedited basis, as required by IC 3-7-26.3.

29 SECTION 37. IC 3-7-43-7 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) This subsection
31 applies before January 1, 2006. The county voter registration office
32 shall remove the affidavit of the voter from the registration record of
33 the county and shall cancel the affidavit of registration by writing the
34 word "canceled" and the date of the cancellation across the face of the
35 affidavit and entering the cancellation in any computerized record.

36 (b) This subsection applies after December 31, 2005. The county
37 voter registration office shall cancel the affidavit of registration and
38 enter the date and other information concerning the cancellation in the
39 computerized list under IC 3-7-26.3.

40 SECTION 38. IC 3-7-43-8 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This subsection
42 applies before January 1, 2006. If either of the addresses given by a

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1 person under IC 3-7-39 is outside Indiana, the county voter registration
2 office shall, not later than fifteen (15) days after receipt, send the
3 authorization of cancellation to the election division.

4 (b) This section applies after December 31, 2005. (a) If either of the
5 addresses given by a person under IC 3-7-39 is outside Indiana, the
6 county voter registration office shall send the authorization of
7 cancellation to the election division on an expedited basis.

8 (c) (b) The election division shall promptly send the authorization
9 to the voter registration office of the political subdivision that has
10 jurisdiction over the address.

11 SECTION 39. IC 3-7-45-2.1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) This section
13 applies after December 31, 2005.

14 (b) (a) As required under 42 U.S.C. 15483, the election division
15 shall coordinate the computerized list generated by the statewide voter
16 registration system under IC 3-7-26.3 with the state department of
17 health to permit a county voter registration office to cancel the
18 registration records of deceased individuals on an expedited basis.

19 (c) (b) The state department of health shall report to the election
20 division, by county, the names, ages, and known residence addresses
21 of all persons who:

- 22 (1) died within Indiana but outside the county of residence; and
- 23 (2) maintained a residence address within the county during the
24 two (2) years preceding the date of death.

25 (d) (c) Each county health officer and municipal health officer shall
26 report to the state department of health the names, ages, and known
27 voting addresses in the county of all persons:

- 28 (1) who have died within the jurisdiction of the officer; or
- 29 (2) for whom burial permits have been issued by the officer.

30 The state department of health shall report this information to the
31 election division.

32 (e) (d) The state department of health shall report to the election
33 division, by county, the names, ages, and known residence addresses
34 of all persons:

- 35 (1) who died outside Indiana;
- 36 (2) who maintained a residence address within the county during
37 the two (2) years preceding the date of death; and
- 38 (3) whose names were supplied to the state department of health
39 under an agreement made under section 5 of this chapter.

40 SECTION 40. IC 3-7-45-3 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This subsection
42 applies before January 1, 2006. Not later than thirty (30) days after

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1 receipt of the reports required by section 2 of this chapter, each county
2 voter registration office shall cancel the registration of each deceased
3 person listed in the reports:

4 (b) This subsection applies after December 31, 2005. As required
5 by 42 U.S.C. 15483, after receipt of the reports required by ~~section 2~~
6 **section 2.1** of this chapter, each county voter registration office shall
7 cancel the registration of each deceased person listed in the reports.

8 SECTION 41. IC 3-7-45-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~(a)~~ This subsection
10 applies before January 1, 2006. Except as provided in subsection ~~(c)~~,
11 a county voter registration office shall cancel the registration of a
12 deceased person not later than thirty (30) days after receiving a copy of
13 the deceased person's death certificate:

14 ~~(b)~~ This subsection applies after December 31, 2005: **(a)** Except as
15 provided in subsection ~~(e)~~; **(b)**, a county voter registration office shall
16 cancel the registration of a deceased person after receiving a copy of
17 the deceased person's death certificate on an expedited basis, as
18 required under 42 U.S.C. 15483. The county voter registration office
19 shall enter the date and other information regarding the cancellation
20 into the computerized list under IC 3-7-26.3.

21 ~~(c)~~ **(b)** A county voter registration office may require additional
22 written information before canceling the registration of a person under
23 subsection (a) ~~or (b)~~ if the information contained in the death certificate
24 is insufficient to identify the person whose registration is to be
25 canceled. If:

- 26 (1) additional written information is not given to the county voter
27 registration office; or
- 28 (2) the additional written information is insufficient to identify the
29 person whose registration is to be canceled;

30 the county voter registration office is not required to cancel the person's
31 registration. ~~under subsection (a)~~:

32 SECTION 42. IC 3-7-45-5 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The state
34 department of health shall negotiate with appropriate agencies in each
35 state other than Indiana to acquire information regarding the deaths of
36 Indiana residents occurring in each of the other states. The state
37 department of health may offer to share with each other state
38 information regarding the deaths of the other state's residents in
39 Indiana.

40 (b) If an agreement is made with the agency of another state under
41 this section, the agreement must provide for acquisition of information
42 about the deaths of Indiana residents in the other state so that the state

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1 department of health can forward that information as provided in
2 ~~section 2~~ or section 2.1 of this chapter.

3 SECTION 43. IC 3-7-45-6.1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. ~~(a) This section~~
5 ~~applies after December 31, 2005.~~

6 ~~(b)~~ (a) The election division shall obtain information regarding
7 Indiana residents identified as deceased by the federal Social Security
8 Administration as required by 42 U.S.C. 15483 and in conformity with
9 IC 3-7-26.3.

10 ~~(c)~~ (b) The election division shall provide each county voter
11 registration office with a report identifying the deceased individuals
12 who are shown as residing in the county.

13 ~~(d)~~ (c) Except as provided in section 7 of this chapter, the county
14 voter registration office shall cancel the registration of each deceased
15 person listed in the report provided under subsection ~~(e)~~: (b).

16 SECTION 44. IC 3-7-46-4.1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.1. ~~(a) This section~~
18 ~~applies after December 31, 2005.~~

19 ~~(b)~~ (a) As required under 42 U.S.C. 15483, the election division
20 shall coordinate the computerized list generated by the statewide voter
21 registration system under IC 3-7-26.3 with the department of correction
22 to permit a county voter registration office to cancel the registration
23 records of disfranchised individuals on an expedited basis.

24 ~~(c)~~ (b) The department of correction shall provide the NVRA
25 official with a list identifying each person who:

- 26 (1) is a resident of Indiana;
- 27 (2) has been convicted of a crime; and
- 28 (3) has been placed in a department of correction facility during
29 the previous month.

30 ~~(d)~~ (c) The department of correction shall provide the information
31 required by this section electronically in a format prescribed by the
32 election division.

33 SECTION 45. IC 3-7-46-7.5 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. If the information
35 provided under section 5 or 6 of this chapter indicates that the person
36 is disfranchised under section 2 of this chapter, the county voter
37 registration office shall:

- 38 (1) remove the name of the person from the voter registration
39 records; and
- 40 (2) ~~after January 1, 2006~~, enter the date and other information
41 regarding the cancellation into the computerized list under
42 IC 3-7-26.3;

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1 on an expedited basis, as required under 42 U.S.C. 15483.

2 SECTION 46. IC 3-7-46-8 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This subsection
4 applies before January 1, 2006. On the last day of each month, each
5 county voter registration office shall prepare a list of the names and last
6 known addresses of all persons within the county who have been
7 disfranchised. The county voter registration office may secure the list
8 at any time, but not later than the twenty-ninth day before a primary,
9 general, or municipal election.

10 (b) This subsection applies after December 31, 2005. Each county
11 voter registration office shall prepare a notice to be mailed to the names
12 and last known addresses of all persons within the county who have
13 been disfranchised.

14 SECTION 47. IC 3-7-46-9 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This subsection
16 applies before January 1, 2006. Not later than thirty (30) days after
17 preparation of the list under section 8 of this chapter, the circuit court
18 clerk or board of registration shall send a notice to each alleged
19 disfranchised person at the person's last known address using a form
20 prescribed by the commission under this article.

21 (b) This subsection applies after December 31, 2005. After
22 preparation of the notice under section 8 of this chapter, the county
23 voter registration office shall mail the notice to the alleged
24 disfranchised person not later than the day following the day that the
25 voter's registration has been canceled under this chapter. The notice
26 must be mailed to each alleged disfranchised person at the person's last
27 known address using a form prescribed by the commission under this
28 article.

29 SECTION 48. IC 3-7-48-7 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A voter shall be
31 permitted to vote in a precinct upon written affirmation of the voter's
32 residence in the precinct if:

- 33 (1) the voter produces a registration receipt indicating that the
- 34 voter completed a registration form at a license branch or voter
- 35 registration agency under this article on a date within the
- 36 registration period;
- 37 (2) the county voter registration office advises the precinct
- 38 election board that the office:
 - 39 (A) approved the application; or
 - 40 (B) has no record of either approving or rejecting the
 - 41 application; and
- 42 (3) the voter completes a registration application form and

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1 provides the completed form to the precinct election board before
2 voting.

3 (b) A county election board shall provide each precinct election
4 board with a sufficient number of the registration forms for the
5 purposes described in subsection (a). The precinct election board shall
6 attach the completed registration forms to the poll list for processing by
7 the county voter registration office under ~~IC 3-10-1-31~~. **IC 3-10-1-31.1.**

8 SECTION 49. IC 3-8-2-11, AS AMENDED BY P.L.230-2005,
9 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2006]: Sec. 11. (a) A declaration of candidacy may be made
11 by mail and is considered filed as of the date and hour the filing occurs
12 in the manner described by IC 3-5-2-24.5 in the office of the election
13 division or circuit court clerk.

14 (b) A declaration is not valid unless ~~received~~ **filed** in the office of
15 the election division or circuit court clerk by noon on the
16 seventy-fourth day before a primary election.

17 (c) This subsection applies to a candidate required to file a
18 statement of economic interest under IC 2-2.1-3-2 or IC 33-23-11-15
19 or a financial disclosure statement under IC 4-2-6-8. The election
20 division shall require the candidate to produce a:

21 (1) copy of the statement, file stamped by the office required to
22 receive the statement of economic interests; or

23 (2) receipt showing that the statement has been filed;
24 before the election division accepts the declaration for filing. The
25 election division shall reject a filing that does not comply with this
26 subsection.

27 SECTION 50. IC 3-9-1-1.5 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) This section

29 ~~(1) applies after December 31, 2004; and~~

30 ~~(2) does not apply to a national committee of a political party.~~

31 (b) For purposes of determining the deadline for filing a statement
32 of organization under section 3 of this chapter, a committee becomes
33 a regular party committee when the committee accepts contributions or
34 makes expenditures during a calendar year:

35 (1) to influence the election of a candidate for state, legislative, or
36 local office; and

37 (2) that total more than one hundred dollars (\$100).

