

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Elections and Civic Affairs, to which was referred House Bill No. 1011, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-5-2-49.9 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 49.9. (a) "Vote center"**
- 6 **means a polling place where a voter who resides in the county in**
- 7 **which the vote center is located may vote without regard to the**
- 8 **precinct in which the voter resides.**
- 9 **(b) This section expires December 31, 2009."**
- 10 Page 2, between lines 21 and 22, begin a new paragraph and insert:
- 11 "SECTION 4. IC 3-5-4.5 IS ADDED TO THE INDIANA CODE
- 12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 13 UPON PASSAGE]:
- 14 **Chapter 4.5. Standards for Challenges to Voters**
- 15 **Sec. 1. This chapter applies to a challenge to a voter made by a**
- 16 **precinct election officer, a watcher, a challenger, or a pollbook**
- 17 **holder under this title.**
- 18 **Sec. 2. A person may not challenge the right of an individual to**
- 19 **vote at an election in the precinct solely on the basis of the**
- 20 **individual's:**

- 1 (1) enrollment in an educational institution; or
- 2 (2) registration to vote at an address that is housing provided
- 3 for students by the educational institution.

4 **Sec. 3. Except as permitted in a primary election under**
 5 **IC 3-10-1, a person may not challenge the right of an individual to**
 6 **vote at an election in the precinct solely on the basis of the**
 7 **individual's:**

- 8 (1) actual or perceived affiliation with a political party; or
- 9 (2) support or opposition to a candidate or the adoption of a
- 10 public question.

11 **Sec. 4. If a county election board determines that a person has**
 12 **violated a provision of this chapter, the board may remove a**
 13 **precinct election officer from office or void the credentials of a**
 14 **watcher, challenger, or pollbook holder.**

15 **Sec. 5. If a county election board determines that a person has**
 16 **knowingly violated a provision of this chapter, the county election**
 17 **board may refer the matter to the prosecuting attorney as a**
 18 **violation of IC 3-14-3-4 (obstruction of a voter).**

19 SECTION 5. IC 3-5-5-7 IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A person does not gain
 21 residency in a precinct into which the person moves for:

- 22 (1) temporary employment;
- 23 (2) educational purposes; or
- 24 (3) other purposes;

25 without the intent of making a permanent home in the precinct.

26 (b) Notwithstanding subsection (a), a precinct election officer, a
 27 watcher, a challenger, or a pollbook holder may not challenge the right
 28 of an individual to vote in the precinct solely on the basis of the
 29 individual's:

- 30 (1) enrollment in an educational institution; or
- 31 (2) registration to vote at an address which is housing provided for
- 32 students by the educational institution.

33 (c) A county election board may:

- 34 (1) remove a precinct election officer or void the credentials of a
- 35 watcher, challenger, or pollbook holder; or
- 36 (2) refer the matter to the prosecuting attorney as a violation of
- 37 IC 3-14-3-4 (obstruction of a voter);

1 if the board determines that the officer, watcher, challenger, or pollbook
2 holder has violated subsection (b)".

3 Page 5, between lines 30 and 31, begin a new paragraph and insert:

4 "SECTION 13. IC 3-7-26.3-4.5 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 4.5. The**
7 **state may enter into agreements with a county to use existing**
8 **county property for purposes of maintaining the computerized list.**
9 **If the county's equipment fails to perform properly in maintaining**
10 **the computerized list, the state may cancel any existing agreement**
11 **with the county and install additional state owned equipment in**
12 **any county facility to ensure proper operation and maintenance of**
13 **the computerized list."**

14 Page 10, between lines 40 and 41, begin a new paragraph and insert:

15 "SECTION 28. IC 3-7-33-5, AS AMENDED BY P.L.81-2005,
16 SECTION 18, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) When the county voter
18 registration office receives an application for a new registration or an
19 application with information that revises or adds information to the
20 applicant's current voter registration record, the county voter
21 registration office shall determine if the applicant appears to be eligible
22 to register to vote based on the information in the application.

23 (b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter
24 registration office shall send a notice to each person from whom the
25 county voter registration office receives a voter registration application.
26 The county voter registration office shall send a notice to the applicant
27 at the mailing address provided in the application.

28 (c) The notice required by subsection (b) must set forth the
29 following:

30 (1) A statement that the application has been received.

31 (2) The disposition of the application by the county voter
32 registration office.

33 (3) If the county voter registration office determines that the
34 applicant appears to be eligible, the notice must state the
35 following:

36 (A) **Except as provided under subsection (f)**, the applicant
37 is registered to vote under the residence address when the

- 1 applicant receives the notice. An applicant is presumed to have
 2 received the notice unless the notice is returned by the United
 3 States Postal Service due to an unknown or insufficient address
 4 and received by the county voter registration office not later
 5 than seven (7) days after the notice is mailed to the applicant.
- 6 (B) The name of the precinct in which the voter is registered.
 7 (C) The address of the polling place for the precinct in which
 8 the voter is registered.
 9 (D) The voter's voter identification number.
- 10 (4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter
 11 registration office has denied the application, the notice must
 12 include the reasons for the denial.
- 13 (d) The notice required by subsection (b) may include a voter
 14 registration card.
- 15 (e) If the notice is returned by the United States Postal Service due
 16 to an unknown or insufficient address, the county voter registration
 17 office shall determine that the applicant is ineligible and deny the
 18 application.
- 19 (f) During the seven (7) days following the mailing of the notice to
 20 the voter under this section, the county voter registration office shall
 21 indicate in the computerized list maintained under IC 3-7-26.3 that the
 22 application is pending. If the notice:
- 23 (1) is not returned by the United States Postal Service and received
 24 by the county voter registration office at; **or**
 25 (2) **is received by the applicant by United States Postal**
 26 **Service delivery and presented in person by the applicant to**
 27 **the county voter registration office before;**
 28 the expiration of the seven (7) day period under subsection (c), the
 29 county voter registration office shall indicate in the computerized list
 30 that the applicant is a registered voter.
- 31 (g) This subsection applies if the notice is mailed by the county voter
 32 registration office after the certified list is prepared under IC 3-7-29. If:
- 33 (1) the seven (7) day period under subsection (c) expires before
 34 election day;
 35 (2) **the applicant has not presented the notice mailed under**
 36 **subsection (b) to the county voter registration office as**
 37 **provided under subsection (f); and**

1 (3) the applicant would otherwise have been included on the
2 certified list;
3 the county voter registration office shall prepare a certificate of error
4 under IC 3-7-48 to note the addition of the voter to the certified list.

5 **(h) This subsection applies if the notice is mailed by the county**
6 **voter registration office after the certified list is prepared under**
7 **IC 3-7-29. If:**

8 (1) the seven (7) day period has not expired before election day;
9 **and**

10 (2) **the applicant has not presented the notice mailed under**
11 **subsection (b) to the county voter registration office as**
12 **provided under subsection (f);**

13 the county voter registration office shall notify the county election
14 board. The county election board shall certify to the inspector of the
15 precinct where the applicant resides that the applicant's voter
16 registration application is pending, and that the voter, subject to
17 fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional
18 ballot."

19 Page 14, between lines 3 and 4, begin a new paragraph and insert:

20 "SECTION 37. IC 3-7-39-8 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section
22 applies to a voter who changes residence from a precinct in a county to
23 another precinct in the same county.

