
SENATE BILL No. 438

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6; IC 3-7; IC 3-9-4-15; IC 3-11; IC 3-14-3-14; IC 9-24-2.5; IC 12-14; IC 12-15-1.5; IC 16-35-1.6; IC 33-42-4-1.

Synopsis: Indiana election commission. Designates the secretary of state as the state's chief election official for all purposes. Provides that the secretary of state serves as a member and the chair of the election commission. Provides that the election division is administered by a director, who serves at the pleasure of the secretary of state. Abolishes the current co-director positions. Specifies that the election division staff must include an assistant director nominated by the chairman of the political party whose candidate received the second highest number of votes for secretary of state at the most recent election for that office. Removes provisions requiring the consent of the co-directors of the election division for state administration and implementation of the Help America Vote Act. Makes technical changes. Repeals obsolete statutes relating to the co-directors of the election division.

Effective: Upon passage.

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January 11, 2007, read first time and referred to Committee on Local Government and Elections.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 438



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 3-6-3.7-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~Except as~~
- 3 ~~provided by IC 3-7-11-1,~~ The secretary of state is the state's chief
- 4 election official.
- 5 SECTION 2. IC 3-6-3.7-2 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. In addition to
- 7 performing the duties related to elections specified in this title, the
- 8 secretary of state ~~with the consent of the co-directors of the election~~
- 9 ~~division~~ shall do the following:
- 10 (1) Work with the federal Election Assistance Commission to
- 11 encourage students enrolled at institutions of higher education
- 12 (including community colleges) to assist state and local
- 13 governments in the administration of elections by serving as
- 14 nonpartisan poll workers or assistants.
- 15 (2) Consult with the federal Election Assistance Commission in
- 16 the development of materials, seminars, and advertising targeted
- 17 at students to implement the Help America Vote College Program



1 conducted by the Election Assistance Commission under 42
2 U.S.C. 15521.

3 (3) Consult with the Help America Vote Foundation established
4 under 36 U.S.C. 1526 in developing programs to encourage
5 secondary school students (including students educated in the
6 home) to participate in the election process in a nonpartisan
7 manner as poll workers or assistants to local election officials in
8 precinct polling places.

9 ~~Consult and coordinate with (and provide administrative~~
10 ~~support to) the co-directors of the election division in the~~
11 ~~development and implementation of~~ **Implement** the state plan
12 under HAVA (42 U.S.C. 15401 through 15406).

13 (5) Perform all duties required to be performed by the state or the
14 chief state election official under HAVA.

15 SECTION 3. IC 3-6-4.1-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The
17 commission consists of **the following**:

18 (1) Four (4) individuals appointed by the governor.

19 (2) **The secretary of state.**

20 (b) Each member of the commission **appointed by the governor**
21 must be a registered voter.

22 (c) Each member of the commission **appointed by the governor**
23 must be a member of a major political party of the state. Not more than
24 two (2) members of the commission **appointed by the governor** may
25 be a member of the same political party.

26 SECTION 4. IC 3-6-4.1-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) This section**
28 **applies to a commission member appointed by the governor.**

29 ~~(a)~~ **(b)** The term of an individual serving as a member of the
30 commission begins on the later of the following:

31 (1) The day the term of the member whom the individual is
32 appointed to succeed expires.

33 (2) The day the individual is appointed.

34 ~~(b)~~ **(c)** The term of a member expires July 1 of the second year after
35 the member's current term begins.

36 ~~(c)~~ **(d)** A member may be reappointed to the commission. A member
37 reappointed to the commission is the member's own successor for
38 purposes of subsection ~~(a)~~: **(b).**

39 SECTION 5. IC 3-6-4.1-4 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) This section**
41 **applies to a commission member appointed by the governor.**

42 ~~(a) Before May 1~~ **(b) Not later than noon of the last Friday of**

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1 **May** of a year that the term of a member of the commission expires, the
 2 state chairman of the major political party of the state represented by
 3 that member may nominate ~~in writing~~, **an individual to be a**
 4 **commission member by filing a statement with the governor setting**
 5 **forth the names of** two (2) individuals of the state chairman's own
 6 political party to succeed the member whose term will expire.

7 ~~(b)~~ (c) The state chairman of a political party may nominate the
 8 individual whose term will expire that year to serve a new term.

9 ~~(c)~~ (d) If the state chairman ~~makes files~~ the nominations ~~before May~~
 10 ~~1~~, **by the date and time specified in subsection (b)**, the governor shall
 11 appoint one (1) of the nominees to the commission.

12 ~~(d)~~ (e) If the state chairman fails to ~~make file~~ the nominations ~~before~~
 13 ~~May 1~~, **by the date and time specified in subsection (b)**, the governor
 14 shall, within another ten (10) days, appoint a member of the same
 15 political party as the state chairman. The state chairman may
 16 disapprove the selection by ~~notifying~~ **filing a notice with** the governor
 17 **within not later than noon** seven (7) days after receiving notice of the
 18 governor's appointment.

19 ~~(e)~~ (f) If the state chairman disapproves the selection within the
 20 seven (7) day period under subsection ~~(d)~~, (e), the governor shall make
 21 another appointment under subsection ~~(d)~~ (e) that is also subject to the
 22 disapproval of the state chairman under subsection ~~(d)~~, (e).

23 ~~(f)~~ (g) If the state chairman does not disapprove an appointment
 24 under subsection ~~(d)~~ (e) within the seven (7) day period, the individual
 25 appointed by the governor is a member of the commission.