38 SECTION 51. IC 3-9-4-4, AS AMENDED BY P.L.221-2005,
39 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2006]: Sec. 4. (a) The election division shall develop a filing
41 and coding system consistent with the purposes of this article. The
42 election division and each county election board shall use the filing and

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- 1 coding system. The coding system must provide:
- 2 (1) not more than ten (10) codes to account for various campaign
3 expenditure items; and
- 4 (2) a clear explanation of the kinds of expenditure items that must
5 be accounted for under each code.
- 6 (b) The election division shall develop and use a computer system
7 to store campaign finance reports required to be filed under IC 3-9-5-6,
8 IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the
9 election division to do the following:
- 10 (1) Identify all candidates or committees that received
11 contributions from a contributor over the past three (3) years.
- 12 (2) Identify all contributors to a candidate or committee over the
13 past three (3) years.
- 14 (3) Provide for electronic submission, retrieval, storage, and
15 disclosure of campaign finance reports of candidates for the
16 following:
- 17 (A) Legislative office.
- 18 (B) State office.
- 19 The election division shall provide training at no cost to
20 candidates to enable candidates described in this subdivision to
21 file campaign finance reports electronically.
- 22 (c) The election division shall notify each candidate's committee
23 that the election division will provide at the committee's request at no
24 cost a standardized software program to permit the committee to install
25 the software on a computer and generate an electronic version of the
26 reports and statements required to be filed with the election division
27 under this article. However, the election division is not required to
28 provide or alter the software program to make the program compatible
29 for installation or operation on a specific computer.
- 30 (d) This subsection applies ~~after December 31, 2005~~, to the
31 following committees:
- 32 (1) A committee for a candidate seeking election to a state office.
- 33 (2) A political action committee that has received more than fifty
34 thousand dollars (\$50,000) in contributions since the close of the
35 previous reporting period.
- 36 The committee must file electronically the report or statement required
37 under this article with the election division using a standardized
38 software program supplied to the committee without charge under
39 subsection (c) or another format approved by the election division. An
40 electronic filing approved by the election division under this subsection
41 may not require manual reentry into a computer system of the data
42 contained in the report or statement in order to make the data available

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to the general public under subsection (g).

(e) This subsection applies to an electronic submission under subsection (b)(3). An electronic submission must be in a format previously approved by the commission that permits the election division to print out a hard copy of the report after the receipt of the electronic submission from the candidate. Filing of a report occurs under IC 3-5-2-24.5 on the date and at the time electronically recorded by the election division's computer system. If a discrepancy exists between the text of the electronic submission and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(f) The election division is not required to accept an electronic submission unless the submission complies with subsection (b)(3). Upon receiving approval from the commission, the election division may accept an electronic submission from candidates, committees, or persons described in subsection (b)(3).

(g) The election division shall make campaign finance reports stored on the computer system under subsection (b) available to the general public through an on-line service.

SECTION 52. IC 3-10-1-4.5, AS AMENDED BY P.L.230-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) **Except as provided in section 4.6 of this chapter**, precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2006 and every four (4) years thereafter.

(b) The rules of a political party may specify whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 53. IC 3-10-1-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.6. (a) **This section applies to precinct committeemen elected by the Indiana Republican Party.**

(b) **Precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2008 and every four (4) years thereafter.**

(c) **The rules of the Indiana Republican Party may specify whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.**

SECTION 54. IC 3-10-1-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.1. (~~a~~) ~~This section~~

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1 applies after ~~December 31, 2005~~.

2 ~~(b)~~ (a) Each county election board shall furnish the inspector of
3 each precinct for use on primary election day a certified copy under
4 IC 3-7-29 of the list of all voters registered to vote in the precinct.

5 ~~(c)~~ (b) The county voter registration office may also provide the
6 inspector of each precinct in the county a certified photocopy of the
7 signature on the affidavit or form of registration of each voter of the
8 precinct for the comparison of signatures under section 24.6 of this
9 chapter.

10 ~~(d)~~ (c) If the name of a person offering to vote at the primary is in
11 the registration record or listed in the certified copy prepared for the
12 precinct, it is sufficient evidence of the person's right to vote unless the
13 person is challenged.

14 SECTION 55. IC 3-10-1-8 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. ~~(a)~~ This subsection
16 applies before January 1, 2004. A person who will be a voter at the
17 general election for which the primary is being held and whose name
18 does not appear on the registration record or on the certified copy of the
19 registration record in a county with a computerized registration system
20 may vote if the circuit court clerk or board of registration provides a
21 signed certificate of error under IC 3-7-48 showing that the person is
22 a registered voter of the precinct.

23 ~~(b)~~ This subsection applies after ~~December 31, 2003~~. A person who
24 will be a voter at the general election for which the primary is being
25 held and whose name does not appear on the registration record of the
26 precinct or on the certified copy of the registration record prepared
27 under IC 3-7-29 may:

- 28 (1) vote if the county voter registration office provides a signed
- 29 certificate of error; or
- 30 (2) cast a provisional ballot under IC 3-11.7, as provided by 42
- 31 U.S.C. 15482.

32 SECTION 56. IC 3-10-1-10.5 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10.5. ~~(a)~~ This section
34 applies after ~~December 31, 2003~~.

35 ~~(b)~~ (a) This section does not apply to a voter who is challenged
36 under section 10 of this chapter on the basis of party affiliation.

37 ~~(c)~~ (b) In accordance with 42 U.S.C. 15482, a voter challenged
38 under this chapter is entitled to cast a provisional ballot under
39 IC 3-11.7 after executing the affidavit under section 9 of this chapter.

40 SECTION 57. IC 3-10-1-15, AS AMENDED BY P.L.58-2005,
41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2006]: Sec. 15. (a) Each political party holding a primary

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1 election shall have a separate ticket, either in printed ballot form as
2 prescribed by sections 13 and 14.1 of this chapter, or on separate ballot
3 cards or ballot labels.

4 (b) Except as provided in subsection (c), ~~or (d)~~, the name of each
5 candidate who has qualified under IC 3-8 shall be placed on the ballot
6 under a designation of the office for which the person is a candidate.

7 ~~(c) This subsection applies to a punch card ballot and expires~~
8 ~~December 31, 2005. The name of each candidate who has qualified~~
9 ~~under IC 3-8 shall be placed on the ballot and indicated by reference to~~
10 ~~a number printed on the punch card.~~

11 ~~(d)~~ (c) This subsection applies to an optical scan ballot card voting
12 system that does not list the name of a candidate on the ballot card. The
13 name of each candidate who has qualified under IC 3-8 shall be placed
14 on the ballot and indicated by reference to a number printed on the
15 optical scan ballot card.

16 ~~(e)~~ (d) The name of a candidate may not appear on the ballot of
17 more than one (1) party for the same office.

18 SECTION 58. IC 3-10-1-19, AS AMENDED BY P.L.221-2005,
19 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2006]: Sec. 19. (a) The ballot for a primary election shall be
21 printed in substantially the following form for all the offices for which
22 candidates have qualified under IC 3-8:

23 OFFICIAL PRIMARY BALLOT

24 _____ Party

25 For paper ballots, print: To vote for a person, make a voting mark
26 (X or ✓) on or in the box before the person's name in the proper
27 column. ~~For punch card ballots, print: To vote for a person, punch~~
28 ~~through the chad before the number assigned to the person's name in~~
29 ~~the proper column.~~ For optical scan ballots, print: To vote for a person,
30 darken or shade in the circle, oval, or square (or draw a line to connect
31 the arrow) that precedes the person's name in the proper column. For
32 optical scan ballots that do not contain a candidate's name, print: To
33 vote for a person, darken or shade in the oval that precedes the number
34 assigned to the person's name in the proper column. For electronic
35 voting systems, print: To vote for a person, touch the screen (or press
36 the button) in the location indicated.

37 Vote for one (1) only

38 Representative in Congress

39 (1) AB _____

40 (2) CD _____

41 (3) EF _____

42 (4) GH _____

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- 1 (b) The offices with candidates for nomination shall be placed on
- 2 the primary election ballot in the following order:
- 3 (1) Federal and state offices:
- 4 (A) President of the United States.
- 5 (B) United States Senator.
- 6 (C) Governor.
- 7 (D) United States Representative.
- 8 (2) Legislative offices:
- 9 (A) State senator.
- 10 (B) State representative.
- 11 (3) Circuit offices and county judicial offices:
- 12 (A) Judge of the circuit court, and unless otherwise specified
- 13 under IC 33, with each division separate if there is more than
- 14 one (1) judge of the circuit court.
- 15 (B) Judge of the superior court, and unless otherwise specified
- 16 under IC 33, with each division separate if there is more than
- 17 one (1) judge of the superior court.
- 18 (C) Judge of the probate court.
- 19 (D) Judge of the county court, with each division separate, as
- 20 required by IC 33-30-3-3.
- 21 (E) Prosecuting attorney.
- 22 (F) Circuit court clerk.
- 23 (4) County offices:
- 24 (A) County auditor.
- 25 (B) County recorder.
- 26 (C) County treasurer.
- 27 (D) County sheriff.
- 28 (E) County coroner.
- 29 (F) County surveyor.
- 30 (G) County assessor.
- 31 (H) County commissioner.
- 32 (I) County council member.
- 33 (5) Township offices:
- 34 (A) Township assessor.
- 35 (B) Township trustee.
- 36 (C) Township board member.
- 37 (D) Judge of the small claims court.
- 38 (E) Constable of the small claims court.
- 39 (6) City offices:
- 40 (A) Mayor.
- 41 (B) Clerk or clerk-treasurer.
- 42 (C) Judge of the city court.

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1 (D) City-county council member or common council member.
 2 (7) Town offices:
 3 (A) Clerk-treasurer.
 4 (B) Judge of the town court.
 5 (C) Town council member.
 6 (c) The political party offices with candidates for election shall be
 7 placed on the primary election ballot in the following order after the
 8 offices described in subsection (b):
 9 (1) Precinct committeeman.
 10 (2) State convention delegate.
 11 (d) The following offices and public questions shall be placed on the
 12 primary election ballot in the following order after the offices described
 13 in subsection (c):
 14 (1) School board offices to be elected at the primary election.
 15 (2) Other local offices to be elected at the primary election.
 16 (3) Local public questions.
 17 (e) The offices and public questions described in subsection (d)
 18 shall be placed:
 19 (1) in a separate column on the ballot if voting is by paper ballot;
 20 (2) after the offices described in subsection (c) in the form
 21 specified in IC 3-11-13-11 if voting is by ballot card; or
 22 (3) either:
 23 (A) on a separate screen for each office or public question; or
 24 (B) after the offices described in subsection (c) in the form
 25 specified in IC 3-11-14-3.5;
 26 if voting is by an electronic voting system.
 27 (f) A public question shall be placed on the primary election ballot
 28 in the following form:
 29 (The explanatory text for the public question,
 30 if required by law.)
 31 "Shall (insert public question)?"
 32 YES
 33 NO
 34 SECTION 59. IC 3-10-1-24 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) A voter who
 36 desires to vote must give the voter's name and political party to the poll
 37 clerks of the precinct on primary election day. The poll clerks shall
 38 require the voter to write the following on the poll list:
 39 (1) The voter's name.
 40 (2) Except as provided in subsection (d), the voter's current
 41 residence address.
 42 (3) The name of the voter's party.