24 (b) As required under 42 U.S.C. 1973gg-6(f), the ~~circuit court clerk~~
25 **or board of county voter registration office:**

26 (1) shall correct the address shown on the voter registration
27 records for a voter subject to this section; and

28 (2) may not remove the voter from the voter registration records
29 due to a change of address, except as provided in ~~IC 3-7-44~~. **this**
30 **title.**

31 (c) A voter described in this section, who is otherwise eligible to
32 vote, may vote as provided in IC 3-10-11 or IC 3-10-12."

33 Page 20, between lines 7 and 8, begin a new paragraph and insert:

34 "SECTION 55. IC 3-7-48-7.5 IS ADDED TO THE INDIANA
35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. If a voter makes an oral**
37 **or a written affirmation under section 5 or 7 of this chapter and is**

1 **then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote**
 2 **in the precinct, the voter shall be provided with a provisional ballot**
 3 **under IC 3-11.7 rather than a regular official ballot. The affidavit**
 4 **executed under this chapter serves as a sufficient affidavit for the**
 5 **voter to receive a provisional ballot under IC 3-11.7.**

6 SECTION 56. IC 3-8-2-2.6 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: **Sec. 2.6. (a) This section applies to a write-in**
 9 **candidate for a school board office to be elected on the same**
 10 **election day that a primary election is conducted.**

11 **(b) A:**

12 **(1) declaration of intent to be a write-in candidate; or**

13 **(2) withdrawal of a declaration;**

14 **must be subscribed and sworn to before an individual authorized**
 15 **to administer oaths.**

16 **(c) A declaration of intent to be a write-in candidate for a school**
 17 **board office must be filed:**

18 **(1) not earlier than the first date specified in IC 3-8-6-10(b)**
 19 **for the timely filing of a petition of nomination; and**

20 **(2) not later than noon seventy-four (74) days before the**
 21 **primary election.**

22 **(d) A candidate may withdraw a declaration of intent filed**
 23 **under subsection (c) not later than noon seventy-one (71) days**
 24 **before the primary election.**

25 **(e) A question concerning the validity of a declaration of intent**
 26 **to be a write-in candidate for a school board office must be filed**
 27 **with the county election board under IC 3-8-1-2(c) not later than**
 28 **noon sixty-seven (67) days before the date of the primary election.**
 29 **The county election board shall determine all questions regarding**
 30 **the validity of the declaration not later than noon fifty-four (54)**
 31 **days before the date of the primary election.**

32 SECTION 57. IC 3-8-2-2.7 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. (a) This**
 34 **subsection does not apply to a write-in candidate for school board**
 35 **office who is subject to section 2.6(c) of this chapter. A candidate**
 36 **may withdraw a declaration of intent to be a write-in candidate not later**
 37 **than noon July 15 before a general or municipal election.**

1 (b) This subsection applies to a candidate who filed a declaration of
 2 intent to be a write-in candidate with the election division. The election
 3 division shall issue a corrected certification of write-in candidates under
 4 IC 3-8-7-30 as soon as practicable after a declaration is withdrawn
 5 under this section.

6 SECTION 58. IC 3-8-2-4, AS AMENDED BY P.L.230-2005,
 7 SECTION 23, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A declaration of
 9 candidacy for a primary election must be filed not later than noon
 10 seventy-four (74) days and not earlier than one hundred four (104) days
 11 before the primary election. The declaration must be subscribed and
 12 sworn to before a person authorized to administer oaths.

13 (b) **This subsection does not apply to a write-in candidate for**
 14 **school board office who is subject to section 2.6(c) of this chapter.**

15 A declaration of intent to be a write-in candidate must be filed:

- 16 (1) not earlier than the first date specified in IC 3-8-6-10(b) for
 17 the timely filing of a petition of nomination; and
 18 (2) not later than noon on the date specified by IC 3-13-1-15(c)
 19 for a major political party to file a certificate of candidate
 20 selection.

21 The declaration must be subscribed and sworn to before a person
 22 authorized to administer oaths.

23 (c) During a year in which a federal decennial census, federal special
 24 census, special tabulation, or corrected population count becomes
 25 effective under IC 1-1-3.5, a declaration of:

- 26 (1) candidacy may be filed for an office that will appear on the
 27 primary election ballot; or
 28 (2) intent to be a write-in candidate for an office that will appear
 29 on the general, municipal, or school board election ballot;

30 that year as a result of the new tabulation of population or corrected
 31 population count."

32 Page 20, line 9, delete "[EFFECTIVE".

33 Page 20, line 10, delete "JULY 1, 2006]" and insert "[EFFECTIVE
 34 UPON PASSAGE]".

35 Page 22, between lines 19 and 20, begin a new paragraph and insert:

36 "SECTION 62. IC 3-9-5-6, AS AMENDED BY P.L.221-2005,
 37 SECTION 22, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This subsection applies
 2 to a candidate's committee other than a candidate's committee of a
 3 candidate for a state office. Except as otherwise provided in this
 4 chapter, each committee, the committee's treasurer, and each candidate
 5 shall complete a report required by this chapter current and dated as of
 6 the following dates:

- 7 (1) Twenty-five (25) days before the nomination date.
- 8 (2) Twenty-five (25) days before the general, municipal, or special
 9 election.
- 10 (3) The annual report filed and dated as required by section 10 of
 11 this chapter.

12 (b) This subsection applies to a regular party committee. Except as
 13 otherwise provided in this chapter, each committee and the committee's
 14 treasurer shall complete a report required by this chapter current and
 15 dated as of the following dates:

- 16 (1) Twenty-five (25) days before a primary election.
- 17 (2) Twenty-five (25) days before a general, municipal, or special
 18 election.
- 19 (3) The date of the annual report filed and dated as required under
 20 section 10 of this chapter.

21 (c) This subsection applies to a legislative caucus committee. Except
 22 as otherwise provided in this chapter, each committee and the
 23 committee's treasurer shall complete a report required under this chapter
 24 current and dated as of the following dates:

- 25 (1) Twenty-five (25) days before a primary election conducted in
 26 an even-numbered year.
- 27 (2) Twenty-five (25) days before a general election conducted in
 28 an even-numbered year.
- 29 (3) The date of the annual report filed and dated as required under
 30 section 10 of this chapter.

31 A legislative caucus committee is not required to file any report
 32 concerning the committee's activity during an odd-numbered year other
 33 than the annual report filed and dated under section 10 of this chapter.

34 (d) This subsection applies to a political action committee. Except
 35 as otherwise provided in this chapter, each committee and the
 36 committee's treasurer shall complete a report required by this chapter
 37 current and dated as of the following dates:

- 1 (1) Twenty-five (25) days before a primary election.
 2 (2) Twenty-five (25) days before a general, municipal, or special
 3 election.
 4 (3) The date of the annual report filed and dated as required under
 5 section 10 of this chapter.

6 (e) This subsection applies to a candidate's committee of a candidate
 7 for a state office. A candidate's committee is not required to file a report
 8 under section 8.2, 8.4, or 8.5 of this chapter. For a year in which an
 9 election to the state office is held, the treasurer of a candidate's
 10 committee shall file the following reports:

11 (1) A report covering the period from January 1 through March 31
 12 of the year of the report. A report required by this subdivision
 13 must be filed not later than noon April 15 of the year covered by
 14 the report.

