

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1011 be amended to read as follows:

- 1 Page 3, between lines 35 and 36, begin a new paragraph and insert:
2 "SECTION 7. IC 3-6-6-0.5 IS ADDED TO THE INDIANA CODE
3 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
4 **JANUARY 1, 2007]: Sec. 0.5. As used in this chapter, "mid election**
5 **day" refers to 1:30 p.m. on election day.**
6 SECTION 8. IC 3-6-6-10 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) A county
8 chairman may make nominations for precinct election offices by filing
9 the nominations in writing with the circuit court clerk not later than
10 noon twenty-one (21) days before the election.
11 (b) This subsection does not apply to the office of precinct inspector.
12 A county chairman may specify in the nomination of an individual for
13 a precinct election office that the individual is nominated to serve until
14 noon on mid election day and that another individual is nominated to
15 serve in the same precinct election office beginning at noon on mid
16 election day until the expiration of the term of the office under section
17 37(b) of this chapter.
18 SECTION 9. IC 3-6-6-11 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) A county
20 election board shall appoint the individuals who are nominated for
21 precinct election offices by the county chairmen if the individuals are
22 otherwise eligible under this chapter to serve in the precinct election
23 offices for which they are nominated.
24 (b) This subsection does not apply to the office of precinct inspector.
25 This subsection applies to an appointment to a precinct election office
26 made following a nomination by a county chairman under this chapter.
27 The county election board shall provide that an appointment of an
28 individual to a precinct election office:
29 (1) expires at noon on mid election day; or

1 (2) begins at ~~noon on~~ **mid** election day and expires under section
2 37(b) of this chapter;

3 if the nomination made by the county chairman specifies that the
4 nomination is made for a term that begins or expires at those times.

5 (c) This subsection does not apply to the office of precinct inspector.
6 This subsection applies to an appointment to a precinct election office
7 made by a county election board under section 13(b) of this chapter.
8 The county election board may appoint an individual to a precinct
9 election office for a term that:

- 10 (1) expires at ~~noon on~~ **mid** election day; or
- 11 (2) begins at ~~noon on~~ **mid** election day and expires under section
- 12 37(b) of this chapter."

13 Page 44, line 33, strike "6 p.m." and insert "**the time the polls are**
14 **required to close**".

15 Page 44, line 33, after "day" delete "," and insert "**under**
16 **IC 3-11-8-8**".

17 Page 46, between lines 30 and 31, begin a new paragraph and insert:
18 "SECTION 99. IC 3-11-8-8 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. The polls in
20 each precinct open at 6 a.m. and close at ~~6 p.m.~~ **9 p.m.** on election
21 day."

22 Page 53, between lines 29 and 30, begin a new paragraph and insert:
23 "SECTION 110. IC 3-11-10-11, AS AMENDED BY P.L.221-2005,
24 SECTION 70, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) On election day each
26 circuit court clerk (or an agent of the clerk) shall visit the appropriate
27 post office to accept delivery of absentee envelopes at the latest possible
28 time that will permit delivery of the ballots to the appropriate precinct
29 election boards before ~~6 p.m.~~ **the time the polls are required to close**
30 **on election day under IC 3-11-8-8.**

31 (b) Not later than noon on election day, the county voter registration
32 office shall visit the appropriate post office to accept delivery of mail
33 containing documentation submitted by a voter to comply with
34 IC 3-7-33-4.5. The office shall immediately notify the county election
35 board regarding the filing of this documentation to permit the board to
36 provide certification of this filing to the appropriate precinct election
37 boards before ~~6 p.m.~~ **the time the polls are required to close on**
38 **election day under IC 3-11-8-8.**"

39 Page 54, between lines 26 and 27, begin a new paragraph and insert:
40 "SECTION 112. IC 3-11-10-24, AS AMENDED BY P.L.103-2005,
41 SECTION 12, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) Except as provided in
43 subsection (b), a voter who satisfies any of the following is entitled to
44 vote by mail:

- 45 (1) The voter has a specific, reasonable expectation of being
- 46 absent from the county on election day during the entire ~~twelve~~