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- 1 (b) The poll clerks shall:
- 2 (1) ask the voter to provide or update the voter's voter
- 3 identification number;
- 4 (2) tell the voter the number the voter may use as a voter
- 5 identification number; and
- 6 (3) explain to the voter that the voter is not required to provide a
- 7 voter identification number at the polls.
- 8 (c) If the voter is unable to sign the voter's name, the voter must sign
- 9 the poll list by mark, which must be witnessed by one (1) of the poll
- 10 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the
- 11 poll clerk's or assistant poll clerk's initials after or under the mark.
- 12 (d) ~~After December 31, 2005;~~ Each line on a poll list sheet provided
- 13 to take a voter's current residence address must include a box under the
- 14 heading "Address Unchanged" so that a voter whose residence address
- 15 shown on the poll list is the voter's current residence address may
- 16 check the box instead of writing the voter's current residence address
- 17 on the poll list.
- 18 SECTION 60. IC 3-10-1-24.6 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24.6. ~~(a) This section~~
- 20 ~~applies after December 31, 2005.~~
- 21 ~~(b)~~ (a) In case of doubt concerning a voter's identity, the precinct
- 22 election board shall compare the voter's signature with the signature on
- 23 the affidavit of registration or any certified copy of the signature
- 24 provided under ~~section 7~~ **section 7.1** of this chapter. If the board
- 25 determines that the voter's signature is authentic, the voter may then
- 26 vote.
- 27 ~~(c)~~ (b) If either poll clerk doubts the voter's identity following the
- 28 comparison of the signatures, the poll clerk shall challenge the voter in
- 29 the manner prescribed by IC 3-11-8. If the poll clerk does not execute
- 30 a challenger's affidavit under IC 3-11-8-21 or if the voter executes a
- 31 challenged voter's affidavit under IC 3-11-8-22, the voter may then
- 32 vote.
- 33 SECTION 61. IC 3-10-7-2 IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. **(a) The county**
- 35 **election board shall conduct elections in towns for town offices or**
- 36 **on public questions submitted to the voters of the town if the town**
- 37 **office or public question will be placed on the ballot during a**
- 38 **general election year.**
- 39 **(b) This subsection applies in a year in which a general election**
- 40 **is not scheduled to be conducted.** Except as provided in sections 4, 5,
- 41 and 5.5 of this chapter, the town election board established under this
- 42 chapter shall conduct **municipal or special** elections ~~for town offices~~

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1 that do not coincide with a general election: in towns subject to this
2 chapter.

3 SECTION 62. IC 3-10-8-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A special election
5 shall be held in the following cases:

6 (1) Whenever two (2) or more candidates for a federal, state,
7 legislative, circuit, or school board office receive the highest and
8 an equal number of votes for the office, except as provided in
9 Article 5, Section 5 of the Constitution of the State of Indiana or
10 in IC 20.

11 (2) Whenever a vacancy occurs in the office of United States
12 Senator, as provided in IC 3-13-3-1.

13 (3) Whenever a vacancy occurs in the office of United States
14 Representative unless the vacancy occurs less than thirty (30)
15 days before a general election.

16 (4) Whenever a vacancy occurs in any local office the filling of
17 which is not otherwise provided by law.

18 (5) Whenever required by law for a public question.

19 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
20 recount commission under IC 3-12-11-18.

21 **(7) Whenever required under IC 3-13-5 to fill a vacancy in a**
22 **legislative office unless the vacancy occurs less than thirty (30)**
23 **days before a general election.**

24 SECTION 63. IC 3-10-11-5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. An affidavit
26 executed under this chapter must contain the following information:

27 (1) The person's last, first, and middle name, in that order.

28 (2) The person's birthplace and date of birth.

29 (3) Whether the person is a United States citizen.

30 (4) The person's current address, including the county. If the
31 person resides in a municipality, the address must include the
32 street address, including apartment number or other designation,
33 or the name and room number of the hotel or lodging house. If the
34 person does not reside in a municipality, the address must include
35 the mailing address and the street or road.

36 (5) The address of the person's previous residence, including the
37 county.

38 (6) The person's statement that the person satisfies the conditions
39 set forth in section 2 of this chapter.

40 (7) ~~After December 31, 2005,~~ The person's voter identification
41 number to permit transfer of the registration under IC 3-7-13-13.

42 SECTION 64. IC 3-10-12-3.5, AS AMENDED BY P.L.230-2005,

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1 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2006]: Sec. 3.5. ~~After December 31, 2005~~; The written
3 affirmation described in section 3.4 of this chapter must include the
4 person's voter identification number to permit transfer of the
5 registration under IC 3-7-13-13.

6 SECTION 65. IC 3-11-1.5-27, AS AMENDED BY P.L.221-2005,
7 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2006]: Sec. 27. (a) Not later than fourteen (14) days following
9 notice of final approval of a precinct establishment order by the
10 commission under section 18(f) of this chapter, the county executive
11 shall give notice of the approval by one (1) publication under
12 IC 5-3-1-4.

13 (b) **The county executive shall file one (1) copy of the notice**
14 **published under subsection (a) with the co-directors.**

15 SECTION 66. IC 3-11-1.5-29 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. The county
17 executive shall file

- 18 (1) one (1) copy of the order approved under ~~section 26~~ of this
19 chapter with the circuit court clerk or board of registration; and
20 (2) one (1) copy of the notice published under section 27 of this
21 chapter with the co-directors;

22 ~~no~~ **each of the following not** later than forty-five (45) days after the
23 notice is published under section 27 of this chapter:

- 24 (1) **The circuit court clerk or board of registration.**
25 (2) **The county auditor.**

26 SECTION 67. IC 3-11-2-0.5, AS ADDED BY P.L.58-2005,
27 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2006]: Sec. 0.5. (a) This chapter applies only to paper ballots.

- 29 (b) This chapter does not apply to:
30 (1) an electronic voting system; or
31 (2) an optical scan voting system.

32 ~~(c) This chapter does not apply to a punch card ballot voting system.~~
33 ~~This subsection expires December 31, 2005.~~

34 SECTION 68. IC 3-11-2-2.1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) ~~This section~~
36 ~~applies after December 31, 2004.~~

- 37 (b) Each county election board shall have the:
38 (1) names of all candidates for election to offices or retention in
39 offices; and
40 (2) state and local public questions;
41 in election districts wholly or partially within the county printed on a
42 ballot as provided in this chapter. The county may print all offices on

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1 a single ballot under this section.

2 SECTION 69. IC 3-11-2-12.7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12.7. (a) This section
4 applies to candidates for election to at-large seats on the fiscal or
5 legislative body of a political subdivision.

6 (b) Candidates shall be listed in alphabetical order according to
7 surname within each row or column on the ballot.

8 (c) In each row or column on the ballot in which the names of
9 candidates appear, the ballot shall contain a statement reading
10 substantially as follows above the name of the first candidate: "Vote for
11 not more than (insert number of candidates to be elected) candidates of
12 ANY party or ticket for this office."

13 (d) If more than one (1) candidate for an at-large seat was
14 nominated by the same petition of nomination, these candidates shall
15 be listed in alphabetical order by surname within the same row or
16 column on the ballot, with the position of the row or column being
17 determined under section 6 of this chapter.

18 SECTION 70. IC 3-11-3-16 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. ~~(a) This subsection~~
20 ~~applies before January 1, 2006. Each county election board shall~~
21 ~~prepare and have delivered to the inspectors of the precincts, at the~~
22 ~~time they receive the ballots for their precincts, a suitable number of~~
23 ~~blank poll list sheets and any other forms, papers, certificates, and~~
24 ~~oaths that are required to be furnished to precinct election boards. The~~
25 ~~forms and papers must have proper captions. The county voter~~
26 ~~registration office shall cooperate with the county election board in the~~
27 ~~preparation of the poll lists.~~

28 ~~(b) This subsection applies after December 31, 2005. Each county~~
29 ~~election board shall prepare and have delivered to the inspectors of the~~
30 ~~precincts, at the time they receive the ballots for their precincts, a~~
31 ~~suitable number of voter registration lists certified under IC 3-7-29 and~~
32 ~~any other forms, papers, certificates, and oaths that are required to be~~
33 ~~furnished to precinct election boards. The forms and papers must be~~
34 ~~prepared in compliance with IC 3-5-4-8. The county voter registration~~
35 ~~office shall cooperate with the county election board in the preparation~~
36 ~~of the lists certified under IC 3-7-29.~~

37 SECTION 71. IC 3-11-4-17.5, AS AMENDED BY P.L.103-2005,
38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2006]: Sec. 17.5. (a) Upon receiving an application for an
40 absentee ballot, the county election board (or the absentee voter board
41 in the office of the circuit court clerk) shall determine if:

42 (1) the applicant is a voter of the precinct in which the applicant

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- 1 resides, according to the records of the county voter registration
- 2 office;
- 3 (2) the information set forth on the application appears to be true;
- 4 and
- 5 (3) the application has been completed and filed in accordance
- 6 with Indiana and federal law.

7 If the members of the absentee voter board are unable to agree about
 8 any of the determinations described in subdivisions (1) through (3), the
 9 issue shall be referred to the county election board for determination.
 10 If the application is submitted by a voter wanting to cast an absentee
 11 ballot under IC 3-11-10-26, the voter shall be permitted to cast an
 12 absentee ballot, and the voter's absentee ballot shall be treated as a
 13 provisional ballot.

- 14 (b) If:
- 15 (1) the applicant is not a voter of the precinct according to the
- 16 registration record; or
- 17 (2) the application as completed and filed:
- 18 (A) contains a false statement; or
- 19 (B) does not otherwise comply with Indiana or federal law;
- 20 as alleged under section 18.5 of this chapter, the county election board
- 21 shall deny the application.

22 (c) This subsection applies to an absentee ballot application
 23 submitted by an absent uniformed services voter or an overseas voter.
 24 In accordance with 42 U.S.C. 1973ff-1(d), if the application is denied,
 25 the county election board shall provide the voter with the reasons for
 26 the denial of the application. Unless the voter is present when the board
 27 denies the application, the board shall send a written notice stating the
 28 reasons for the denial to the voter. The notice must be sent:

- 29 (1) not later than forty-eight (48) hours after the application is
- 30 denied; and
- 31 (2) to the voter at the address at which the voter requested that the
- 32 absentee ballot be mailed.