15 (2) A report covering the period from April 1 through June 30 of
 16 the year of the report. A report required by this subdivision must
 17 be filed not later than noon July 15 of the year covered by the
 18 report.

19 (3) A report covering the period from July 1 through September
 20 30 of the year of the report. A report required by this subdivision
 21 must be filed not later than noon October 15 of the year covered
 22 by the report.

23 (4) A report covering the period from October 1 of the year of the
 24 report through the date that is fifteen (15) days before the date of
 25 the election. A report required by this subdivision must be filed
 26 not later than noon seven (7) days before the date of the election.

27 (5) A report covering the period from the date that is ~~fifteen (15)~~
 28 **fourteen (14)** days before the date of the election through
 29 December 31 of the year of the report. A report required by this
 30 subdivision must:

31 (A) provide cumulative totals from January 1 through
 32 December 31 of the year of the report; and

33 (B) be filed not later than the deadline specified in section 10
 34 of this chapter.

35 SECTION 63. IC 3-9-5-8, AS AMENDED BY P.L.221-2005,
 36 SECTION 23, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section:

1 (1) applies to a candidate for nomination to an office in a
 2 convention who becomes a candidate less than twenty-five (25)
 3 days before the nomination date for a candidate chosen at a
 4 convention; and

5 (2) does not apply to a candidate for nomination to a state office
 6 by a ~~major~~ political party at a convention conducted under
 7 IC 3-8-4.

8 (b) A candidate is not required to file a report in accordance with
 9 section 6(a)(1) of this chapter. The candidate shall file the candidate's
 10 first report not later than noon twenty (20) days after the nomination
 11 date for a candidate chosen at a convention.

12 (c) The reporting period for the first report required for a candidate
 13 begins on the date that the individual became a candidate and ends on
 14 the day following the adjournment of the convention."

15 Page 23, between lines 13 and 14, begin a new paragraph and insert:

16 "SECTION 67. IC 3-10-1-7.2, AS ADDED BY P.L.109-2005,
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e),
 19 a voter who desires to vote an official ballot at a primary election shall
 20 provide proof of identification.

21 (b) Except as provided in subsection (e), before the voter proceeds
 22 to vote in a primary election, a member of the precinct election board
 23 shall ask the voter to provide proof of identification. The voter must
 24 produce the proof of identification before being permitted to sign the
 25 poll list.

26 (c) If:

27 (1) the voter is unable or declines to present the proof of
 28 identification; or

29 (2) a member of the precinct election board determines that the
 30 proof of identification presented by the voter does not qualify as
 31 proof of identification under IC 3-5-2-40.5;

32 a member of the precinct election board shall challenge the voter as
 33 prescribed by IC 3-11-8.

34 (d) If the voter executes a challenged voter's affidavit under section
 35 9 of this chapter or ~~IC 3-11-8-22~~, **IC 3-11-8-22.1**, the voter may:

36 (1) sign the poll list; and

37 (2) receive a provisional ballot.

1 (e) A voter who votes in person at a precinct polling place that is
 2 located at a state licensed care facility where the voter resides is not
 3 required to provide proof of identification before voting in a primary
 4 election."

5 Page 27, line 19, delete "[EFFECTIVE JULY 1, 2006]" and insert
 6 "[EFFECTIVE UPON PASSAGE]".

7 Page 27, line 31, strike "IC 3-11-8-22," and insert "**IC**
 8 **3-11-8-22.1,**".

9 Page 27, between lines 32 and 33, begin a new paragraph and insert:

10 "SECTION 74. IC 3-10-1-33, AS AMENDED BY P.L.221-2005,
 11 SECTION 33, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) The county election
 13 board shall also make an additional duplicate showing the votes cast for
 14 each candidate required to file a declaration of candidacy with the
 15 election division under IC 3-8-2.

16 (b) The circuit court clerk shall, not later than noon on the second
 17 Monday following the primary election, send to the election division by
 18 certified mail or hand deliver to the election division one (1) complete
 19 copy of all returns for these candidates.

20 **(c) The circuit court clerk may send the document described in**
 21 **subsection (b) using the computerized list established under**
 22 **IC 3-7-26.3. A document sent under this subsection complies with**
 23 **any requirement for the document to be certified or sealed."**

24 Page 28, between lines 23 and 24, begin a new paragraph and insert:

25 "SECTION 77. IC 3-10-10-9 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: **Sec. 9. If a voter executes an**
 28 **affidavit under this chapter and is then challenged under IC 3-11-8**
 29 **as ineligible to vote in the precinct, the voter shall be provided with**
 30 **a provisional ballot under IC 3-11.7 rather than a regular official**
 31 **ballot. The affidavit executed under this chapter serves as a**
 32 **sufficient affidavit for the voter to receive a provisional ballot**
 33 **under IC 3-11.7.**

34 SECTION 78. IC 3-10-11-4.5 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. If a voter executes an**
 37 **affidavit under this chapter and is then challenged under IC 3-10-1**

1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be
 2 provided with a provisional ballot under IC 3-11.7 rather than a
 3 regular official ballot. The affidavit executed under this chapter
 4 serves as a sufficient affidavit for the voter to receive a provisional
 5 ballot under IC 3-11.7."

6 Page 29, between lines 5 and 6, begin a new paragraph and insert:

7 "SECTION 81. IC 3-10-12-5 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE UPON PASSAGE]: Sec. 5. **If a voter makes an oral or**
 10 **a written affirmation under this chapter and is then challenged**
 11 **under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct,**
 12 **the voter shall be provided with a provisional ballot under**
 13 **IC 3-11.7 rather than a regular official ballot. The oral or written**
 14 **affirmation made under this chapter serves as a sufficient affidavit**
 15 **for the voter to receive a provisional ballot under IC 3-11.7.**

16 SECTION 82. IC 3-11-1.5-14 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A county
 18 executive must submit a proposed precinct establishment order to the
 19 co-directors before the county executive establishes a precinct under
 20 this chapter.

21 (b) **To ensure sufficient time for review to determine whether a**
 22 **proposed precinct establishment order complies with this chapter,**
 23 **the co-directors may fix a date and time by which a county**
 24 **executive must submit an order under section 15 of this chapter if**
 25 **the county wishes to have the proposed order take effect before the**
 26 **beginning of the next period specified under section 25 of this**
 27 **chapter. The election division shall notify each county election**
 28 **board of the date fixed under this subsection at least ninety (90)**
 29 **days before the date occurs.**

30 (c) **If a county submits an order after the date and time fixed**
 31 **under subsection (b), the co-directors may review the order only**
 32 **after completing the review of orders submitted in compliance with**
 33 **subsection (b).**

34 (d) **This subsection applies to an order submitted after the date**
 35 **and time fixed under subsection (b). If the co-directors are unable**
 36 **to determine whether a proposed order complies with this chapter**
 37 **before the beginning of the next period specified under section 25**

1 **of this chapter, the co-directors shall complete the review so that,**
2 **if the proposed order is otherwise approved under this chapter, the**
3 **order may take effect following the end of the next period specified**
4 **under section 25 of this chapter.**

5 SECTION 83. IC 3-11-1.5-18, AS AMENDED BY P.L.221-2005,
6 SECTION 36, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) If the election division
8 determines that the proposed precinct establishment order would
9 comply with this chapter, the election division shall issue an order
10 authorizing the county executive to establish the proposed precincts.