26 SECTION 6. IC 3-6-4.1-5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a member
 28 of the commission (**other than the secretary of state**) resigns, dies, or
 29 becomes unable to serve on the commission, the governor shall notify
 30 the state chairman of the major political party of the state represented
 31 by the member.

32 (b) The state chairman may nominate, ~~in writing~~, **within not later**
 33 **than noon** ten (10) days after **receiving** notice of the vacancy, two (2)
 34 individuals of the state chairman's own political party to succeed the
 35 member **by filing a statement with the governor setting forth the**
 36 **names of the two (2) individuals**. If the state chairman ~~makes files~~ the
 37 nominations ~~within not later than noon~~ ten (10) days **after receiving**
 38 **notice of the vacancy**, the governor shall appoint one (1) of the
 39 nominees to the commission.

40 (c) If the state chairman fails to ~~make file~~ the nominations ~~within ten~~
 41 ~~(10) days~~, **by the date and time specified in subsection (b)**, the
 42 governor shall, within another ten (10) days, appoint a member of the

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1 same political party as the state chairman. The state chairman may
 2 disapprove the selection by ~~notifying~~ **filing a notice with** the governor
 3 ~~within not later than noon~~ seven (7) days after receiving notice of the
 4 governor's appointment.

5 (d) If the state chairman disapproves the selection within the seven
 6 (7) day period under subsection (c), the governor shall make another
 7 appointment under subsection (c) that is also subject to the disapproval
 8 of the state chairman under subsection (c).

9 (e) If the state chairman does not disapprove an appointment under
 10 subsection (c) within the seven (7) day period, the individual appointed
 11 by the governor is a member of the commission.

12 SECTION 7. IC 3-6-4.1-6 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The ~~governor~~
 14 ~~shall appoint one (1) of the members~~ **secretary of state serves as the**
 15 **chair** of the commission. ~~to be the chair and~~ **The secretary of state**
 16 **shall designate** one (1) of the members of the commission to be the
 17 vice chair of the commission. ~~The chair of the commission must be a~~
 18 ~~member of the same political party as the individual who is the~~
 19 ~~secretary of state. The vice chair and the chair may not be affiliated~~
 20 ~~with the same political party.~~

21 (b) The ~~individuals appointed~~ **individual designated** as chair and
 22 vice chair ~~serve in their respective positions~~ **serves in that capacity**
 23 until ~~each the~~ individual's term as a member of the commission
 24 expires.

25 (c) **The vice chair serves as acting chair of the commission in the**
 26 **absence of the secretary of state (or a proxy designated by the**
 27 **secretary of state to act as chair under section 8 of this chapter).**

28 SECTION 8. IC 3-6-4.1-7 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Three (3)
 30 members of the commission, **including:**

31 **(1) the secretary of state; or**

32 **(2) an individual designated as the secretary of state's proxy**
 33 **under section 8 of this chapter;**

34 constitute a quorum.

35 (b) Except as otherwise provided in this title, the affirmative vote of
 36 at least three (3) members of the commission is necessary for the
 37 commission to take official action other than to meet to take testimony.

38 (c) **The secretary of state does not cast a vote as a member of the**
 39 **commission unless the casting of that vote is necessary to take**
 40 **official action under subsection (b) or to break a tie that has**
 41 **occurred in the votes cast by other members of the commission.**

42 SECTION 9. IC 3-6-4.1-8 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A member of
 2 the commission **(including the secretary of state)** may designate
 3 another individual to serve as a proxy of record in the member's place
 4 as a member **(or in the case of the secretary of state, as chair)** of the
 5 commission by filing a written instrument designating the proxy of
 6 record with the election division. The proxy of record has the same
 7 authority to act and vote on all matters as does the member **(or the**
 8 **secretary of state, as chair)**. The member **or the secretary of state**
 9 may revoke the authority of the proxy of record at any time. The
 10 authority of the proxy of record may be either limited or general with
 11 regard to duration or subject matter as set forth by the member in the
 12 written instrument designating the proxy.

13 (b) If both the member and the member's proxy of record are
 14 unavailable, the member **(including the secretary of state)** may
 15 designate another individual in writing to serve as an alternate proxy
 16 in the member's place as a member **(or in the case of the secretary of**
 17 **state, as chair)** of the commission. This designation must be filed with
 18 the election division before taking effect. The alternate proxy has the
 19 same authority to act and vote on all matters as does the member **(or**
 20 **the secretary of state, as chair)**. The member **or the secretary of**
 21 **state** may revoke the authority of the alternate proxy at any time. The
 22 authority of the alternate proxy may be either limited or general with
 23 regard to duration or subject matter as set forth by the member in the
 24 written instrument designating the proxy.

25 SECTION 10. IC 3-6-4.1-9 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The chair shall:

- 27 (1) call a meeting of the commission whenever the chair considers
 28 it necessary for the performance of the commission's duties; **and**
 29 (2) **set the agenda for the meeting.**

30 SECTION 11. IC 3-6-4.1-10 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. If the chair for
 32 any reason fails to call a meeting of the commission, then:

- 33 (1) the vice chair, with the written approval of ~~the remaining at~~
 34 **least two** (2) commission members, may convene a meeting of the
 35 commission; and
 36 (2) the three (3) members of the commission may meet to execute
 37 the powers and perform the duties of the commission.