33 (d) If the county election board determines that the applicant is a
 34 voter of the precinct under subsection (a), the board shall then
 35 determine whether:

- 36 (1) the applicant was required to file any additional
- 37 documentation under IC 3-7-33-4.5; and
- 38 (2) the applicant has filed this documentation according to the
- 39 records of the county voter registration office.

40 If the applicant has not filed the required documentation, the county
 41 election board shall approve the application if the application otherwise
 42 complies with this chapter. The board shall add a notation to the

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1 application and to the record compiled under section 17 of this chapter
2 indicating that the applicant will be required to provide additional
3 documentation to the county voter registration office under
4 IC 3-7-33-4.5 before the absentee ballot may be counted.

- 5 (e) If the applicant:
 - 6 (1) is a voter of the precinct according to the registration record;
 - 7 (2) states on the application that the applicant resides at an
8 address that is within the same precinct but is not the same
9 address shown on the registration record; and
 - 10 (3) ~~after December 31, 2005~~; provides a voter identification
11 number on the application to permit transfer of registration under
12 IC 3-7-13-13;

13 the county election board shall direct the county voter registration
14 office to transfer the applicant's voter registration address to the
15 address within the precinct shown on the application. The applicant's
16 application for an absentee ballot shall be approved if the applicant is
17 otherwise eligible to receive the ballot under this chapter.

18 SECTION 72. IC 3-11-4-18, AS AMENDED BY P.L.103-2005,
19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2006]: Sec. 18. (a) If a voter satisfies any of the qualifications
21 described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot
22 by mail, the county election board shall, at the request of the voter, mail
23 the official ballot, postage fully prepaid, to the voter at the address
24 stated in the application.

25 (b) If the county election board mails an absentee ballot to a voter
26 required to file additional documentation with the county voter
27 registration office before voting by absentee ballot under this chapter,
28 the board shall include a notice to the voter in the envelope mailed to
29 the voter under section 20 of this chapter. The notice must inform the
30 voter that the voter must file the additional documentation required
31 under IC 3-7-33-4.5 with the county voter registration office not later
32 than noon on election day for the absentee ballot to be counted as an
33 absentee ballot, and that, if the documentation required under
34 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
35 ballot will be processed as a provisional ballot. The commission shall
36 prescribe the form of this notice under IC 3-5-4-8.

37 (c) Except as provided in section 18.5 of this chapter, the ballot
38 shall be mailed:

- 39 (1) on the day of the receipt of the voter's application; or
- 40 (2) not more than five (5) days after the date of delivery of the
41 ballots under section 15 of this chapter;
- 42 whichever is later.

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1 (d) In addition to the ballot mailed under subsection (c), the county
2 election board shall mail a special absentee ballot for overseas voters.

3 (e) Except as provided in section 18.5 of this chapter, the ballot
4 described in subsection (d):

- 5 (1) must be mailed:
 - 6 (A) on the day of the receipt of the voter's application; or
 - 7 (B) not more than five (5) days after the latest date for delivery
 - 8 of the ballots under section 13(b) of this chapter applicable to
 - 9 that election;
 - 10 whichever is later; and
 - 11 (2) may not be mailed after the absentee ballots described by
 - 12 section 13(a) of this chapter have been delivered to the circuit
 - 13 court clerk or the clerk's authorized deputy.

14 (~~f~~) ~~This subsection applies after December 31, 2005.~~ As required by
15 42 U.S.C. 15481, an election board shall establish a voter education
16 program (specific to a paper ballot or optical scan ballot card provided
17 as an absentee ballot under this chapter) to notify a voter of the effect
18 of casting multiple votes for a single office.

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

- 22 (1) information concerning the effect of casting multiple votes for
- 23 an office; and
- 24 (2) instructions on how to correct the ballot before the ballot is
- 25 cast and counted, including the issuance of replacement ballots.

26 SECTION 73. IC 3-11-6.5-1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As used in this
28 section, "department" refers to the Indiana department of
29 administration established by IC 4-13-1-2.

30 (b) The department shall award quantity purchase agreements to
31 vendors for new voting systems or upgrades or expansion of existing
32 voting systems by counties.

33 (c) Both of the following must apply before the department may
34 issue a quantity purchase agreement to a voting system vendor:

- 35 (1) The commission has found that all of the following would be
- 36 enhanced by the vendor's new or upgraded voting system:
 - 37 (A) Reliability of a county's voting system.
 - 38 (B) Efficiency of a county's voting system.
 - 39 (C) Ease of use by voters.
 - 40 (D) Public confidence in a county's voting system.
- 41 (2) The commission has otherwise approved the vendor's new
- 42 voting system or the upgrade or expansion of the existing voting

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1 system for use under this title.

2 (d) The quantity purchase agreement must include options for a
3 county to:

- 4 (1) purchase;
- 5 (2) lease-purchase; or
- 6 (3) lease;

7 new voting systems or upgrades or expansion of existing voting
8 systems.

9 (e) The purchase of new voting systems or upgrades or expansions
10 of existing voting systems by a county or under a quantity purchase
11 agreement entered into by the department under this section is
12 considered an acquisition by the state for purposes of 42 U.S.C. 15401
13 if the voting system, upgrade, or expansion complies with 42 U.S.C.
14 15481 through 15502.

15 ~~(f) Not later than December 31, 2005, each county shall purchase at~~
16 ~~least one (1) voting system under this section for each polling place in~~
17 ~~the county to meet the requirements set forth under IC 3-11-15-13.~~

18 SECTION 74. IC 3-11-8-22 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) A voter
20 challenged under section 20 of this chapter may vote if the voter makes
21 an affidavit in writing under section 23 of this chapter and either of the
22 following applies:

- 23 (1) The voter's name appears on the registration list.
- 24 (2) The voter does one (1) of the following:
 - 25 (A) Produces a certificate of error issued by a registration
 - 26 official of the county in accordance with IC 3-7-48 showing
 - 27 that the voter is registered in the precinct where the voter
 - 28 resides and offers to vote.
 - 29 (B) Produces an affidavit executed under IC 3-10-10 or
 - 30 IC 3-10-11 if the voter executed an affidavit under those
 - 31 provisions.
 - 32 (C) Makes an oral or a written affirmation under IC 3-10-12.

33 (b) ~~After December 31, 2003,~~ A voter challenged under section 20
34 of this chapter:

- 35 (1) whose name does not appear on the registration list; and
- 36 (2) who is not permitted to cast a vote under IC 3-7-48-1,
37 IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or
38 IC 3-10-12;

39 is entitled to cast a provisional ballot under IC 3-11.7 if the voter
40 makes an affidavit in writing that the voter is a legal voter of the
41 precinct.

42 SECTION 75. IC 3-11-8-23 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. The affidavit of a
2 challenged voter required by section 22 of this chapter must be sworn
3 and affirmed and must contain the following:

- 4 (1) A statement that the voter is a citizen of the United States.
- 5 (2) The voter's date of birth to the best of the voter's information
6 and belief.
- 7 (3) A statement that the voter has been a resident of the precinct
8 for thirty (30) days immediately before this election or is qualified
9 to vote in the precinct under IC 3-10-10, IC 3-10-11, or
10 IC 3-10-12.
- 11 (4) The voter's name and a statement that the voter is generally
12 known by that name.
- 13 (5) A statement that the voter has not voted and will not vote in
14 any other precinct in this election.
- 15 (6) The voter's occupation.
- 16 (7) The voter's current residential address, including the street or
17 number, and if applicable, the voter's residential address thirty
18 (30) days before the election, and the date the voter moved.
- 19 (8) A statement that the voter understands that making a false
20 statement on the affidavit is punishable under the penalties of
21 perjury.
- 22 (9) ~~After December 31, 2003;~~ If the individual's name does not
23 appear on the registration list and the individual is not entitled to
24 vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10,
25 IC 3-10-11-2, or IC 3-10-12, a statement that the individual
26 registered to vote and where the individual believes the individual
27 registered to vote during the registration period described by:
28 (A) IC 3-7-13-10; or
29 (B) IC 3-7-36-11, if the voter registered under that section.

30 SECTION 76. IC 3-11-8-23.5 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23.5. ~~(a) This section~~
32 ~~applies after December 31, 2003:~~

33 ~~(b)~~ In accordance with 42 U.S.C. 15482, a voter challenged under
34 section 21 of this chapter is entitled to cast a provisional ballot under
35 IC 3-11.7 after executing the affidavit under section 23 of this chapter.

36 SECTION 77. IC 3-11-8-25.1, AS AMENDED BY P.L.109-2005,
37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2006]: Sec. 25.1. ~~(a) This section applies after December 31,~~
39 ~~2005:~~

40 ~~(b)~~ **(a)** Except as provided in subsection ~~(f)~~; **(e)**, a voter who desires
41 to vote an official ballot at an election shall provide proof of
42 identification.

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1 ~~(c)~~ **(b)** Except as provided in subsection ~~(f)~~, **(e)**, before the voter
2 proceeds to vote in the election, a member of the precinct election
3 board shall ask the voter to provide proof of identification. The voter
4 shall produce the proof of identification before being permitted to sign
5 the poll list.

6 ~~(d)~~ **(c)** If:
7 (1) the voter is unable or declines to present the proof of
8 identification; or
9 (2) a member of the precinct election board determines that the
10 proof of identification provided by the voter does not qualify as
11 proof of identification under IC 3-5-2-40.5;
12 a member of the precinct election board shall challenge the voter as
13 prescribed by this chapter.

14 ~~(e)~~ **(d)** If the voter executes a challenged voter's affidavit under
15 section 22 of this chapter, the voter may:
16 (1) sign the poll list; and
17 (2) receive a provisional ballot.

18 ~~(f)~~ **(e)** A voter who votes in person at a precinct polling place that
19 is located at a state licensed care facility where the voter resides is not
20 required to provide proof of identification before voting in an election.

21 ~~(g)~~ **(f)** After a voter has passed the challengers or has been sworn in,
22 the voter shall be instructed by a member of the precinct election board
23 to proceed to the location where the poll clerks are stationed. The voter
24 shall announce the voter's name to the poll clerks or assistant poll
25 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
26 election board shall require the voter to write the following on the poll
27 list:

- 28 (1) The voter's name.
- 29 (2) Except as provided in subsection ~~(h)~~, **(k)**, the voter's current
30 residence address.

31 ~~(h)~~ **(g)** The poll clerk, an assistant poll clerk, or a member of the
32 precinct election board shall:

- 33 (1) ask the voter to provide or update the voter's voter
34 identification number;
- 35 (2) tell the voter the number the voter may use as a voter
36 identification number; and
- 37 (3) explain to the voter that the voter is not required to provide or
38 update a voter identification number at the polls.

39 ~~(i)~~ **(h)** The poll clerk, an assistant poll clerk, or a member of the
40 precinct election board shall ask the voter to provide proof of
41 identification.