11 (b) The order issued by the election division under subsection (a)
12 must state that the election division finds that the proposed precincts
13 would comply with the standards set forth in this chapter. The election
14 division shall promptly provide a copy of the order to the county
15 executive.

16 (c) The county executive must give notice of the proposed order to
17 the voters of the county by one (1) publication under IC 5-3-1-4. The
18 notice must state the following:

19 (1) The name of each existing precinct whose boundaries would be
20 changed by the adoption of the proposed order by the county.

21 (2) That any registered voter of the county may object to the
22 proposed order by filing a sworn statement with the election
23 division setting forth the voter's specific objections to the
24 proposed order and requesting that a hearing be conducted by the
25 commission under IC 4-21.5.

26 (3) The mailing address of the election division.

27 (4) The deadline for filing the objection with the election division
28 under this section.

29 (d) An objection to a proposed precinct establishment order must be
30 filed not later than noon ten (10) days after the publication of the notice
31 by the county executive.

32 (e) If an objection is not filed with the election division by the date
33 and time specified under subsection (d), the election division shall
34 promptly notify the county executive. The county executive may
35 proceed immediately to adopt the proposed order.

36 (f) If an objection is filed with the election division by the date and
37 time specified under subsection (d), the election division shall promptly

1 notify the county executive. The county executive may not adopt the
 2 proposed order until the commission conducts a hearing under
 3 IC 4-21.5 and determines whether the proposed precincts would comply
 4 with the standards set forth in this chapter.

5 **(g) If the co-directors determine that the expiration of the ten**
 6 **(10) day period described in subsection (d) will occur:**

7 **(1) after the next period specified under section 25 of this**
 8 **chapter begins; or**

9 **(2) without sufficient time for a county or an objector to**
 10 **receive notice of a hearing before the commission concerning**
 11 **an objection before the next period specified under section 25**
 12 **of this chapter begins;**

13 **the co-directors may request a hearing before the commission**
 14 **under section 21 of this chapter and notify the county executive of**
 15 **the request.**

16 SECTION 84. IC 3-11-1.5-21 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) If the county
 18 executive believes that the proposed order described by section 19 of
 19 this chapter complies with this chapter, the county executive may
 20 resubmit the order to the co-directors and request a hearing before the
 21 commission.

22 **(b) The co-directors may request a hearing before the**
 23 **commission under section 18(g) of this chapter.**

24 **(c) The hearing under this section shall be conducted in accordance**
 25 **with IC 4-21.5.**

26 ~~(b)~~ **(d) If the commission determines that the proposed precinct**
 27 **establishment order complies with this chapter, the co-directors shall**
 28 **advise the county executive that the order complies with this chapter**
 29 **and may be issued by the county executive."**

30 Page 29, line 24, delete "circuit court clerk or board of" and insert
 31 **"county voter"**.

32 Page 29, line 24, delete "." and insert **"office."**

33 Page 30, line 11, reset in roman "of".

34 Page 30, line 12, reset in roman "ANY party".

35 Page 30, between lines 36 and 37, begin a new paragraph and insert:

36 "SECTION 91. IC 3-11-3-22, AS AMENDED BY P.L.221-2005,
 37 SECTION 44, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Each county election
 2 board shall have printed in at least 14 point type on cards in English,
 3 braille, and any other language that the board considers necessary, the
 4 following:

5 (1) Instructions for the guidance of voters in preparing their
 6 ballots.

7 (2) Instructions explaining the procedure for write-in voting.

8 (3) Write-in voting notice cards that must be posted in each
 9 precinct that utilizes a ~~ballot card~~ voting system that does not
 10 permit **a voter to alter the voter's ballot after making a voting**
 11 **mark for a write-in voting candidate so that the voter may**
 12 **vote for a candidate for that office whose name appears on the**
 13 **ballot.**

14 (b) The **write-in** notice cards **described in subsection (a)(3)** must
 15 **direct inform all voters that a voter:**

16 (1) who ~~want~~ **wants** to cast write-in votes ~~to request a write-in~~
 17 ~~ballot from an election official:~~ **may cast the voter's ballot on**
 18 **the voting system required to be available to all voters in the**
 19 **precinct under IC 3-11-15-13.3(e); and**

20 (2) **may choose to cast the voter's ballot on the voting system**
 21 **described in subdivision (1) without being required to indicate**
 22 **to any individual that the voter wishes to cast a ballot on the**
 23 **voting system because the voter intends to cast a ballot for a**
 24 **write-in candidate.**

25 ~~(b)~~ (c) The board shall furnish the number of cards it determines to
 26 be adequate for each precinct to the inspector at the same time the board
 27 delivers the ballots for the precinct and shall furnish a magnifier upon
 28 request to a voter who requests a magnifier to read the cards."

29 Page 34, line 15, reset in roman "(f)".

30 Page 34, line 15, delete "each" and insert "Each".

31 Page 34, line 15, reset in roman "county shall purchase at".

32 Page 34, reset in roman lines 16 through 17.

33 Page 34, between lines 17 and 18, begin a new paragraph and insert:

34 "SECTION 95. IC 3-11-6.5-5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:

36 Sec. 5. (a) If a county's application is approved under section 4 of this
 37 chapter, the secretary of state with the consent of the co-directors of the

1 election division shall, subject to this section, reimburse the county from
 2 the fund an amount to be determined by the secretary of state with the
 3 consent of the co-directors of the election division.

4 (b) Payment of money from the fund is subject to the availability of
 5 money in the fund and the requirements of this chapter and HAVA.

6 (c) It is the intent of the general assembly that a county eligible for
 7 reimbursement under section 4 of this chapter be reimbursed from
 8 federal money received by the state to the maximum extent permitted by
 9 federal law.

10 ~~(d) This section expires January 1, 2006.~~

11 Page 34, between lines 41 and 42, begin a new paragraph and insert:

12 "SECTION 97. IC 3-11-8-22.1 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: **Sec. 22.1. (a) This subsection
 15 applies to a voter:**

16 (1) whose name does not appear on the poll list for the
 17 precinct; and

18 (2) who produces a certificate of error issued under
 19 IC 3-7-48-1.

20 **If the voter is not challenged under IC 3-10-1 or this chapter, the
 21 voter shall be provided with a regular official ballot. However, as
 22 provided by IC 3-7-48-1(b), if the voter is challenged under
 23 IC 3-10-1 or this chapter, the voter must cast a provisional ballot
 24 after complying with IC 3-7-48-7.5 if the voter wishes to cast a
 25 ballot.**

26 **(b) This subsection applies to a voter:**

27 (1) whose name does not appear on the poll list for the
 28 precinct; and

29 (2) who makes an oral or a written affirmation in compliance
 30 with IC 3-7-48-5 that the voter continues to reside in the
 31 precinct at the address shown as the voter's former residence
 32 in the voter registration record.