38 SECTION 12. IC 3-6-4.1-11 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a) This**
 40 **section does not apply to the secretary of state.**

41 ~~(a)~~ **(b)** Each member of the commission who is not a state employee
 42 is entitled to receive both of the following:

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- 1 (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- 2 (2) Reimbursement for travel expenses and other expenses
- 3 actually incurred in connection with the member's duties, as
- 4 provided in the state travel policies and procedures established by
- 5 the Indiana department of administration and approved by the
- 6 budget agency.

7 ~~(b)~~ (c) Each member of the commission who is a state employee is
 8 entitled to reimbursement for travel expenses and other expenses
 9 actually incurred in connection with the member's duties, as provided
 10 in the state travel policies and procedures established by the Indiana
 11 department of administration and approved by the budget agency.

12 SECTION 13. IC 3-6-4.1-19 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The
 14 commission has the power of subpoena and may require a person to
 15 appear before the commission, a member of the commission, or the
 16 ~~co-directors~~ **director** to be examined with regard to any matter with
 17 which the commission or the ~~co-directors~~ **director** are charged with a
 18 duty under this title.

19 (b) The commission or the ~~co-directors~~ **director** may require
 20 appearances at the office of the commission or at a place fixed by the
 21 commission or ~~co-directors~~ **director** in the county of residence of the
 22 person subpoenaed.

23 (c) A witness who is subpoenaed under this section is entitled to be
 24 paid the same mileage and fee as witnesses in court actions. Mileage
 25 and fees shall be paid as other election expenses are paid.

26 SECTION 14. IC 3-6-4.1-20 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. A member of
 28 the commission, the ~~co-directors~~, **director**, or an employee of the
 29 election division may administer an oath required or permitted by this
 30 title.

31 SECTION 15. IC 3-6-4.2-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~(a)~~ The **governor**
 33 **secretary of state** shall appoint ~~two~~ **(2)** ~~co-directors~~ **a director** for the
 34 election division. **The director serves at the pleasure of the**
 35 **secretary of state.**

36 ~~(1)~~ The ~~co-directors~~ **director** shall do the following:

37 ~~(A)~~ **(1)** Carry out the policies, decisions, and recommendations of
 38 the **secretary of state and the** commission.

39 ~~(B)~~ **(2)** Maintain an office for the election division.

40 ~~(b)~~ The ~~co-directors~~ may not be members of the same political party.

41 ~~(c)~~ The ~~co-directors~~ have equal authority and responsibilities under
 42 this title.

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1 (d) ~~The co-directors must:~~

2 (1) ~~be classified the same under the state's personnel system; and~~

3 (2) ~~except for differences due to years of service as co-directors,~~
4 ~~receive the same compensation.~~

5 SECTION 16. IC 3-6-4.2-4 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) The director**
7 **shall employ a general counsel, who serves as acting director if the**
8 **director is absent or a vacancy occurs in the office.**

9 **(b) The co-directors** ~~director~~ shall employ other employees as
10 necessary in the execution of the powers and duties of the ~~commission.~~
11 **division.**

12 SECTION 17. IC 3-6-4.2-8 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a) The director**
14 **shall employ an assistant director, who must be affiliated with the**
15 **major political party whose candidate received the second highest**
16 **number of votes cast at the most recent election for secretary of**
17 **state.**

18 ~~(a)~~ **(b)** When a vacancy in a ~~co-director~~ **the position of assistant**
19 **director** occurs, the secretary of state shall notify, ~~the governor and by~~
20 **certified mail, return receipt requested,** the state chairman of the
21 political party of which the individual vacating the position is a
22 member.

23 ~~(b)~~ **(c)** The state chairman may ~~submit to file with the governor in~~
24 ~~writing, within~~ **secretary of state not later than noon** thirty (30) days
25 after **receiving** notice of the vacancy, the names of two (2) individuals
26 to fill the vacancy. If the state chairman ~~submits files~~ the names of two
27 (2) individuals ~~within the~~ **with the secretary of state not later than**
28 **noon** thirty (30) ~~day period, days after receiving notice of the~~
29 **vacancy,** the ~~governor~~ **director** shall ~~appoint~~ **employ** one (1) of the
30 two (2) individuals to fill the vacancy. If the state chairman fails to
31 ~~submit file~~ the names of two (2) individuals ~~within the~~ **by noon** thirty
32 (30) ~~day period, days after receiving notice of the vacancy,~~ the
33 ~~governor~~ **director** shall, within another ten (10) days, appoint an
34 individual of the same political party as the state chairman to fill the
35 vacancy.

36 ~~(c)~~ **(d)** If a state chairman fails to ~~submit in writing file~~ the name of
37 a qualified successor ~~within~~ **not later than noon** thirty (30) days after
38 the state chairman is notified by the secretary of state ~~receives notice~~
39 of a vacancy **under subsection (c),** the ~~governor~~ **director** shall:

40 (1) appoint a member of the political party of the state chairman
41 to fill the vacancy; and

42 (2) notify the state chairman of the selection.