42 ~~(j)~~ **(i)** In case of doubt concerning a voter's identity, the precinct

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1 election board shall compare the voter's signature with the signature on
 2 the affidavit of registration or any certified copy of the signature
 3 provided under IC 3-7-29. If the board determines that the voter's
 4 signature is authentic, the voter may then vote. If either poll clerk
 5 doubts the voter's identity following comparison of the signatures, the
 6 poll clerk shall challenge the voter in the manner prescribed by section
 7 21 of this chapter.

8 ~~(h)~~ **(j)** If, in a precinct governed by subsection ~~(h)~~ **(g)**:

- 9 (1) the poll clerk does not execute a challenger's affidavit; or
 10 (2) the voter executes a challenged voter's affidavit under section
 11 22 of this chapter or executed the affidavit before signing the poll
 12 list;

13 the voter may then vote.

14 ~~(i)~~ **(k)** Each line on a poll list sheet provided to take a voter's current
 15 address must include a box under the heading "Address Unchanged"
 16 so that a voter whose residence address shown on the poll list is the
 17 voter's current residence address may check the box instead of writing
 18 the voter's current residence address on the poll list.

19 SECTION 78. IC 3-11-8-25.2, AS AMENDED BY P.L.109-2005,
 20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2006]: Sec. 25.2. ~~(a) This section applies after December 31,~~
 22 ~~2005.~~

23 ~~(b)~~ **(a)** The poll clerk or assistant poll clerk shall examine the list
 24 provided under IC 3-7-29-1 to determine if the county election board
 25 has indicated that the voter is required to provide additional personal
 26 identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting
 27 in person. If the list (or a certification concerning absentee voters under
 28 IC 3-11-10-12) indicates that the voter is required to present this
 29 identification before voting in person, the poll clerk shall advise the
 30 voter that the voter must present, in addition to the proof of
 31 identification required by ~~section 25.1(b)~~ **section 25.1(a)** of this
 32 chapter, a piece of identification described in subsection ~~(c)~~ **(b)** to the
 33 poll clerk.

34 ~~(c)~~ **(b)** As required by 42 U.S.C. 15483, and in addition to the proof
 35 of identification required by ~~section 25.1(b)~~ **section 25.1(a)** of this
 36 chapter, a voter described by IC 3-7-33-4.5 who has not complied with
 37 IC 3-7-33-4.5 before appearing at the polls on election day must
 38 present one (1) of the following documents to the poll clerk:

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

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

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

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

15 SECTION 79. IC 3-11-8-25.5, AS AMENDED BY P.L.109-2005,
16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2006]: Sec. 25.5. If an individual signs the individual's name
18 and either:

- 19 (1) signs the individual's address; or
 - 20 (2) ~~after December 31, 2005~~; checks the "Address Unchanged"
 - 21 box;
- 22 on the poll list under ~~section 25~~ or **section 25.1** of this chapter and then
23 leaves the polls without casting a ballot or after casting a provisional
24 ballot, the voter may not be permitted to reenter the polls to cast a
25 ballot at the election.

26 SECTION 80. IC 3-11-8-26.1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26.1. ~~(a) This section~~
28 ~~applies after December 31, 2005.~~

29 ~~(b)~~ (a) If a voter:
30 (1) cannot sign; or
31 (2) is a voter with a disability that makes it difficult for the voter
32 to sign;
33 the voter's name and address, the poll clerks shall, by proper
34 interrogation, satisfy themselves that the voter is the person the voter
35 represents the voter to be.

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

- 38 (1) The voter's name.
- 39 (2) Except as provided in subsection ~~(f)~~; (e), the voter's current
40 residence address.

41 ~~(d)~~ (c) The poll clerks shall:
42 (1) ask the voter to provide or update the voter's voter

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1 identification number;

2 (2) tell the voter the number the voter may use as a voter

3 identification number; and

4 (3) explain to the voter that the voter is not required to provide or

5 update a voter identification number at the polls.

6 ~~(c)~~ (d) The poll clerk shall then add the clerk's initials in

7 parentheses, after or under the signature. The voter then may vote.

8 ~~(f)~~ (e) Each line on a poll list sheet provided to take a voter's current

9 residence address must include a box under the heading "Address

10 Unchanged" so that the poll clerk may check the box to indicate that

11 the residence address shown on the poll list is the voter's current

12 residence address instead of writing the voter's current residence

13 address on the poll list.

14 SECTION 81. IC 3-11-8-27.5 IS AMENDED TO READ AS

15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27.5. ~~(a) This section~~

16 ~~applies after December 31, 2003.~~

17 ~~(b)~~ In accordance with 42 U.S.C. 15482, a voter challenged under

18 section 27 of this chapter is entitled to cast a provisional ballot under

19 IC 3-11.7 after executing the affidavit under section 23 of this chapter.

20 SECTION 82. IC 3-11-8-29, AS AMENDED BY P.L.109-2005,

21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

22 JULY 1, 2006]: Sec. 29. (a) This section does not apply to a list kept by

23 a poll clerk under section 10.5 of this chapter.

24 (b) A precinct election board may not keep a poll list other than the

25 poll list required by ~~section 25~~ or section 25.1 of this chapter.

26 SECTION 83. IC 3-11-10-12, AS AMENDED BY P.L.198-2005,

27 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

28 JULY 1, 2006]: Sec. 12. (a) Each county election board shall have all

29 absentee ballots delivered to the precinct election boards at their

30 respective polls on election day.

31 (b) The absentee ballots shall be delivered during the hours that the

32 polls are open and in sufficient time to enable the precinct election

33 boards to vote the ballots during the time the polls are open.

34 (c) Along with the absentee ballots delivered to the precinct election

35 boards under subsection (a), each county election board shall provide

36 a list certified by the circuit court clerk. This list must state the name

37 of each voter subject to IC 3-7-33-4.5 who:

38 (1) filed the documentation required by IC 3-7-33-4.5 with the

39 county voter registration office after the printing of the certified

40 list under IC 3-7-29 or the poll list under ~~IC 3-11-3-18;~~

41 **IC 3-11-3;** and

42 (2) as a result, is entitled to have the voter's absentee ballot

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1 counted if the ballot otherwise complies with this title.

2 (d) If the county election board is notified not later than 3 p.m. on
3 election day by the county voter registration office that a voter subject
4 to IC 3-7-33-4.5 and not identified in the list certified under subsection
5 (c) has filed documentation with the office that complies with
6 IC 3-7-33-4.5, the county election board shall transmit a supplemental
7 certified list to the appropriate precinct election board. If the board
8 determines that the supplemental list may not be received before the
9 closing of the polls, the board shall:

10 (1) attempt to contact the precinct election board to inform the
11 board regarding the content of the supplemental list; and
12 (2) file a copy of the supplemental list for that precinct as part of
13 the permanent records of the board.

14 (e) This subsection applies to a special write-in absentee ballot
15 described in:

16 (1) 42 U.S.C. 1973ff for federal offices; and
17 (2) IC 3-11-4-12(a) for state offices.

18 If the county election board receives both a special write-in absentee
19 ballot and the regular absentee ballot described by IC 3-11-4-12 from
20 the same voter, the county election board shall reject the special
21 write-in ballot and deliver only the regular absentee ballot to the
22 precinct election board.

23 SECTION 84. IC 3-11-10-24.5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24.5. ~~(a) This section~~
25 ~~applies after December 31, 2005.~~

26 ~~(b)~~ As required by 42 U.S.C. 15481, an election board must
27 establish a voter education program (specific to a paper ballot or
28 optical scan ballot card provided as an absentee ballot under this
29 chapter) to notify a voter of the effect of casting multiple votes for a
30 single office.

31 SECTION 85. IC 3-11-10-25, AS AMENDED BY P.L.103-2005,
32 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2006]: Sec. 25. (a) A voter who votes by absentee ballot
34 because of:

35 (1) illness or injury; or
36 (2) caring for a confined person at a private residence;
37 and who is within the county on election day may vote before an
38 absentee voter board or by mail.

39 (b) If requested by a voter described in subsection (a) or by a voter
40 with disabilities whose precinct is not accessible to voters with
41 disabilities, an absentee voter board shall visit the voter's place of
42 confinement, the residence of the voter with disabilities, or the private

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1 residence:

2 (1) during the regular office hours of the circuit court clerk;

3 (2) at a time agreed to by the board and the voter;

4 (3) on any of the twelve (12) days immediately before election

5 day; and

6 (4) only once before an election, unless:

7 (A) the confined voter is unavailable at the time of the board's

8 first visit due to a medical emergency; or

9 (B) the board, in its discretion, decides to make an additional

10 visit.

11 (c) This subsection applies to a voter confined due to illness or

12 injury. An absentee voter board may not be denied access to the voter's

13 place of confinement if the board is present at the place of confinement

14 at a time:

15 (1) agreed to by the board and the voter; and

16 (2) during the regular office hours of the circuit court clerk. A

17 person who knowingly violates this subsection commits

18 obstruction or interference with an election officer in the

19 discharge of the officer's duty, a violation of IC 3-14-3-4.

20 (d) The county election board, by unanimous vote of the board's

21 entire membership, may authorize an absentee voter board to visit a

22 voter who is confined due to illness or injury and will be outside of the

23 county on election day in accordance with the procedures set forth in

24 subsection (b).

25 (e) ~~This subsection applies after December 31, 2005.~~ As provided

26 by 42 U.S.C. 15481, a voter casting an absentee ballot under this

27 section must be:

28 (1) permitted to verify in a private and independent manner the

29 votes selected by the voter before the ballot is cast and counted;

30 (2) provided with the opportunity to change the ballot or correct

31 any error in a private and independent manner before the ballot is

32 cast and counted, including the opportunity to receive a

33 replacement ballot if the voter is otherwise unable to change or

34 correct the ballot; and

35 (3) notified before the ballot is cast regarding the effect of casting

36 multiple votes for the office and provided an opportunity to

37 correct the ballot before the ballot is cast and counted.