- 1 ~~(12) hours time~~ that the polls are open.
- 2 (2) The voter will be absent from the precinct of the voter's
- 3 residence on election day because of service as:
- 4 (A) a precinct election officer under IC 3-6-6;
- 5 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
- 6 (C) a challenger or pollbook holder under IC 3-6-7; or
- 7 (D) a person employed by an election board to administer the
- 8 election for which the absentee ballot is requested.
- 9 (3) The voter will be confined on election day to the voter's
- 10 residence, to a health care facility, or to a hospital because of an
- 11 illness or injury during the entire ~~twelve (12) hours time~~ that the
- 12 polls are open.
- 13 (4) The voter is a voter with disabilities.
- 14 (5) The voter is an elderly voter.
- 15 (6) The voter is prevented from voting due to the voter's care of an
- 16 individual confined to a private residence because of illness or
- 17 injury during the entire ~~twelve (12) hours time~~ that the polls are
- 18 open.
- 19 (7) The voter is scheduled to work at the person's regular place of
- 20 employment during the entire ~~twelve (12) hours time~~ that the polls
- 21 are open.
- 22 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 23 (9) The voter is prevented from voting due to observance of a
- 24 religious discipline or religious holiday during the entire ~~twelve~~
- 25 ~~(12) hours time~~ that the polls are open.
- 26 (10) The voter is an address confidentiality program participant
- 27 (as defined in IC 5-26.5-1-6).
- 28 (b) A voter with disabilities who:
- 29 (1) is unable to make a voting mark on the ballot or sign the
- 30 absentee ballot secrecy envelope; and
- 31 (2) requests that the absentee ballot be delivered to an address
- 32 within Indiana;
- 33 must vote before an absentee voter board under section 25(b) of this
- 34 chapter.
- 35 (c) If a voter receives an absentee ballot by mail, the voter shall
- 36 personally mark the ballot in secret and seal the marked ballot inside the
- 37 envelope provided by the county election board for that purpose. The
- 38 voter shall:
- 39 (1) deposit the sealed envelope in the United States mail for
- 40 delivery to the county election board; or
- 41 (2) authorize a member of the voter's household or the individual
- 42 designated as the voter's attorney in fact to:
- 43 (A) deposit the sealed envelope in the United States mail; or
- 44 (B) deliver the sealed envelope in person to the county election
- 45 board.
- 46 (d) If a member of the voter's household or the voter's attorney in

1 fact delivers the sealed envelope containing a voter's absentee ballot to
 2 the county election board, the individual delivering the ballot shall
 3 complete an affidavit in a form prescribed by the commission. The
 4 affidavit must contain the following information:

5 (1) The name and residence address of the voter whose absentee
 6 ballot is being delivered.

7 (2) A statement of the full name, residence and mailing address,
 8 and daytime and evening telephone numbers (if any) of the
 9 individual delivering the absentee ballot.

10 (3) A statement indicating whether the individual delivering the
 11 absentee ballot is a member of the voter's household or is the
 12 attorney in fact for the voter. If the individual is the attorney in
 13 fact for the voter, the individual must attach a copy of the power
 14 of attorney for the voter, unless a copy of this document has
 15 already been filed with the county election board.

16 (4) The date and location at which the absentee ballot was
 17 delivered by the voter to the individual delivering the ballot to the
 18 county election board.

19 (5) A statement that the individual delivering the absentee ballot
 20 has complied with Indiana laws governing absentee ballots.

21 (6) A statement that the individual delivering the absentee ballot
 22 is executing the affidavit under the penalties of perjury.

23 (7) A statement setting forth the penalties for perjury.

24 (e) The county election board shall record the date and time that the
 25 affidavit under subsection (d) was filed with the board.

26 (f) After a voter has mailed or delivered an absentee ballot to the
 27 office of the circuit court clerk, the voter may not recast a ballot, except
 28 as provided in:

29 (1) section 1.5 of this chapter; or

30 (2) section 33 of this chapter."

31 Page 63, between lines 29 and 30, begin a new paragraph and insert:
 32 "SECTION 116. IC 3-11-14-19 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. Each county
 34 election board shall be at its office from 5 a.m. until ~~6 p.m.~~ **the time the**
 35 **polls are required to close** on election day **under IC 3-11-8-8**. Upon
 36 notice that an electronic voting system is out of order or fails to work,
 37 the board shall be ready between those hours to deliver to any precinct
 38 in the county:

39 (1) necessary paper ballots;

40 (2) election booths with an adequate number of stalls;

41 (3) ballot boxes; and

42 (4) all necessary supplies and equipment as required by law."