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1 ~~(d)~~ (e) The state chairman may disapprove the selection by ~~notifying~~
 2 **filing a statement with the governor within secretary of state not**
 3 **later than noon** seven (7) days after receiving notice of the ~~governor's~~
 4 ~~appointment.~~ **selection.** If the state chairman disapproves the selection
 5 ~~within the not later than noon seven (7) day period,~~ **days after**
 6 **receiving notice of the selection,** the ~~governor director~~ shall make
 7 another ~~appointment selection~~ under subsection ~~(b)~~ (c), which is
 8 subject to disapproval of the state chairman under this subsection. If
 9 the state chairman does not ~~disapprove~~ **file a statement with the**
 10 **secretary of state disapproving** the ~~appointment selection~~ **within the**
 11 **by noon** seven (7) ~~day period,~~ **days after receiving notice of the**
 12 **selection,** the individual ~~appointed~~ **selected** by the ~~governor director~~
 13 shall be employed as the ~~co-director.~~ **assistant director under this**
 14 **section.**

15 SECTION 18. IC 3-6-4.2-10 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) An audit or
 17 investigation authorized by the commission concerning administration
 18 of election laws shall be conducted by at least two (2) state employees
 19 divided equally between the major political parties of the state.

20 (b) Notwithstanding subsection (a) or any statutory provisions to the
 21 contrary, the ~~co-directors~~ **director** shall assist in the following actions
 22 upon authorization of the commission:

23 (1) A hearing or an investigation conducted by the commission
 24 under:

25 (A) IC 3-7-11 (voter registration violations under NVRA or
 26 IC 3-7); or

27 (B) IC 3-9-4-15 (campaign finance violations).

28 (2) An examination or a test of a voting system for the
 29 commission.

30 SECTION 19. IC 3-6-4.2-12, AS AMENDED BY P.L.221-2005,
 31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 12. The election division shall do the
 33 following:

34 (1) Maintain complete and uniform descriptions and maps of all
 35 precincts in Indiana.

36 (2) Promptly update the information required by subdivision (1)
 37 after each precinct establishment order is filed with the
 38 commission under IC 3-11-1.5.

39 (3) Issue media watcher cards under IC 3-6-10-6.

40 (4) Prepare and transfer to the department of state revenue voter
 41 registration affidavits for inclusion in state adjusted gross income
 42 tax booklets under IC 6-8.1-3-19.

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1 (5) Serve in accordance with 42 U.S.C. 1973ff-1(b) as the office
 2 in Indiana responsible for providing information regarding voter
 3 registration procedures and absentee ballot procedures to absent
 4 uniformed services voters and overseas voters.

5 (6) As required by 42 U.S.C. 1973ff-1(c), submit a report to the
 6 federal Election Assistance Commission not later than ninety (90)
 7 days after each general election setting forth the combined
 8 number of absentee ballots:

9 (A) transmitted to absent uniformed services voters and
 10 overseas voters for the election; and

11 (B) returned by absent uniformed services voters and overseas
 12 voters and cast in the election.

13 (7) ~~Implement Assist the secretary of state with the~~
 14 **implementation of** the state plan in accordance with the
 15 requirements of HAVA (42 U.S.C. 15401 through 15406) and this
 16 title. ~~and appoint members of the committee established under 42~~
 17 ~~U.S.C. 15405.~~

18 (8) Submit reports required under 42 U.S.C. 15408 to the federal
 19 Election Assistance Commission concerning the use of federal
 20 funds under Title II, Subtitle D, Part I of HAVA.

21 SECTION 20. IC 3-6-4.2-12.1 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.1. (a) This
 23 section applies to the development, implementation, and amendment
 24 of the state plan under HAVA (42 U.S.C. 15401 through 15406). **The**
 25 **secretary of state shall appoint the members of the committee**
 26 **established to maintain and amend the state plan to implement**
 27 **HAVA.**

28 (b) An individual appointed by the ~~co-directors~~ **secretary of state**
 29 to serve on the committee established to develop the state plan to
 30 implement HAVA under 42 U.S.C. 15405 is entitled to receive the
 31 compensation or reimbursement provided under subsection (d) or (e).

32 (c) For purposes of subsection (d), an individual who holds:

33 (1) a state office is considered an employee of the state; or

34 (2) an office of a political subdivision is considered an employee
 35 of the political subdivision.

36 (d) Each member of the committee who is not a state employee or
 37 an employee of a political subdivision is entitled to receive both of the
 38 following:

39 (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

40 (2) Reimbursement for travel expenses and other expenses
 41 actually incurred in connection with the member's duties, as
 42 provided in the state travel policies and procedures established by

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1 the Indiana department of administration and approved by the
2 budget agency.

3 (e) Each member of the committee who is a state employee or an
4 employee of a political subdivision is entitled to reimbursement for
5 travel expenses and other expenses actually incurred in connection with
6 the member's duties, as provided in the state travel policies and
7 procedures established by the Indiana department of administration and
8 approved by the budget agency.

9 (f) The committee's expenses, including the payment of per diem
10 and reimbursements under this section, shall be paid from the Section
11 101 account of the election administration assistance fund established
12 under IC 3-11-6.5.

13 SECTION 21. IC 3-6-4.2-12.5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) As
15 authorized under 42 U.S.C. 15421, the secretary of state ~~with the~~
16 ~~consent of the co-directors of the election division~~ shall apply to the
17 Secretary of Health and Human Services for payments under the
18 HAVA (42 U.S.C. 15421 through 15425) to do the following:

19 (1) Make polling places (including the path of travel, entrances,
20 exits, and voting areas of each polling place) more accessible to
21 individuals with disabilities, including the blind and visually
22 impaired, in a manner that provides the same opportunity for
23 access and participation (including privacy and independence) as
24 other voters.