38 (f) ~~This subsection applies after December 31, 2005.~~ As provided

39 by 42 U.S.C. 15481, when an absentee ballot is provided under this

40 section, the board must also provide the voter with:

41 (1) information concerning the effect of casting multiple votes for

42 an office; and

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1 (2) instructions on how to correct the ballot before the ballot is
2 cast and counted, including the issuance of replacement ballots.
3 (g) This subsection applies to a voter who applies to vote an
4 absentee ballot by mail. The county election board shall include a copy
5 of the Absentee Voter's Bill of Rights with any absentee ballot mailed
6 to the voter.
7 SECTION 86. IC 3-11-10-26, AS AMENDED BY P.L.103-2005,
8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2006]: Sec. 26. (a) As an alternative to voting by mail, a voter
10 is entitled to cast an absentee ballot before an absentee voter board:
11 (1) in the office of the circuit court clerk (or board of elections
12 and registration in a county subject to IC 3-6-5.2); or
13 (2) at a satellite office established under section 26.3 of this
14 chapter.
15 (b) The voter must:
16 (1) sign an application on the form prescribed by the commission
17 under IC 3-11-4-5.1; and
18 (2) provide proof of identification;
19 before being permitted to vote. The application must be received by the
20 circuit court clerk not later than the time prescribed by IC 3-11-4-3.
21 (c) The voter may vote before the board not more than twenty-nine
22 (29) days nor later than noon on the day before election day.
23 (d) An absent uniformed services voter who is eligible to vote by
24 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
25 may vote before the board not earlier than twenty-nine (29) days before
26 the election and not later than noon on election day. If a voter described
27 by this subsection wishes to cast an absentee ballot during the period
28 beginning at noon on the day before election day and ending at noon on
29 election day, the county election board or absentee voter board may
30 receive and process the ballot at a location designated by resolution of
31 the county election board.
32 (e) The absentee voter board in the office of the circuit court clerk
33 must permit voters to cast absentee ballots under this section for at
34 least seven (7) hours on each of the two (2) Saturdays preceding
35 election day.
36 (f) Notwithstanding subsection (e), in a county with a population of
37 less than twenty thousand (20,000), the absentee voter board in the
38 office of the circuit court clerk, with the approval of the county election
39 board, may reduce the number of hours available to cast absentee
40 ballots under this section to a minimum of four (4) hours on each of the
41 two (2) Saturdays preceding election day.
42 (g) ~~This subsection applies after December 31, 2005.~~ As provided

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1 by 42 U.S.C. 15481, a voter casting an absentee ballot under this
2 section must be:

- 3 (1) permitted to verify in a private and independent manner the
- 4 votes selected by the voter before the ballot is cast and counted;
- 5 (2) provided with the opportunity to change the ballot or correct
- 6 any error in a private and independent manner before the ballot is
- 7 cast and counted, including the opportunity to receive a
- 8 replacement ballot if the voter is otherwise unable to change or
- 9 correct the ballot; and
- 10 (3) notified before the ballot is cast regarding the effect of casting
- 11 multiple votes for the office and provided an opportunity to
- 12 correct the ballot before the ballot is cast and counted.

13 (h) As provided by 42 U.S.C. 15481, when an absentee ballot is
14 provided under this section, the board must also provide the voter with:

- 15 (1) information concerning the effect of casting multiple votes for
- 16 an office; and
- 17 (2) instructions on how to correct the ballot before the ballot is
- 18 cast and counted, including the issuance of replacement ballots.

19 (i) If:

- 20 (1) the voter is unable or declines to present the proof of
- 21 identification; or
- 22 (2) a member of the board determines that the proof of
- 23 identification provided by the voter does not qualify as proof of
- 24 identification under IC 3-5-2-40.5;

25 the voter shall be permitted to cast an absentee ballot and the voter's
26 absentee ballot shall be treated as a provisional ballot.

27 SECTION 87. IC 3-11-11-1.2 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.2. ~~(a) This section~~
29 ~~applies after December 31, 2005.~~

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

33 SECTION 88. IC 3-11-11-6 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) After a voter has
35 signed the poll list, one (1) of the poll clerks or assistant poll clerks
36 shall deliver to the voter one (1) of each ballot that the voter is entitled
37 to vote at the election and one (1) pencil or pen. Both judges, on
38 request, shall give an explanation of the voting method. If necessary,
39 a precinct election officer shall assist a voter in determining if the
40 proper initials appear on a ballot.

41 (b) ~~This subsection applies after December 31, 2005.~~ As provided
42 by 42 U.S.C. 15481, when a voter receives a paper ballot under this

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1 section, the board must also provide the voter with:
 2 (1) information concerning the effect of casting multiple votes for
 3 an office; and
 4 (2) instructions on how to correct the ballot before the ballot is
 5 cast and counted, including the issuance of replacement ballots.
 6 SECTION 89. IC 3-11-11-9 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A voter shall
 8 mark all ballots while screened from observation. The exterior of a
 9 voting booth or compartment and each area of the polls must be in
 10 plain view of the precinct election board. Each voting booth or
 11 compartment shall be placed so that a person voting on the opposite
 12 side of the railing or a person on the outside of the polls cannot see or
 13 determine how a voter votes. The inspector, judges, and poll clerks may
 14 not remain or allow any other person to remain in a position or near a
 15 position that would permit them to see or ascertain how a voter votes.
 16 (b) ~~This subsection applies after December 31, 2005.~~ As provided
 17 by 42 U.S.C. 15481, a voter casting a paper ballot under this section
 18 must be:
 19 (1) permitted to verify in a private and ~~an~~ independent manner the
 20 votes selected by the voter before the ballot is cast and counted;
 21 (2) provided with the opportunity to change the ballot or correct
 22 any error in a private and independent manner before the ballot is
 23 cast and counted, including the opportunity to receive a
 24 replacement ballot if the voter is otherwise unable to change or
 25 correct the ballot; and
 26 (3) notified before the ballot is cast regarding the effect of casting
 27 multiple votes for the office and provided an opportunity to
 28 correct the ballot before the ballot is cast and counted.
 29 SECTION 90. IC 3-11-13-4.5 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. ~~(a) This section~~
 31 ~~applies after December 31, 2005.~~
 32 ~~(b)~~ As required by 42 U.S.C. 15481, an election board must
 33 establish a voter education program to notify a voter of the effect of
 34 casting multiple ballots for a single office on an optical scan ballot card
 35 tabulated at a central location.
 36 SECTION 91. IC 3-11-13-11, AS AMENDED BY P.L.58-2005,
 37 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2006]: Sec. 11. (a) The ballot information, whether placed on
 39 the ballot card or on the marking device, must be in the order of
 40 arrangement provided for ballots under this section.
 41 (b) Each county election board shall have the names of all
 42 candidates for all elected offices, political party offices, and public

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1 questions printed on a ballot card as provided in this chapter. The
2 county may:

- 3 (1) print all offices and questions on a single ballot card; and
- 4 (2) include a ballot variation code to ensure that the proper
5 version of a ballot is used within a precinct.

6 (c) Each type of ballot card must be of uniform size and of the same
7 quality and color of paper (except as permitted under IC 3-10-1-17).

8 (d) The nominees of a political party or an independent candidate
9 or independent ticket (described in IC 3-11-2-6) nominated by
10 petitioners shall be listed on the ballot with the name and device set
11 forth on the certification or petition. The circle containing the device
12 may be of any size that permits a voter to readily identify the device.
13 IC 3-11-2-5 applies if the certification or petition does not include a
14 name or device, or if the same device is selected by two (2) or more
15 parties or petitioners.

16 (e) The offices on the general election ballot must be placed on the
17 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,
18 IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a)
19 through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The
20 offices and public questions may be listed in a continuous column
21 either vertically or horizontally and on a number of separate pages.
22 However, school board offices, public questions concerning the
23 retention of a justice or judge, local nonpartisan judicial offices, and
24 local public questions must be placed at the beginning of separate
25 columns.

26 (f) The name of each office must be printed in a uniform size in bold
27 type. A statement reading substantially as follows must be placed
28 immediately below the name of the office and above the name of the
29 first candidate: "Vote for not more than (insert the number of
30 candidates to be elected) candidate(s) for this office."

31 (g) Below the name of the office and the statement required by
32 subsection (f), the names of the candidates for each office must be
33 grouped together in the following order:

- 34 (1) The major political party whose candidate received the highest
35 number of votes in the county for secretary of state at the last
36 election is listed first.
- 37 (2) The major political party whose candidate received the second
38 highest number of votes in the county for secretary of state is
39 listed second.
- 40 (3) All other political parties listed in the order that the parties'
41 candidates for secretary of state finished in the last election are
42 listed after the party listed in subdivision (2).

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- 1 (4) If a political party did not have a candidate for secretary of
 2 state in the last election or a nominee is an independent candidate
 3 or independent ticket (described in IC 3-11-2-6), the party or
 4 candidate is listed after the parties described in subdivisions (1),
 5 (2), and (3).
 6 (5) If more than one (1) political party or independent candidate
 7 or ticket described in subdivision (4) qualifies to be on the ballot,
 8 the parties, candidates, or tickets are listed in the order in which
 9 the party filed its petition of nomination under IC 3-8-6-12.
 10 (6) A space for write-in voting is placed after the candidates listed
 11 in subdivisions (1) through (5), if required by law.
 12 (7) The name of a write-in candidate may not be listed on the
 13 ballot.
 14 (h) The names of the candidates grouped in the order established by
 15 subsection (g) must be printed in type with uniform capital letters and
 16 have a uniform space between each name. The name of the candidate's
 17 political party, or the word "Independent" if the:
 18 (1) candidate; or
 19 (2) ticket of candidates for:
 20 (A) President and Vice President of the United States; or
 21 (B) governor and lieutenant governor;
 22 is independent, must be placed immediately below or beside the name
 23 of the candidate and must be printed in a uniform size and type.
 24 (i) All the candidates of the same political party for election to
 25 at-large seats on the fiscal or legislative body of a political subdivision
 26 must be grouped together:
 27 (1) under the name of the office that the candidates are seeking;
 28 (2) in the order established by subsection (g); and
 29 (3) within the political party, in alphabetical order according to
 30 surname.
 31 A statement reading substantially as follows must be placed
 32 immediately below the name of the office and above the name of the
 33 first candidate: "Vote for not more than (insert the number of
 34 candidates to be elected) candidate(s) of ANY party for this office."
 35 (j) Candidates for election to at-large seats on the governing body
 36 of a school corporation must be grouped:
 37 (1) under the name of the office that the candidates are seeking;
 38 and
 39 (2) in alphabetical order according to surname.
 40 A statement reading substantially as follows must be placed
 41 immediately below the name of the office and above the name of the
 42 first candidate: "Vote for not more than (insert the number of

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- 1 candidates to be elected) candidate(s) for this office.".
- 2 (k) The following information must be placed at the top of the ballot
- 3 before the first office is listed:
- 4 (1) The cautionary statement described in IC 3-11-2-7.
- 5 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c),
- 6 and IC 3-11-2-10(d).
- 7 (l) The ballot must include a single connectable arrow, circle, oval,
- 8 or square, or a voting position for voting a straight party or an
- 9 independent ticket (described in IC 3-11-2-6) by one (1) mark as
- 10 required by section 14 of this chapter, and the single connectable
- 11 arrow, circle, oval, or square, or the voting position for casting a
- 12 straight party or an independent ticket ballot must be identified by:
- 13 (1) the name of the political party or independent ticket
- 14 (described in IC 3-11-2-6); and
- 15 (2) immediately below or beside the political party's or
- 16 independent ticket's name, the device of that party or ticket
- 17 (described in IC 3-11-2-5).
- 18 The name and device of each political party or independent ticket must
- 19 be of uniform size and type and arranged in the order established by
- 20 subsection (g) for listing candidates under each office. The instructions
- 21 described in IC 3-11-2-10(b) for voting a straight party ticket and the
- 22 statement concerning presidential electors required under IC 3-10-4-3
- 23 may be placed on the ballot beside or above the names and devices
- 24 within the voting booth in a location that permits the voter to easily
- 25 read the instructions.
- 26 (m) A public question must be in the form described in
- 27 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable
- 28 arrow, a circle, or an oval may be used instead of a square. Except as
- 29 expressly authorized or required by statute, a county election board
- 30 may not print a ballot card that contains language concerning the public
- 31 question other than the language authorized by a statute.
- 32 (n) The requirements in this section:
- 33 (1) do not replace; and
- 34 (2) are in addition to;
- 35 any other requirements in this title that apply to optical scan ballots.
- 36 (o) The procedure described in IC 3-11-2-16 must be used when a
- 37 ballot does not comply with the requirements imposed by this title or
- 38 contains another error or omission that might result in confusion or
- 39 mistakes by voters.
- 40 (p) This subsection applies to an optical scan ballot that does not
- 41 list:
- 42 (1) the names of political parties or candidates; or

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1 (2) the text of public questions;
2 on the face of the ballot. The ballot must be prepared in accordance
3 with this section, except that the ballot must include a numbered circle
4 or oval to refer to each political party, candidate, or public question.