33 **If the voter is not challenged under IC 3-10-1 or this chapter, the
 34 voter shall be provided with a regular official ballot. However, as
 35 provided by IC 3-7-48-7.5, if the voter is challenged under
 36 IC 3-10-1 or this chapter, the voter must cast a provisional ballot
 37 after complying with IC 3-7-48-7.5 if the voter wishes to cast a**

1 **ballot.**

2 **(c) This subsection applies to a voter:**

3 **(1) whose name does not appear on the poll list for the**
4 **precinct; and**

5 **(2) who produces a registration receipt that complies with**
6 **IC 3-7-48-7.**

7 **If the county election board provides the precinct election board**
8 **with the information required under IC 3-7-48-7(a)(2) and the**
9 **voter is not challenged under IC 3-10-1 or this chapter, the voter**
10 **shall be provided with a regular official ballot. However, as**
11 **provided by IC 3-7-48-7.5, if the voter is challenged under**
12 **IC 3-10-1 or this chapter, the voter must cast a provisional ballot**
13 **after complying with IC 3-7-48-7.5 if the voter wishes to cast a**
14 **ballot.**

15 **(d) This subsection applies to a voter:**

16 **(1) whose name does not appear on the poll list for the**
17 **precinct; and**

18 **(2) who is not described by subsection (a), (b), or (c).**

19 **If the voter is challenged under IC 3-10-1 or this chapter, the voter**
20 **shall be provided with a provisional ballot under IC 3-11.7 instead**
21 **of a regular official ballot if the voter wishes to cast a ballot. The**
22 **voter may proceed to cast a provisional ballot after executing a**
23 **challenged voter's affidavit under section 23 of this chapter if the**
24 **voter wishes to cast a ballot.**

25 **(e) This subsection applies to a voter:**

26 **(1) whose name appears on the poll list for the precinct; and**

27 **(2) who no longer resides in the precinct but is entitled to vote**
28 **at the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.**

29 **If the voter executes an affidavit in compliance with IC 3-10-10,**
30 **IC 3-10-11, or IC 3-10-12 and the voter is not challenged under**
31 **IC 3-10-1 or this chapter, the voter shall be provided with a**
32 **regular official ballot. However, as provided by IC 3-10-10-9,**
33 **IC 3-10-11-4.5, or IC 3-10-12-5, if the voter is challenged under**
34 **IC 3-10-1 or this chapter, the voter must cast a provisional ballot**
35 **if the voter wishes to cast a ballot.**

36 **(f) This subsection applies to a voter:**

37 **(1) whose name appears on the poll list for the precinct; and**

1 **(2) who is not described in subsection (e).**
 2 **If the voter is challenged under IC 3-10-1 or this chapter, the voter**
 3 **shall be provided with a provisional ballot under IC 3-11.7 rather**
 4 **than a regular official ballot if the voter wishes to cast a vote. The**
 5 **voter may proceed to cast a provisional ballot after executing a**
 6 **challenged voter's affidavit under section 23 of this chapter if the**
 7 **voter wishes to cast a ballot."**

8 Page 35, line 1, delete "[EFFECTIVE JULY 1, 2006]" and insert
 9 "[EFFECTIVE UPON PASSAGE]".

10 Page 35, line 1, after "Sec. 23." insert "**(a) If a challenged voter has**
 11 **already made an affirmation or executed an affidavit under**
 12 **IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the**
 13 **challenged voter is not required to execute an additional affidavit**
 14 **under this section.**

15 **(b)".**

16 Page 35, line 2, strike "section 22" and insert "**section 22.1**".

17 Page 35, line 23, after "list" insert ",".

18 Page 35, line 23, strike "and the individual is not entitled to".

19 Page 35, strike line 24.

20 Page 35, line 25, strike "IC 3-10-11-2, or IC 3-10-12,".

21 Page 35, line 37, delete "[EFFECTIVE".

22 Page 35, line 38, delete "JULY 1, 2006]" and insert "[EFFECTIVE
 23 UPON PASSAGE]".

24 Page 36, line 15, strike "section 22" and insert "**section 22.1**".

25 Page 37, line 10, strike "section".

26 Page 37, line 11, strike "22" and insert "**section 22.1**".

27 Page 50, line 23, delete "[EFFECTIVE".

28 Page 50, line 24, delete "JULY 1, 2006]" and insert "[EFFECTIVE
 29 UPON PASSAGE]".

30 Page 50, line 34, strike "July 1, 2003;" and insert "**October 1,**
 31 **2005;**".

32 Page 50, line 35, strike "July 1, 2003;" and insert "**October 1,**
 33 **2005;**".

34 Page 51, between lines 13 and 14, begin a new paragraph and insert:
 35 "SECTION 119. IC 3-11-18 IS ADDED TO THE INDIANA CODE
 36 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]:

2 **Chapter 18. Vote Centers**

3 **Sec. 1. This chapter applies to a county designated as a vote**
4 **center pilot county under this chapter.**

5 **Sec. 2. The secretary of state may designate a county as a vote**
6 **center pilot county under this chapter.**

7 **Sec. 3. For a county to be designated a vote center pilot county:**

8 **(1) the county election board (or board of elections and**
9 **registration established under IC 3-6-5.2 or IC 3-6-5.4), by**
10 **unanimous vote of the entire membership of the board, must**
11 **approve the filing of an application to be designated a vote**
12 **center pilot county;**

13 **(2) all members of the board must sign the application; and**

14 **(3) the application must be filed with the secretary of state.**

15 **Sec. 4. The application must include a plan for the**
16 **administration of vote centers in the county. The plan must include**
17 **at least the following:**

18 **(1) The total number of vote centers to be established.**

19 **(2) The location of each vote center, and the municipality, if**
20 **any, in which the vote center is located.**

21 **(3) A list of each municipality within the county that is entitled**
22 **to conduct a municipal primary or municipal election, as of**
23 **the date of the application.**

24 **(4) The total number of voters within each municipality, as of**
25 **the date of the application, and the number of those voters**
26 **within each municipality designated as "active" and**
27 **"inactive" according to the county voter registration office.**

28 **(5) For each vote center designated under subdivision (2), a**
29 **list of the precincts whose polls will be located at the vote**
30 **center.**

31 **(6) For each vote center designated under subdivision (2), the**
32 **number of precinct election boards that will be appointed to**
33 **administer an election at the vote center.**

34 **(7) For each precinct election board designated under**
35 **subdivision (6), the number and name of each precinct the**
36 **precinct election board will administer.**

37 **(8) For each vote center designated under subdivision (2), the**

- 1 **number and title of the precinct election officers who will be**
2 **appointed to serve at the vote center.**
- 3 **(9) For each vote center designated under subdivision (2):**
4 **(A) the number and type of ballot variations that will be**
5 **provided at the vote center; and**
6 **(B) whether these ballots will be:**
7 **(i) delivered to the vote center before the opening of the**
8 **polls; or**
9 **(ii) printed on demand for a voter's use.**
- 10 **(10) A detailed description of any hardware, firmware, or**
11 **software used:**
12 **(A) to create an electronic poll list for each precinct whose**
13 **polls are to be located at a vote center; or**
14 **(B) to establish a secure electronic connection between the**
15 **county election board and the precinct election officials**
16 **administering a vote center.**
- 17 **(11) A description of the equipment and procedures to be used**
18 **to ensure that information concerning a voter entered into**
19 **any electronic poll list used by precinct election officers at a**
20 **vote center is immediately accessible to:**
21 **(A) the county election board; and**
22 **(B) the electronic poll lists used by precinct election officers**
23 **at all other vote centers in the county.**
- 24 **(12) For each precinct designated under subdivision (5), the**
25 **number of electronic poll lists to be provided for the precinct.**
- 26 **(13) The security and contingency plans to be implemented by**
27 **the county to:**
28 **(A) prevent a disruption of the vote center process; and**
29 **(B) ensure that the election is properly conducted if a**
30 **disruption occurs.**
- 31 **(14) A certification that the vote center complies with the**
32 **accessibility requirements applicable to polling places under**
33 **IC 3-11-8.**
- 34 **(15) A sketch depicting the planned layout of the vote center,**
35 **indicating the location of:**
36 **(A) equipment; and**
37 **(B) precinct election officers;**