25 (2) Provide individuals with disabilities and other individuals
26 described in subdivision (1) with information about the
27 accessibility of polling places, including outreach programs to
28 inform the individuals about the availability of accessible polling
29 places and training election officials, poll workers, and election
30 volunteers on how best to promote the access and participation of
31 individuals with disabilities in elections.

32 (b) If the secretary of state receives payments from the Secretary of
33 Health and Human Services under 42 U.S.C. 15421 through 15425, the
34 election division shall expend the money as described in the
35 application submitted under 42 U.S.C. 15423.

36 SECTION 22. IC 3-6-4.2-14 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Each year
38 in which a general or municipal election is held, the election division
39 shall call a meeting of all the members of the county election boards
40 and the boards of registration to instruct them as to their duties under
41 this title and federal law (including HAVA and NVRA). The election
42 division may, but is not required to, call a meeting under this section

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1 during a year in which a general or a municipal election is not held.

2 (b) Each circuit court clerk shall attend a meeting called by the
3 election division under this section.

4 (c) The ~~co-directors of the~~ election division shall set the time and
5 place of the instructional meeting. In years in which a primary election
6 is held, the election division:

7 (1) may conduct the meeting before the first day of the year; and

8 (2) shall conduct the meeting before primary election day.

9 The instructional meeting may not last for more than two (2) days.

10 (d) Each member of a county election board or board of registration
11 and an individual who has been elected or selected to serve as circuit
12 court clerk but has not yet begun serving in that office is entitled to
13 receive all of the following:

14 (1) A per diem of twenty-four dollars (\$24) for attending the
15 instructional meeting called by the election division under this
16 section.

17 (2) A mileage allowance at the state rate for the distance
18 necessarily traveled in going and returning from the place of the
19 instructional meeting called by the election division under this
20 section.

21 (3) Reimbursement for the payment of the instructional meeting
22 registration fee from the county general fund without
23 appropriation.

24 (4) An allowance for lodging for each night preceding conference
25 attendance equal to the lodging allowance provided to state
26 employees in travel status.

27 SECTION 23. IC 3-6-4.5-11 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. This section
29 applies if the complaint alleges that ~~either co-director the director or~~
30 **assistant director** of the election division has committed the violation.
31 The aggrieved person shall file the complaint with the chair of the
32 commission. The chair of the commission shall perform the duties
33 otherwise performed by the election division concerning a complaint.

34 SECTION 24. IC 3-6-4.5-26 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. A complaint
36 described by section 25 of this chapter shall be resolved by referral to
37 an arbitrator selected ~~jointly~~ by the ~~commission and the person who~~
38 ~~filed the complaint.~~ **secretary of state.**

39 SECTION 25. IC 3-7-11-1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The ~~co-directors~~
41 ~~of the commission are jointly~~ **secretary of state is** designated under 42
42 U.S.C. 1973gg-8 as the chief state election official responsible for the

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1 coordination of state responsibilities under NVRA.
 2 SECTION 26. IC 3-7-11-3 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section
 4 applies when a person aggrieved by a violation of:
 5 (1) NVRA; or
 6 (2) this article;
 7 files a written notice of the violation with the NVRA official under 42
 8 U.S.C. 1973gg-9(b) or this chapter. A person who files a written notice
 9 of violation under this section must state in the notice whether the
 10 person has filed a written notice concerning the violation with the
 11 circuit court clerk under IC 3-7-12.
 12 (b) The NVRA official shall promptly provide a copy of the notice
 13 by first class mail to:
 14 (1) the person alleged to have committed the violation; and
 15 (2) the members of the commission.
 16 (c) Notwithstanding this chapter, a person aggrieved by a violation
 17 of NVRA or this article may file a written notice of violation with the
 18 circuit court clerk of the county where the violation allegedly occurred.
 19 If a person files a written notice with the circuit court clerk, the NVRA
 20 official shall not begin enforcement procedures under this chapter
 21 regarding the complaint unless the person files a complaint with the
 22 NVRA official under this chapter.
 23 (d) This subsection applies if the written notice of violation alleges
 24 that ~~either co-director the NVRA official~~ has committed a violation.
 25 The aggrieved person shall file the written notice with the ~~chair of the~~
 26 ~~commission: election division~~. The ~~chair of the~~ commission shall
 27 **designate an individual to** perform the duties otherwise performed by
 28 the NVRA official concerning a written notice of violation.
 29 SECTION 27. IC 3-7-26.3-3, AS AMENDED BY P.L.164-2006,
 30 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 3. As required under 42 U.S.C. 15483, the
 32 secretary of state ~~with the consent of the co-directors of the election~~
 33 ~~division~~ shall implement, in a uniform and nondiscriminatory manner,
 34 a single, uniform, official, centralized, and interactive statewide voter
 35 registration list under this chapter.
 36 SECTION 28. IC 3-7-26.3-18 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. As required
 38 under 42 U.S.C. 15483, the secretary of state ~~the co-directors of the~~
 39 ~~election division~~; and the bureau of motor vehicles commission shall
 40 enter into an agreement to match information in the computerized list
 41 ~~data base~~ with information in the data base of the bureau of motor
 42 vehicles commission to enable the election division (acting on behalf

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1 of the secretary of state) and the commission to verify the accuracy of
2 the information provided on voter registration applications.