5 ~~(q) This subsection:~~

6 ~~(1) applies to a punch card ballot voting system; and~~

7 ~~(2) expires December 31, 2005.~~

8 Except as otherwise provided in this chapter, a punch card ballot must
9 include a numbered box and chad in the locations and in the layout
10 specified by this section for connectable arrows, circles, ovals, or
11 squares.

12 SECTION 92. IC 3-11-13-28.5, AS AMENDED BY P.L.221-2005,
13 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2006]: Sec. 28.5. (a) Unless challenged, a voter may proceed
15 to vote.

16 (b) As each successive voter calls for a ballot, the poll clerks shall
17 deliver to the voter the first initialed ballot of each type. The inspector
18 shall then deliver to the poll clerks another ballot of each type, which
19 the clerks shall initial as before.

20 (c) This subsection applies after ~~December 31, 2005~~; to an optical
21 scan ballot card ballot tabulated at a central location. As provided by
22 42 U.S.C. 15481, when a voter receives an optical scan ballot card
23 ballot, the board must also provide the voter with:

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

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

28 SECTION 93. IC 3-11-13-29, AS AMENDED BY P.L.221-2005,
29 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2006]: Sec. 29. (a) In addition to the instructions printed on
31 the ballot card or ballot labels, instructions to voters shall be posted in
32 each voting booth or placed on the marking device. Each voter shall be
33 instructed by both judges, on request, on how to operate the voting
34 device before the voter enters the voting booth.

35 (b) The instructions posted in the voting booth or placed on the
36 marking device must state the following:

37 (1) That the voter should examine the ballot card to determine if
38 it contains the initials of the poll clerks in ink on the back of the
39 card.

40 (2) That the voter should not make an unnecessary mark on the
41 ballot card because the mark may void the card.

42 (3) That the voter should examine the ballot card to determine if

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1 the card has any mark (other than the initials of the poll clerks)
 2 before voting.
 3 (4) That the voter should return the ballot card to the poll clerks
 4 and request another ballot card if:
 5 (A) the poll clerks' initials have not been properly placed on
 6 the card;
 7 (B) the card has a mark (other than the initials of the poll
 8 clerks) before the voter places a voting mark on the ballot; or
 9 (C) the voter has improperly marked the card.
 10 (5) That the voter should examine the ballot card after voting to
 11 determine that all marks made on the card to indicate the voter's
 12 selections have been completely marked.
 13 (c) ~~This subsection applies after December 31, 2005:~~ As provided
 14 by 42 U.S.C. 15481, a voter casting an optical scan ballot card under
 15 this section must be:
 16 (1) permitted to verify in a private and ~~an~~ independent manner the
 17 votes selected by the voter before the ballot is cast and counted;
 18 (2) provided the opportunity to change the ballot or correct any
 19 error in a private and independent manner before the ballot is cast
 20 and counted, including the opportunity to receive a replacement
 21 ballot if the voter is otherwise unable to change or correct the
 22 ballot; and
 23 (3) notified before the ballot is cast regarding the effect of casting
 24 multiple votes for the office and provided an opportunity to
 25 correct the ballot before the ballot is cast and counted.
 26 SECTION 94. IC 3-11-14-23, AS AMENDED BY P.L.58-2005,
 27 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2006]: Sec. 23. (a) This section is enacted to comply with 42
 29 U.S.C. 15481 by establishing uniform and nondiscriminatory standards
 30 to define what constitutes a vote on an electronic voting system.
 31 (b) If a voter is not challenged by a member of the precinct election
 32 board, the voter may pass the railing to the side where an electronic
 33 voting system is and into the voting booth. There the voter shall
 34 register the voter's vote in secret by indicating:
 35 (1) the candidates for whom the voter desires to vote by touching
 36 a device on or in the squares immediately above the candidates'
 37 names;
 38 (2) if the voter intends to cast a write-in vote, a write-in vote by
 39 touching a device on or in the square immediately below the
 40 candidates' names and printing the name of the candidate in the
 41 window provided for write-in voting; and
 42 (3) the voter's preference on each public question by touching a

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1 device above the word "yes" or "no" under the question.
 2 (c) If an election is a general or municipal election and a voter
 3 desires to vote for all the candidates of one (1) political party or group
 4 of petitioners, the voter may cast a straight party ticket by touching that
 5 party's device. The voter's vote shall then be counted for all the
 6 candidates under that name. However, if the voter casts a vote by
 7 touching the circle of an independent ticket comprised of two (2)
 8 candidates, the vote shall not be counted for any other independent
 9 candidate on the ballot.

10 (d) ~~After December 31, 2005~~; As provided by 42 U.S.C. 15481, a
 11 voter casting a ballot on an electronic voting system must be:

- 12 (1) permitted to verify in a private and ~~an~~ independent manner the
- 13 votes selected by the voter before the ballot is cast and counted;
- 14 (2) provided the opportunity to change the ballot or correct any
- 15 error in a private and independent manner before the ballot is cast
- 16 and counted, including the opportunity to receive a replacement
- 17 ballot if the voter is otherwise unable to change or correct the
- 18 ballot; and
- 19 (3) notified before the ballot is cast regarding the effect of casting
- 20 multiple votes for the office and provided an opportunity to
- 21 correct the ballot before the ballot is cast and counted.

22 SECTION 95. IC 3-11-15-13.3, AS AMENDED BY P.L.221-2005,
 23 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2006]: Sec. 13.3. ~~(a) This section applies after December 31,~~
 25 ~~2005.~~

26 ~~(b)~~ (a) To be approved by the commission for use in Indiana, a
 27 voting system must meet the Voting System Standards adopted by the
 28 Federal Election Commission on April 30, 2002.

29 ~~(c)~~ (b) A county may continue to use an optical scan ballot card
 30 voting system or an electronic voting system whose approval or
 31 certification expired on or before October 1, 2005, if the voting system:

- 32 (1) was:
 - 33 (A) approved by the commission for use in elections in Indiana
 - 34 before July 1, 2003; and
 - 35 (B) purchased by the county before July 1, 2003; and
- 36 (2) otherwise complies with the applicable provisions of HAVA
- 37 and this article.

38 However, a voting system vendor may not market, sell, lease, or install
 39 a voting system described in this subsection.

40 ~~(d)~~ (c) As provided by 42 U.S.C. 15481, to be used in an election in
 41 Indiana, a voting system must be accessible for individuals with
 42 disabilities, including nonvisual accessibility for the blind and visually

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1 impaired, in a manner that provides the same opportunity for access
2 and participation (including privacy and independence) as for other
3 voters.

4 ~~(e)~~ (d) As provided by 42 U.S.C. 15481, an election board
5 conducting an election satisfies the requirements of subsection ~~(d)~~ (c)
6 if the election board provides at least one (1) electronic voting system
7 or other voting system equipped for individuals with disabilities at each
8 polling place.

9 ~~(f)~~ (e) If a voter who is otherwise qualified to cast a ballot in a
10 precinct chooses to cast the voter's ballot on the voting system provided
11 under subsection ~~(e)~~, (d), the voter must be allowed to cast the voter's
12 ballot on that voting system, whether or not the voter is an individual
13 with disabilities.

14 SECTION 96. IC 3-11.7-2-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As provided by
16 42 U.S.C. 15482, this section applies to the following individuals:

- 17 (1) An individual:
 - 18 (A) whose name does not appear on the registration list; and
 - 19 (B) who is not permitted to vote under IC 3-7-48-1,
 - 20 IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or
 - 21 IC 3-10-12.
- 22 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
- 23 IC 3-11-8-27.5 who is challenged as not eligible to vote.
- 24 (3) An individual who seeks to vote in an election as a result of a
- 25 court order (or any other order) extending the time established for
- 26 closing the polls under IC 3-11-8-8.

27 (b) ~~This subsection applies after December 31, 2003.~~ As required
28 by 42 U.S.C. 15483, a voter who has registered to vote but has not:

- 29 (1) presented identification required under 42 U.S.C. 15483 to the
- 30 poll clerk before voting in person under ~~IC 3-11-8-25;~~
- 31 **IC 3-11-8-25.1;** or
- 32 (2) filed a copy of the identification required under 42 U.S.C.
- 33 15483 to the county voter registration office before the voter's
- 34 absentee ballot is cast;

35 is entitled to vote a provisional ballot under this article.

36 (c) A precinct election officer shall inform an individual described
37 by subsection (a)(1) or (a)(2) that the individual may cast a provisional
38 ballot if the individual:

- 39 (1) is eligible to vote under IC 3-7-13-1;
- 40 (2) submitted a voter registration application during the
- 41 registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if
- 42 the voter registered under that section); and

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1 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

2 (d) A precinct election officer shall inform an individual described
3 by subsection (a)(3) that the individual may cast a provisional ballot.

4 SECTION 97. IC 3-12-9-4, AS AMENDED BY P.L.230-2005,
5 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2006]: Sec. 4. (a) The fiscal body of a political subdivision
7 that receives notice under section 3 of this chapter shall resolve the tie
8 vote by electing a person to fill the office not later than December 31
9 following the election (or not later than June 30 following the election
10 of a school board member in May) at which the tie vote occurred. The
11 fiscal body shall select one (1) of the candidates who was involved in
12 the tie vote to fill the office.