1 **within the vote center.**

2 **(16) The total number of vote centers to be established at**
 3 **satellite offices that are established under IC 3-11-10-26.3 to**
 4 **allow voters to cast absentee ballots in accordance with**
 5 **IC 3-11.**

6 **Sec. 5. (a) Except for a municipality described in subsection (b),**
 7 **a plan must provide a vote center for use by voters residing in each**
 8 **municipality within the county conducting a municipal primary or**
 9 **a municipal election.**

10 **(b) A vote center may not be used in a municipal primary or**
 11 **municipal election conducted within a municipality that is partially**
 12 **located in a county that has not been designated a vote center pilot**
 13 **county.**

14 **Sec. 6. When the total number of voters designated under**
 15 **section 4(4) of this chapter as "active" equals at least twenty-five**
 16 **thousand (25,000) in the municipalities listed in the plan, the**
 17 **following apply:**

18 **(1) The plan must provide for at least one (1) vote center for**
 19 **each ten thousand (10,000) active voters.**

20 **(2) In addition to the vote centers designated in subdivision**
 21 **(1), the plan must provide for a vote center for any fraction of**
 22 **ten thousand (10,000) voters.**

23 **Sec. 7. Before approving an application to designate a county as**
 24 **a vote center pilot county under this chapter, the secretary of state**
 25 **must determine the following:**

26 **(1) That the secure electronic connection as described under**
 27 **section 4(10)(B) of this chapter is sufficient to prevent:**

28 **(A) any voter from voting more than once; and**

29 **(B) unauthorized access by any person to:**

30 **(i) the electronic poll lists for a precinct whose polls are**
 31 **to be located at the vote center; or**

32 **(ii) the computerized list of voters of the county.**

33 **(2) That the planned design and location of the equipment and**
 34 **precinct officers will provide the most efficient access for:**

35 **(A) voters to enter the polls, cast their ballots, and leave**
 36 **the vote center; and**

37 **(B) precinct election officials, watchers, challengers, and**

1 pollbook holders to exercise their rights and perform their
2 duties within the vote center.

3 **Sec. 8. The designation of a county as a vote center pilot county**
4 **takes effect immediately unless otherwise specified by the secretary**
5 **of state.**

6 **Sec. 9. The county executive shall publish notice of the location**
7 **of each vote center in accordance with IC 3-11-8-3.2.**

8 **Sec. 10. (a) An order issued by a county to:**

9 (1) designate the polls for a precinct or to locate the polls for
10 a precinct at the polls for an adjoining precinct under IC 3-10
11 or IC 3-11; or

12 (2) omit precinct election officers under IC 3-6-6-38 at a
13 specified precinct;

14 **is suspended during the period that the voters of that precinct are**
15 **entitled to cast a ballot at a vote center.**

16 **(b) An order suspended under subsection (a) is revived and in**
17 **full force and effect without further action by a county when the**
18 **voters of that precinct are no longer entitled to cast a ballot at a**
19 **vote center under this chapter.**

20 **Sec. 11. Except as otherwise provided by this chapter, the**
21 **county shall administer an election conducted at a vote center in**
22 **accordance with federal law, this title, and the plan submitted with**
23 **the application under section 4 of this chapter.**

24 **Sec. 12. Notwithstanding any other law, a voter who resides in**
25 **a vote center pilot county is entitled to cast an absentee ballot at a**
26 **vote center located at a satellite office of the county election board**
27 **established under IC 3-11-10-26.3 in the same manner and subject**
28 **to the same restrictions applicable to a voter wishing to cast an**
29 **absentee ballot before an absentee board located in the office of the**
30 **circuit court clerk or board of elections and registration.**

31 **Sec. 13. Notwithstanding any other law, the electronic poll list**
32 **used at each vote center:**

33 (1) must be capable of capturing an electronic image of the
34 signature of a voter on the list; and

35 (2) may be in a format approved by the secretary of state.

36 **Sec. 14. Notwithstanding any other law, including IC 3-11-8-2**
37 **and IC 3-14-2-11, a voter who resides in a vote center pilot county**

1 is entitled to cast a ballot at any vote center established in the
2 county without regard to the precinct in which the voter resides.

3 **Sec. 15. (a) In addition to the precinct election officers**
4 **appointed under IC 3-6-6, a county election board by the**
5 **unanimous vote of the entire membership may appoint one (1) or**
6 **more greeters to:**

7 (1) direct voters entering the vote center to the appropriate
8 location for the voters to sign the electronic poll list; and

9 (2) provide other instructions to facilitate the efficient
10 movement of individuals within the vote center.

11 (b) An individual appointed as a greeter under this section must
12 bear credentials issued by the county election board stating the
13 name of the individual and the individual's status as a greeter.

14 **Sec. 16. The precinct election board administering an election**
15 **at a vote center shall keep the ballots cast in each precinct separate**
16 **from the ballots cast in any other precinct whose election is**
17 **administered at the vote center, so that the votes cast for each**
18 **candidate and on each public question in each of the precincts**
19 **administered by the board may be determined.**

20 **Sec. 17. (a) The secretary of state may permit a county to amend**
21 **a plan submitted under section 4 of this chapter.**

22 (b) For a county to amend its plan:

23 (1) the county election board (or board of elections and
24 registration established under IC 3-6-5.2 or IC 3-6-5.4), by
25 unanimous vote of the entire membership of the board, must
26 approve the filing of a request to amend the plan;

27 (2) all members of the board must sign the request; and

28 (3) the request must be filed with the secretary of state.

29 (c) The request for amendment must set forth the specific
30 amendments proposed to be made to the plan.

31 **Sec. 18. The designation of a county as a vote center pilot county**
32 **may be revoked by the secretary of state:**

33 (1) following the filing of a request for revocation approved
34 by the unanimous vote of the entire membership of the county
35 election board (or board of elections and registration
36 established under IC 3-6-5.2 or IC 3-6-5.4) and signed by all
37 members of the board; or

1 **(2) upon a determination by the secretary of state that the**
 2 **administration of the vote center pilot program within the**
 3 **county does not comply with:**

4 **(A) federal or state law; or**

5 **(B) the plan submitted under section 4 of this chapter.**

6 **Sec. 19. Notwithstanding IC 4-22-2, the secretary of state may**
 7 **adopt guidelines to administer the pilot program under this**
 8 **chapter.**

9 **Sec. 20. This chapter expires December 31, 2009.**

10 SECTION 120. IC 3-11.5-4-16, AS AMENDED BY P.L.109-2005,
 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If an absentee ballot is
 13 challenged under section 15 of this chapter, the absentee voter's
 14 application for an absentee ballot shall be considered as the affidavit
 15 required to be made by a voter when challenged at the polls while voting
 16 in person.