43 Page 70, between lines 3 and 4, begin a new paragraph and insert:
 44 "SECTION 119. IC 3-11.5-4-13, AS AMENDED BY
 45 P.L.198-2005, SECTION 13, IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the

1 absentee ballot counters find under section 11 of this chapter that any
2 of the following applies, the ballots shall be rejected:

3 (1) The affidavit is insufficient or that the ballot has not been
4 endorsed with the initials of:

5 (A) the two (2) members of the absentee voter board in the
6 office of the clerk of the circuit court under IC 3-11-4-19 or
7 IC 3-11-10-27;

8 (B) the two (2) members of the absentee voter board visiting
9 the voter under IC 3-11-10-25; or

10 (C) the two (2) appointed members of the county election
11 board or their designated representatives under IC 3-11-4-19.

12 (2) The signatures do not correspond or there is no signature.

13 (3) The absentee voter is not a qualified voter in the precinct.

14 (4) The absentee voter has voted in person at the election.

15 (5) The absentee voter has not registered.

16 (6) The ballot is open or has been opened and resealed. This
17 subdivision does not permit an absentee ballot transmitted by fax
18 or electronic mail under IC 3-11-4-6 to be rejected because the
19 ballot was sealed in the absentee ballot envelope by the individual
20 designated by the circuit court to receive absentee ballots
21 transmitted by fax or electronic mail.

22 (7) The ballot envelope contains more than one (1) ballot of any
23 kind for the same office or public question.

24 (8) In case of a primary election, if the absentee voter has not
25 previously voted, the voter failed to execute the proper declaration
26 relative to age and qualifications and the political party with which
27 the voter intends to affiliate.

28 (9) The ballot has been challenged and not supported.

29 (b) Subsection (c) applies whenever a voter with a disability is
30 unable to make a signature:

31 (1) on an absentee ballot application that corresponds to the
32 voter's signature in the records of the county voter registration
33 office; or

34 (2) on an absentee ballot security envelope that corresponds with
35 the voter's signature:

36 (A) in the records of the county voter registration office; or

37 (B) on the absentee ballot application.

38 (c) The voter may request that the voter's signature or mark be
39 attested to by any of the following:

40 (1) The absentee voter board under section 22 of this chapter.

41 (2) A member of the voter's household.

42 (3) An individual serving as attorney in fact for the voter.

43 (d) An attestation under subsection (c) provides an adequate basis
44 for the absentee ballot counters to determine that a signature or mark
45 complies with subsection (a)(2).

46 (e) If the absentee ballot counters are unable to agree on a finding

1 described under this section or section 12 of this chapter, the county
 2 election board shall make the finding.

3 (f) The absentee ballot counters or county election board shall issue
 4 a certificate to a voter whose ballot has been rejected under this section
 5 if the voter appears in person before the board not later than ~~5 p.m.~~ **one**
 6 **(1) hour before the time the polls are required to close** on election
 7 day **under IC 3-11-8-8**. The certificate must state that the voter's
 8 absentee ballot has been rejected and that the voter may vote in person
 9 under section 21 of this chapter if otherwise qualified to vote."

10 Page 72, between lines 31 and 32, begin a new paragraph and insert:
 11 "SECTION 123. IC 3-12-4-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) At ~~6 p.m.~~
 13 **the time the polls are required to close** on each election day **under**
 14 **IC 3-11-8-8**, the county election board shall assemble in a room to
 15 canvass the certificates, poll lists, and tally papers returned by each
 16 inspector in the county and to declare the results of the election as
 17 provided in this chapter.

18 (b) The canvassing must be performed in public under IC 5-14-1.5.
 19 However, the board may restrict access to parts of the room where
 20 election material is being handled or transported to safeguard the
 21 material.

22 (c) Except as provided in section 7 of this chapter, the county
 23 executive shall provide a room in the courthouse that contains adequate
 24 space to permit members of the public to witness the canvassing of
 25 votes."

26 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1011 as printed February 15, 2006.)

 Senator BREAU