3 SECTION 29. IC 3-7-26.3-29 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. The
5 computerized list must include voter registration management features
6 that do the following:

- 7 (1) Automatically assign voter identification numbers in
8 accordance with this title.
- 9 (2) Calculate the number of registered voters by precinct or any
10 election district.
- 11 (3) Permit expedited web based inquiries concerning polling
12 place locations.
- 13 (4) Track and report all voter list maintenance transactions
14 performed within the system.
- 15 (5) Permit tracking regarding the political party ballot requested
16 by voters voting in a primary.
- 17 (6) Generate a variety of reports on paper, compact disc, or floppy
18 disc format, such as walking lists, call lists, lists of voters by
19 precinct, lists of voters by name, date of birth, or date of
20 registration, and lists of voters by other household data.
- 21 (7) Identify voters who are currently less than eighteen (18) years
22 of age.
- 23 (8) Permit electronic processing of voter registration information
24 received as files from other state and federal agencies.
- 25 (9) Provide flexible query functions for management and
26 statistical reports, including the ability of the secretary of state ~~or~~
27 ~~a co-director of the election division~~ to view individual voter
28 registration records.
- 29 (10) Contain full audit controls and management reports to track
30 and manage the work of county voter registration office
31 employees, including the ability of the secretary of state ~~or the~~
32 ~~co-directors of the election division~~ to determine whether a
33 county voter registration office is performing voter list
34 maintenance functions in the manner required by IC 3-7.

35 SECTION 30. IC 3-7-26.3-31 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. The
37 computerized list must include features permitting the secretary of state
38 ~~or a co-director of the election division~~ to include other features
39 determined by the secretary of state. ~~and the co-directors of the election~~
40 ~~division.~~

41 SECTION 31. IC 3-9-4-15 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) **With the**

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authorization of the commission:

(1) a member of the commission; ~~the co-directors, with the authorization of the commission,~~ or a member of a county election board

(2) the election division;

may conduct a hearing or an investigation, take evidence, and report back to the commission ~~or board~~ for its consideration and action.

(b) A member of a county election board, with the authorization of the board, may conduct a hearing or an investigation, take evidence, and report back to the board for its consideration and action.

SECTION 32. IC 3-11-1.5-14, AS AMENDED BY P.L.164-2006, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A county executive must submit a proposed precinct establishment order to the ~~co-directors~~ **election division** before the county executive establishes a precinct under this chapter.

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

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

(d) This subsection applies to an order submitted after the date and time fixed under subsection (b). If the ~~co-directors are~~ **election division is** unable to determine whether a proposed order complies with this chapter before the beginning of the next period specified under section 25 of this chapter, the ~~co-directors~~ **election division** shall complete the review so that, if the proposed order is otherwise approved under this chapter, the order may take effect following the end of the next period specified under section 25 of this chapter.

SECTION 33. IC 3-11-1.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The election division shall send a copy of a precinct establishment order:

(1) submitted under section 14 or 30 (repealed) of this chapter; or

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1 (2) resubmitted under section 20 of this chapter;
 2 to the office for comment.
 3 (b) The office shall review the order and may make any technical
 4 comments the office considers appropriate.
 5 (c) The ~~co-directors or an employee~~ designated by the ~~co-directors~~
 6 **election division** shall examine:
 7 (1) the proposed precinct establishment order; and
 8 (2) the comments of the office;
 9 to determine if the order would establish precincts in compliance with
 10 this chapter.
 11 SECTION 34. IC 3-11-1.5-18, AS AMENDED BY P.L.164-2006,
 12 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 18. (a) If the election division determines that
 14 the proposed precinct establishment order would comply with this
 15 chapter, the election division shall issue an order authorizing the
 16 county executive to establish the proposed precincts.
 17 (b) The order issued by the election division under subsection (a)
 18 must state that the election division finds that the proposed precincts
 19 would comply with the standards set forth in this chapter. The election
 20 division shall promptly provide a copy of the order to the county
 21 executive.
 22 (c) The county executive must give notice of the proposed order to
 23 the voters of the county by one (1) publication under IC 5-3-1-4. The
 24 notice must state the following:
 25 (1) The name of each existing precinct whose boundaries would
 26 be changed by the adoption of the proposed order by the county.
 27 (2) That any registered voter of the county may object to the
 28 proposed order by filing a sworn statement with the election
 29 division setting forth the voter's specific objections to the
 30 proposed order and requesting that a hearing be conducted by the
 31 commission under IC 4-21.5.
 32 (3) The mailing address of the election division.
 33 (4) The deadline for filing the objection with the election division
 34 under this section.
 35 (d) An objection to a proposed precinct establishment order must be
 36 filed not later than noon ten (10) days after the publication of the notice
 37 by the county executive.
 38 (e) If an objection is not filed with the election division by the date
 39 and time specified under subsection (d), the election division shall
 40 promptly notify the county executive. The county executive may
 41 proceed immediately to adopt the proposed order.
 42 (f) If an objection is filed with the election division by the date and

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1 time specified under subsection (d), the election division shall
2 promptly notify the county executive. The county executive may not
3 adopt the proposed order until the commission conducts a hearing
4 under IC 4-21.5 and determines whether the proposed precincts would
5 comply with the standards set forth in this chapter.

6 (g) If the ~~co-directors determine~~ **election division determines** that
7 the expiration of the ten (10) day period described in subsection (d)
8 will occur:

9 (1) after the next period specified under section 25 of this chapter
10 begins; or

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

15 the ~~co-directors election division~~ may request a hearing before the
16 commission under section 21 of this chapter and notify the county
17 executive of the request.