13 (b) If a tie vote has occurred in an election for a circuit office in a
14 circuit that contains more than one (1) county, the fiscal bodies of the
15 counties shall meet in joint session at the county seat of the county that
16 contains the greatest percentage of population of the circuit to select
17 one (1) of the candidates who was involved in the tie vote in order to
18 fill the office in accordance with this section.

19 (c) If a tie vote has occurred for the election of more than one (1)
20 at-large seat on a legislative or fiscal body, the fiscal body shall select
21 the number of individuals necessary to fill each of the at-large seats for
22 which the tie vote occurred. However, a member of a fiscal body who
23 runs for reelection and is involved in a tie vote may not cast a vote
24 under this section.

25 (d) The executive of the political subdivision (other than a town or
26 a school corporation) may cast the deciding vote to break a tie vote in
27 a fiscal body acting under this section. The clerk-treasurer of the town
28 may cast the deciding vote to break a tie vote in a town fiscal body
29 acting under this section. A tie vote in the fiscal body of a school
30 corporation under this section shall be broken under ~~IC 20-4-1-26.5 or~~
31 ~~IC 20-4-8-8.~~ **IC 20-23.**

32 SECTION 98. IC 3-13-5-0.1 IS ADDED TO THE INDIANA CODE
33 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
34 **1, 2006]: Sec. 0.1. (a) This chapter applies only to a vacancy in a**
35 **legislative office that was last held by a person elected or selected**
36 **as a candidate of a major political party of the state.**

37 (b) **A vacancy in a legislative office that was last held by a**
38 **person not described in subsection (a) shall be filled by a special**
39 **election held as provided in IC 3-10-8.**

40 SECTION 99. IC 3-14-2-6 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A person who
42 knowingly, intentionally, or recklessly releases or removes any

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1 registration materials or ~~after December 31, 2005~~, information
 2 contained in the computerized list maintained under IC 3-7-26.3 from
 3 the county voter registration office, except when release or removal is
 4 necessary:

5 (1) to comply with IC 3-7; or

6 (2) for the destruction of the materials under IC 5-15-6;

7 commits a Class A misdemeanor.

8 SECTION 100. IC 3-14-4-3.5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. ~~(a) This subsection~~
 10 ~~applies before January 1, 2006. A circuit court clerk, member of a~~
 11 ~~board of registration, or county official, responsible for maintaining~~
 12 ~~computerized voter registration information who recklessly fails to~~
 13 ~~comply with IC 3-7-26 more than thirty (30) days after being required~~
 14 ~~to perform a duty under IC 3-7-26 commits a Class B misdemeanor.~~

15 ~~(b) This subsection applies after December 31, 2005. A circuit court~~
 16 ~~clerk, a member of a board of registration, a county official, or another~~
 17 ~~person responsible for maintaining computerized voter registration~~
 18 ~~information who recklessly fails to comply with IC 3-7-26.3 more than~~
 19 ~~thirty (30) days after being required to perform a duty under~~
 20 ~~IC 3-7-26.3 commits a Class B misdemeanor.~~

21 SECTION 101. IC 3-14-6-1.1 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. ~~(a) This section~~
 23 ~~applies after December 31, 2005.~~

24 ~~(b) (a)~~ A person who grants a request for voter registration
 25 information under IC 3-7-26.3 or IC 3-7-27 with knowledge that the
 26 information will be used in a manner prohibited by IC 3-7-26.3 or
 27 IC 3-7-27 commits a Class B infraction.

28 ~~(c) (b)~~ A person who has previously received a judgment for
 29 committing an infraction under this section and knowingly,
 30 intentionally, or recklessly violates this section a second time commits
 31 a Class D felony.

32 SECTION 102. IC 3-14-6-2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) This section does
 34 not apply to:

35 (1) political activities; or

36 (2) political fundraising activities.

37 (b) A person who uses voter registration information obtained under
 38 ~~IC 3-7-26; IC 3-7-26.3 (after December 31, 2005); or IC 3-7-27~~ to
 39 solicit the sale of merchandise, goods, services, or subscriptions
 40 commits a Class B infraction.

41 (c) The court shall:

42 (1) keep a record; and

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1 (2) send a copy of the record to the prosecuting attorney of the
2 county in which the infraction proceeding was tried;
3 of a judgment for an infraction proceeding tried under this section.

4 (d) A person who:

5 (1) has previously received a judgment for committing an
6 infraction under this section; and

7 (2) knowingly or intentionally uses voter registration information
8 in violation of this section;

9 commits a Class A misdemeanor.

10 SECTION 103. IC 9-24-2.5-4 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
12 Sec. 4. As required under 42 U.S.C. 1973gg-3(e)(1), the manager or
13 designated license branch employee shall transmit a copy of the
14 completed voter registration portion of each application for a driver's
15 license or an identification card for nondrivers issued under this article
16 in accordance with IC 3-7.

17 ~~(1) to the circuit court clerk or board of registration of the county~~
18 ~~in which the individual's residential address (as indicated on the~~
19 ~~application) is located; and~~

20 ~~(2) not later than five (5) days after the application is accepted at~~
21 ~~the license branch.~~

22 SECTION 104. IC 33-33-49-13, AS AMENDED BY P.L.2-2005,
23 SECTION 93, AND AS AMENDED BY P.L.58-2005, SECTION 35,
24 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Each judge of the court
26 shall be elected for a term of six (6) years that begins January 1 after
27 the year of the judge's election and continues through December 31 in
28 the sixth year. The judge shall hold office for the six (6) year term or
29 until the judge's successor is elected and qualified. A candidate for
30 judge shall run at large for the office of judge of the court and not as a
31 candidate for judge of a particular room or division of the court.

32 (b) ~~Beginning with~~ At the primary election held in ~~1996~~ **2008** and
33 every six (6) years thereafter, a political party may nominate not more
34 than eight (8) candidates for judge of the court. ~~Beginning with~~ At the
35 primary election held in ~~2000~~ **2006** and every six (6) years thereafter,
36 a political party may nominate not more than nine (9) candidates for
37 judge of the court. The candidates shall be voted on at the general
38 election. Other candidates may qualify under IC 3-8-6 to be voted on
39 at the general election.

40 (c) The names of the party candidates nominated and properly
41 certified to the Marion County election board, along with the names of
42 other candidates who have qualified, shall be placed on the ballot at the

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1 general election in the form prescribed by ~~IC 3-11-2~~ IC 3-11.
2 ~~Beginning with~~ At the ~~1996~~ **2008** general election and every six (6)
3 years thereafter, persons eligible to vote at the general election may
4 vote for fifteen (15) candidates for judge of the court. Beginning with
5 the ~~2000~~ **2006** general election and every six (6) years thereafter,
6 persons eligible to vote at the general election may vote for seventeen
7 (17) candidates for judge of the court.

8 (d) The candidates for judge of the court receiving the highest
9 number of votes shall be elected to the vacancies. The names of the
10 candidates elected as judges of the court shall be certified to the county
11 election board as provided by law.

12 SECTION 105. IC 33-35-1-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) During **2006 and**
14 every fourth year after ~~1986~~, **that**, a second or third class city or a town
15 may by ordinance establish or abolish a city or town court. An
16 ordinance to establish a city or town court must be adopted not less
17 than one (1) year before the judge's term would begin under section 3
18 of this chapter.

19 (b) The judge for a court established under subsection (a) shall be
20 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in
21 November ~~1987~~ **2007** and every four (4) years thereafter.

22 (c) A court established under subsection (a) comes into existence on
23 January 1 of the year following the year in which a judge is elected to
24 serve in that court.

25 (d) A city or town court in existence on January 1, 1986, may
26 continue in operation until it is abolished by ordinance.

27 (e) A city or town that establishes or abolishes a court under this
28 section shall give notice of its action to the division of state court
29 administration of the office of judicial administration under IC 33-24-6.

30 SECTION 106. THE FOLLOWING ARE REPEALED
31 [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: IC 9-24-2.5-6;
32 IC 9-24-2.5-7; IC 9-24-2.5-8.

33 SECTION 107. THE FOLLOWING ARE REPEALED
34 [EFFECTIVE JULY 1, 2006]: IC 3-5-2-8.7; IC 3-7-12-28; IC 3-7-26;
35 IC 3-7-26.3-1; IC 3-7-27-20; IC 3-7-27-21; IC 3-7-27-23; IC 3-7-33-2;
36 IC 3-7-35-2; IC 3-7-35-3; IC 3-7-38.1; IC 3-7-40-2; IC 3-7-40-7;
37 IC 3-7-45-2; IC 3-7-45-6; IC 3-7-46-4; IC 3-10-1-7; IC 3-10-1-24.5;
38 IC 3-10-7-14; IC 3-11-2-2; IC 3-11-3-17; IC 3-11-3-18; IC 3-11-3-19;
39 IC 3-11-3-21; IC 3-11-6.5-5; IC 3-11-6.5-6.1; IC 3-11-8-25;
40 IC 3-11-8-26; IC 3-11-15-13; IC 3-11.7-1-1; IC 3-14-6-1.

41 SECTION 108. [EFFECTIVE JULY 1, 2006] (a) **Notwithstanding**
42 **IC 3-10-1-4.5, before its amendment by this act, the successors of**

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1 the precinct committeemen of the Indiana Republican Party
2 elected at the May 2006 primary election shall be elected at the
3 May 2008 primary election.
4 SECTION 109. [EFFECTIVE UPON PASSAGE] (a) This
5 SECTION applies to a proposed precinct establishment order
6 issued after June 30, 2005.
7 (b) A proposed precinct establishment order complies with
8 IC 3-11-1.5-15(4) if the order includes in substance either of the
9 following statements:
10 (1) The polling place designated for the precinct complies with
11 the polling place accessibility requirements under IC 3-11-8.
12 (2) That before April 1, 2006, the county will designate a new
13 polling place that complies with the polling place accessibility
14 requirements under IC 3-11-8.
15 (c) This SECTION expires July 1, 2006.
16 SECTION 110. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1011, 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 22, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 52. IC 3-10-1-4.5, AS AMENDED BY P.L.230-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) **Except as provided in section 4.6 of this chapter**, precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2006 and every four (4) years thereafter.

(b) The rules of a political party may specify whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 53. IC 3-10-1-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.6. (a) **This section applies to precinct committeemen elected by the Indiana Republican Party.**

(b) **Precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2008 and every four (4) years thereafter.**

(c) **The rules of the Indiana Republican Party may specify whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5."**

Page 55, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 108. [EFFECTIVE JULY 1, 2006] (a) **Notwithstanding IC 3-10-1-4.5, before its amendment by this act, the successors of the precinct committeemen of the Indiana Republican Party elected at the May 2006 primary election shall be elected at the May 2008 primary election."**

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1011 as introduced.)

THOMAS, Chair

Committee Vote: yeas 10, nays 0.

HB 1011—LS 6186/DI 75+



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