17 (b) Except as provided in subsection (c), the challenge procedure
 18 under this section is the same as though the ballot was cast by the voter
 19 in person.

20 (c) An absentee voter is not required to provide proof of
 21 identification.

22 (d) If a proper affidavit by a qualified person in the form required by
 23 ~~IC 3-11-8-22~~ **IC 3-11-8-22.1** is made that would entitle the absentee
 24 voter to vote if the absentee voter had personally appeared, the couriers
 25 shall return the affidavit to the county election board in the same
 26 envelope as the certificate returned under section 9 of this chapter.

27 (e) The absentee ballot cast by the challenged voter shall be counted
 28 if the county election board makes the findings required under section
 29 11 of this chapter."

30 Page 51, line 15, delete "[EFFECTIVE JULY 1, 2006]" and insert
 31 "[EFFECTIVE UPON PASSAGE]".

32 Page 51, line 19, strike "not permitted to vote" and insert
 33 **"challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an**
 34 **oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or**
 35 **after the voter produces a certificate of error".**

36 Page 51, line 19, after "IC 3-7-48-1" delete "," and insert ".".

37 Page 51, strike lines 20 through 21.

1 Page 52, between lines 3 and 4, begin a new paragraph and insert:
 2 "SECTION 122. IC 3-11.7-5-1, AS AMENDED BY P.L.221-2005,
 3 SECTION 56, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) After the close of the
 5 polls, provisional ballots shall be counted as provided in this chapter.
 6 (b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed
 7 under IC 1-1-9, all provisional ballots must be counted by not later than
 8 noon ~~on the second Monday~~ **ten (10) days** following the election.
 9 SECTION 123. IC 3-11.7-5-1.5, AS ADDED BY P.L.221-2005,
 10 SECTION 99, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) ~~This section~~
 12 **Subsection (c)** applies to a provisional ballot that **the county election**
 13 **board determines, by a majority vote of its members and in**
 14 **accordance with this title:**
 15 (1) has been marked and cast by a voter in compliance with this
 16 title; but
 17 (2) may not otherwise be counted solely as the result of the act or
 18 failure to act of an election officer.
 19 **(b) Subsection (c) does not apply to either of the following:**
 20 **(1) A provisional ballot cast by an individual who seeks to**
 21 **vote in an election as the result of a court or other order**
 22 **extending the time established for closing the polls under**
 23 **IC 3-11-8-8 if the county election board determines or is**
 24 **directed under a court or other order that all provisional**
 25 **ballots issued after regular poll closing hours are not to be**
 26 **counted.**
 27 **(2) A provisional ballot that is required to be rejected by a**
 28 **county election board under section 2(b) of this chapter as the**
 29 **result of information or lack of information provided by a**
 30 **voter registration agency.**
 31 ~~(b)~~ **(c) The sealed envelope containing** a provisional ballot
 32 described in subsection (a) shall nevertheless be **opened under section**
 33 **4 of this chapter and the provisional ballot** counted unless evidence
 34 of fraud, tampering, or misconduct affecting the integrity of the ballot
 35 is demonstrated. The act or failure to act by an election officer is not by
 36 itself evidence of fraud, tampering, or misconduct affecting the integrity
 37 of the ballot.

1 ~~(c)~~ **(d)** Notwithstanding subsection ~~(b)~~, **(c)**, if the county election
 2 board, by a majority vote of its members, determines that there is ~~a~~
 3 **evidence presented to the board demonstrating that the individual**
 4 **who cast the provisional ballot was ineligible to cast a regular**
 5 **ballot in that precinct, or evidence has been presented to the board**
 6 **demonstrating any other reason set forth in HAVA or this title** not
 7 to count a provisional ballot, the provisional ballot may not be counted.

8 **(e) This subsection applies to a provisional ballot cast by a voter**
 9 **after the voter was challenged solely because the voter was unable**
 10 **or declined to provide proof of identification and not for any other**
 11 **reason. If the voter later complies with the requirements of this**
 12 **title for proof of identification, the provisional ballot cast by the**
 13 **voter shall be counted in accordance with sections 2 and 2.5 of this**
 14 **chapter.**

15 **(f) This subsection applies to a provisional ballot cast by a voter**
 16 **after the voter was challenged for any reason except the voter's**
 17 **inability or declination to provide proof of identification. If the only**
 18 **evidence before the county election board on the question of**
 19 **counting of the provisional ballot cast by the voter is:**

20 **(1) the affidavit of the voter who cast the provisional ballot;**

21 **and**

22 **(2) the affidavit of a challenger challenging the voter who cast**
 23 **the provisional ballot;**

24 **the provisional ballot shall be counted.**

25 SECTION 124. IC 3-12-6-4 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate who
 27 is nominated or elected to an office at an election on the face of the
 28 election returns may file a verified cross-petition for a recount no later
 29 than noon ~~fourteen (14)~~ **twenty-one (21)** days after election day. If a
 30 petition for a recount is filed for an office for which voters in more than
 31 one (1) county vote, a cross-petition for a recount may be filed in a
 32 county other than the one in which the first petition was filed."

33 Page 52, line 5, delete "[EFFECTIVE".

34 Page 52, line 6, delete "JULY 1, 2006]" and insert "[EFFECTIVE
 35 UPON PASSAGE]".

36 Page 52, between lines 31 and 32, begin a new paragraph and insert:

37 "SECTION 126. IC 3-12-11-4 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate who
 2 is nominated or elected to an office at an election on the face of the
 3 election returns may file a verified cross-petition for a recount with the
 4 election division not later than noon ~~fourteen (14)~~ **twenty-one (21)** days
 5 after election day.

6 SECTION 127. IC 3-12-12-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter who
 8 desires a recount under this chapter must file a verified petition no later
 9 than noon ~~seven (7)~~ **fourteen (14)** days after election day. The petition
 10 must be filed:

- 11 (1) in the circuit court of each county in which is located a precinct
 12 in which the voter desires a recount; and
 13 (2) with the election division."

14 Page 53, between lines 7 and 8, begin a new paragraph and insert:

15 "SECTION 130. IC 3-14-3-16, AS AMENDED BY P.L.103-2005,
 16 SECTION 35, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) As used in this section,
 18 "electioneering" includes expressing support or opposition to any
 19 candidate or political party or expressing approval or disapproval of any
 20 public question in any manner that could reasonably be expected to
 21 convey that support or opposition to another individual. The term does
 22 not include expressing

- 23 ~~(1)~~ support or opposition to a candidate or a political party or
 24 ~~(2)~~ expressing approval or disapproval of a public question in:
 25 (1) material mailed to a voter; **or**
 26 (2) **a telephone or an electronic communication with a voter.**

27 (b) A person who knowingly does any electioneering:

- 28 (1) on election day within:
 29 (A) the polls; or
 30 (B) the chute;
 31 (2) within an area in the office of the circuit court clerk or a
 32 satellite office of the circuit court clerk established under
 33 IC 3-11-10-26.3 used by an absentee voter board to permit an
 34 individual to cast an absentee ballot; or
 35 (3) except for a voter who is:
 36 (A) the person's spouse;
 37 (B) an incapacitated person (as defined in IC 29-3-1-7.5) for

1 whom the person has been appointed the guardian (as defined
 2 in IC 29-3-1-6); or
 3 (C) a member of the person's household;
 4 in the presence of a voter whom the person knows possesses an
 5 absentee ballot provided to the voter in accordance with Indiana
 6 law;
 7 commits a Class A misdemeanor."