18 SECTION 35. IC 3-11-1.5-19 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. If the
20 ~~co-directors or designated employee~~ **election division** determines that
21 the proposed precinct establishment order would not comply with this
22 chapter, the ~~co-directors~~ **election division** shall advise the county
23 executive specifically how the order would not comply with this
24 chapter. If the ~~co-directors determine~~ **election division determines** that
25 the noncompliance would result from a technical error in a map or legal
26 description included in the proposed order, the ~~co-directors~~ **election**
27 **division** may suggest specific amendments to the map or legal
28 description in the letter accompanying the proposed order.

29 SECTION 36. IC 3-11-1.5-20 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. If a county
31 executive is advised that a proposed precinct establishment order does
32 not comply with this chapter, the county executive may:

33 (1) amend the proposed order so that the precincts may be
34 established in compliance with this chapter; or

35 (2) request an exemption under section 20.5 of this chapter;
36 and resubmit the proposed order to the ~~co-directors.~~ **election division.**

37 SECTION 37. IC 3-11-1.5-21, AS AMENDED BY P.L.164-2006,
38 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 21. (a) If the county executive believes that
40 the proposed order described by section 19 of this chapter complies
41 with this chapter, the county executive may resubmit the order to the
42 ~~co-directors~~ **election division** and request a hearing before the

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commission.

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

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

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

SECTION 38. IC 3-11-1.5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The county executive shall file a copy of the order issued under section 22 of this chapter with the ~~co-directors~~ **election division** not later than seven (7) days after its issuance.

(b) The ~~co-directors~~ **election division** shall send a copy of the order to the office not later than seven (7) days after the ~~co-directors~~ **election division** receives the order.

SECTION 39. IC 3-11-1.5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) The precinct establishment order becomes effective on the first date permitted under section 25 of this chapter.

(b) The office shall notify the ~~co-directors~~ **election division** of the date the new precinct boundaries were entered into the GIS not later than seven (7) days after the new precinct boundaries are entered into the GIS.

SECTION 40. IC 3-11-1.5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. The ~~co-directors~~ **election division** shall promptly notify the county executive of:

- (1) the approval of a precinct establishment order by the commission; and
- (2) the date the order becomes effective.

The ~~co-directors~~ **election division** shall provide one (1) copy of the approved order to the county executive.

SECTION 41. IC 3-11-1.5-27, AS AMENDED BY P.L.164-2006, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) Not later than fourteen (14) days following notice of final approval of a precinct establishment order by the commission under section 18(f) of this chapter, the county executive shall give notice of the approval by one (1) publication under IC 5-3-1-4.

(b) The county executive shall file one (1) copy of the notice

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1 published under subsection (a) with the ~~co-directors~~ **election division**.

2 SECTION 42. IC 3-11-1.5-34 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) A county

4 executive may issue an order to rename or renumber precincts without

5 establishing new precinct boundaries. An order issued under this

6 section becomes effective when it is filed with the ~~co-directors~~

7 **election division**.

8 (b) The ~~co-directors~~ **election division** shall send a copy of the order

9 to the office.

10 SECTION 43. IC 3-11-1.5-35, AS AMENDED BY P.L.2-2005,

11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

12 UPON PASSAGE]: Sec. 35. (a) This section applies to a county that

13 has a precinct that crosses a boundary in violation of section 4(4), 4(5),

14 or 4(6) of this chapter.

15 (b) Notwithstanding section 25 of this chapter, if the county does

16 not issue a precinct establishment order that establishes precincts in

17 compliance with section 4(4), 4(5), and 4(6) of this chapter by the

18 January 31 following the last effective date described in section 25(2)

19 of this chapter, the commission may issue an order establishing

20 precincts as provided under subsection (c).

21 (c) An order issued by the commission under this section must

22 comply with section 4(4), 4(5), and 4(6) of this chapter.

23 (d) The ~~co-directors~~ **election division** shall send a copy of the

24 commission's order to the office.

25 SECTION 44. IC 3-11-1.5-37 IS AMENDED TO READ AS

26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) The

27 ~~co-directors~~ **election division** shall notify the office of any errors found

28 in the precinct boundaries depicted in the GIS.

29 (b) The office and the ~~co-directors~~ **election division** shall cooperate

30 to resolve any errors found in the GIS.

31 SECTION 45. IC 3-11-3-29 IS AMENDED TO READ AS

32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) If a new

33 candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after

34 the printing of ballots and before the election, the election division or

35 the election board may print ballots containing the name of the new

36 candidate.

37 (b) If the election division or the election board determines that

38 printing ballots under subsection (a) would be uneconomical or

39 impractical, the chairman or committee that made the appointment or

40 selection shall provide to the division or the election board the number

41 of pasters the division or the board determines to be necessary for all

42 ballots to reflect the appointment or selection. Pastors may not be given

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1 to or received by any person except the ~~co-directors of the~~ election
2 division (or the election board and the board's chairman).

3 (c) If a candidate entitled to be placed on the ballot changes the
4 candidate's legal name after the printing of ballots and before the
5 election, the candidate who has changed the candidate's legal name
6 shall provide to the election division or the election board the number
7 of pasters the division or the board determines to be necessary for all
8 ballots to reflect the change of name. If a candidate declines to do so
9 under this subsection, the division or the board is not required to
10 reprint ballots to reflect the change of legal name.