8 Page 53, between lines 20 and 21, begin a new paragraph and insert:
 9 "SECTION 132. IC 3-14-5-8 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) As used in this section,**
 12 **"governmental entity" refers to any of the following:**

- 13 **(1) A city.**
 14 **(2) A town.**
 15 **(3) A school corporation.**
 16 **(4) An agency of a governmental entity referred to in any of**
 17 **subdivisions (1) through (3).**

18 **(b) As used in this section, "date of conviction" refers to the**
 19 **date when:**

- 20 **(1) in a jury trial, a jury publicly announces a verdict against**
 21 **a person for a felony or Class A misdemeanor;**
 22 **(2) in a bench trial, the court publicly announces a verdict**
 23 **against a person for a felony or Class A misdemeanor; or**
 24 **(3) in a guilty plea hearing, a person pleads guilty or nolo**
 25 **contendere to a felony or Class A misdemeanor.**

26 **(c) A person who is convicted under IC 3-14-2 of a felony or**
 27 **Class A misdemeanor that relates to an election for an office for a**
 28 **governmental entity shall not:**

- 29 **(1) continue employment with;**
 30 **(2) obtain future employment with;**
 31 **(3) contract with; or**
 32 **(4) be a subcontractor under a contract with;**

33 **any governmental entity for at least twenty (20) years after the**
 34 **date of conviction.**

35 **(d) For at least twenty (20) years after the person's date of**
 36 **conviction, a governmental entity may not:**

- 37 **(1) employ;**

- 1 **(2) offer employment to;**
- 2 **(3) contract with; or**
- 3 **(4) maintain a contractual relationship when a subcontractor**
- 4 **is;**
- 5 **a person who is convicted under IC 3-14-2 of a felony or Class A**
- 6 **misdemeanor that relates to an election for an office for any**
- 7 **governmental entity.**

- 8 **(e) If:**
- 9 **(1) a person was employed by a governmental entity;**
- 10 **(2) the person was convicted under IC 3-14-2 of a felony or**
- 11 **Class A misdemeanor relating to an election for an office for**
- 12 **a governmental entity;**
- 13 **(3) the person's employment with the governmental entity was**
- 14 **discontinued under subsection (c) or (d); and**

- 15 **(4) the person's conviction is reversed, vacated, or set aside;**
- 16 **the governmental entity shall reemploy the person in the same**
- 17 **position the person held before the person's conviction or in**
- 18 **another position equivalent in benefits, pay, and working**
- 19 **conditions to the position the person held before the person's**
- 20 **conviction, and the person is entitled to receive any salary or other**
- 21 **remuneration that the person would have received if the person's**
- 22 **employment had not been discontinued under subsection (c) or (d).**

23 **(f) The attorney general may petition a court with jurisdiction**
 24 **for an injunction against a person who violates subsection (c) or a**
 25 **governmental entity that violates subsection (d).**

26 **(g) The attorney general may petition a court with jurisdiction**
 27 **to impose a civil penalty of not more than one thousand dollars**
 28 **(\$1,000) on a person who violates subsection (c)."**

29 Page 54, line 12, after "4." insert "(a)".

30 Page 54, delete line 16.

31 Page 54, line 17, reset in roman "to the".

32 Page 54, line 17, after "board of" insert "county voter".

33 Page 54, line 17, reset in roman "registration".

34 Page 54, line 17, after "registration" insert "office".

35 Page 54, line 17, reset in roman "of the county".

36 Page 54, reset in roman line 18.

37 Page 54, line 19, reset in roman "application) is".

1 Page 54, line 19, delete "located;" and insert "located."

2 Page 54, between lines 21 and 22, begin a new paragraph and insert:

3 **"(b) The voter registration application shall be transmitted to**
 4 **the county voter registration office in an electronic format and on**
 5 **an expedited basis (as defined by IC 3-5-2-23.2) using the**
 6 **computerized list established under IC 3-7-26.3. The paper copy of**
 7 **the application shall be transmitted under subsection (a) to the**
 8 **county voter registration office not later than five (5) days after the**
 9 **application is accepted at the license branch.**

10 SECTION 136. IC 9-24-2.5-6 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
 12 Sec. 6. A manager or an employee may use any of the following
 13 methods to transmit **paper copies of** voter registration applications
 14 under section 4 ~~or 5~~ of this chapter:

15 (1) Hand delivery to the ~~circuit court clerk or board of county~~
 16 **voter registration office.**

17 (2) Certified mail, return receipt requested.

18 SECTION 137. IC 9-24-2.5-7 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
 20 Sec. 7. If a manager or an employee transmits **paper copies of**
 21 registration applications by hand delivery under section 6(1) of this
 22 chapter, the ~~circuit court clerk or board of county voter~~ registration
 23 **office** shall provide the manager or employee with a receipt for the
 24 forms. The receipt must state the date and time of delivery, and the
 25 printed name and signature of the person who received the forms."

26 Page 55, delete lines 30 through 32, begin a new paragraph and
 27 insert:

28 "SECTION 140. IC 3-11-8-22 IS REPEALED [EFFECTIVE
 29 UPON PASSAGE]."

30 Page 55, line 39, delete "IC 3-11-6.5-5;"

31 Page 55, between lines 40 and 41, begin a new paragraph and insert:

32 "SECTION 142. [EFFECTIVE JANUARY 1, 2006
 33 (RETROACTIVE)] **(a) The definitions in IC 3-5-2 apply throughout**
 34 **this SECTION.**

35 **(b) Notwithstanding IC 3-7 or IC 9-24-2.5, both as amended by**
 36 **this act, a county voter registration office shall process a voter**
 37 **registration application transmitted in electronic format from a**

1 license branch under IC 9-24-2.5 and is not required to receive the
2 paper copy of the application from the license branch before
3 approving or denying the application and mailing a notice of
4 approval or denial to the applicant. The county voter registration
5 office shall optically scan the voter's signature set forth on the
6 paper copy of the application and attach the scanned image to the
7 registration record of the voter in the manner permitted by the
8 computerized list.

9 (c) This SECTION expires July 1, 2006."

10 Page 56, between lines 15 and 16, begin a new paragraph and insert:

11 "SECTION 145. [EFFECTIVE UPON PASSAGE] (a) The
12 definitions set forth in IC 3-5-2 apply to this SECTION.

13 (b) The secretary of state may designate up to three (3) counties
14 as vote center pilot counties under IC 3-11-18, as added by this act.
15 If the designation of a county as a vote center pilot county is
16 revoked in accordance with IC 3-11-18, as added by this act, the
17 secretary of state may designate a replacement county as a vote
18 center pilot county.

19 (c) A county must file with the secretary of state an application
20 to be designated a vote center pilot county under IC 3-11-18, as
21 added by this act, not later than August 1, 2006.

22 (d) The secretary of state shall act in accordance with
23 IC 3-11-18, as added by this act, and this SECTION to designate
24 a county as a vote center pilot county not later than October 1,
25 2006.

- 1 **(e) This SECTION expires December 31, 2007."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1011 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

Lawson C

Chairperson