11 SECTION 46. IC 3-11-6.5-2 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In
13 accordance with 42 U.S.C. 15404, the election administration
14 assistance fund is established for the following purposes:

15 (1) As provided by 42 U.S.C. 15401, to carry out activities to
16 improve the administration of elections for federal office.

17 (2) As provided by 42 U.S.C. 15401, to use funds provided to the
18 state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401
19 through 15408) as a reimbursement of costs in obtaining voting
20 equipment that complies with 42 U.S.C. 15481 if the state obtains
21 the equipment after November 7, 2000.

22 (3) As provided by 42 U.S.C. 15401, to use funds provided to the
23 state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401
24 through 15408) as a reimbursement of costs in obtaining voting
25 equipment that complies with 42 U.S.C. 15481 under a multiyear
26 contract incurred after December 31, 2000.

27 (4) For reimbursing counties for the purchase of new voting
28 systems or for the upgrade or expansion of existing voting
29 systems that would not qualify for reimbursement under
30 subdivision (2) or (3).

31 (b) The fund consists of the following:

32 (1) Money appropriated to the fund by the general assembly,
33 including any money appropriated from the build Indiana fund.

34 (2) All money allocated to the state by the federal government:

35 (A) under Section 101 of HAVA (42 U.S.C. 15301), as
36 required by 42 U.S.C. 15304;

37 (B) under Section 102 of HAVA (42 U.S.C. 15302), as
38 required by 42 U.S.C. 15304;

39 (C) under Title II, Subtitle D, Part I of HAVA (42 U.S.C.
40 15401 through 15408); and

41 (D) under any other program for the improvement of election
42 administration.

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1 (3) Proceeds of bonds issued by the Indiana bond bank for
2 improvement of voting systems as authorized by law.

3 The auditor of state shall establish an account within the fund for
4 money appropriated by the general assembly and separate accounts
5 within the fund for any money received by the state from the federal
6 government for each source of allocations described under subdivision
7 (2). Proceeds of bonds issued by the Indiana bond bank under
8 subdivision (3) may be deposited into any account, as determined by
9 the election division.

10 (c) The secretary of state ~~with the consent of the co-directors of the~~
11 ~~election division~~ shall administer the fund.

12 (d) The expenses of administering the fund shall be paid from
13 money in the Section 101 account of the fund. If money is not available
14 for this purpose in the Section 101 account of the fund, the expenses of
15 administering the fund shall be paid from money appropriated under
16 subsection (b)(1).

17 (e) The treasurer of state shall invest the money in the fund not
18 currently needed to meet the obligations of the fund in the same
19 manner as other public money may be invested. Interest that accrues
20 from these investments shall be deposited in the fund and allocated
21 among the accounts within the fund according to the balances of the
22 respective accounts.

23 (f) Money in the fund at the end of a state fiscal year does not revert
24 to the state general fund.

25 (g) Money in the fund is appropriated continuously for the purposes
26 stated in subsection (a).

27 SECTION 47. IC 3-11-6.5-2.1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. The secretary
29 of state ~~with the consent of the co-directors of the election division~~;
30 may administer the fund in accordance with the HAVA state plan, as
31 published in the Indiana Register on November 1, 2003. The state plan
32 may be amended in accordance with the requirements of HAVA and
33 the procedures for amendment set forth in the plan. If the plan is
34 amended as provided in this section, the fund may be administered in
35 accordance with that amendment.

36 SECTION 48. IC 3-11-6.5-3.1 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) This
38 section applies to money received under Title II, Subtitle D, Part I of
39 HAVA (42 U.S.C. 15401 through 15408) and deposited in the account
40 established under section 2 of this chapter for those funds.

41 (b) Except as provided in subsection (c), money deposited in the
42 account must be used to comply with the requirements of Title III of

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1 HAVA (42 U.S.C. 15481 through 15502).

2 (c) As authorized under 42 U.S.C. 15401(b), money deposited in the
3 account may be used for other purposes authorized under Section 101
4 of HAVA (42 U.S.C. 15301) if the secretary of state ~~with the approval~~
5 ~~of the co-directors of the election division~~, files the certification
6 required by Section 251(b)(2)(B) of HAVA (42 U.S.C.
7 15401(b)(2)(B)).

8 (d) If the secretary of state makes the certification described in
9 subsection (c), the secretary of state ~~with the approval of the~~
10 ~~co-directors of the election division~~, may transfer amounts that do not
11 in total exceed the amount described in Section 251(b)(2)(B) from the
12 Title II account of the fund to the Section 101 account of the fund.

13 (e) In conformity with Section 254(a)(7) of HAVA (42 U.S.C.
14 15404), the state shall maintain expenditures by the state for activities
15 funded by the payment of funds described by this section at a level that
16 is not less than the level of those expenditures maintained by the state
17 for the fiscal year ending June 30, 2000.

18 SECTION 49. IC 3-11-6.5-4 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To receive
20 reimbursement for the purchase of voting systems under this chapter,
21 a county must file an application with the election division, in the form
22 required by the election division. The secretary of state ~~with the~~
23 ~~consent of the co-directors of the election division~~ shall review the
24 application and make a recommendation to the budget committee
25 regarding the application. If a county filed an application under section
26 3 of this chapter (repealed) not later than January 31, 2003, the
27 application may be amended to comply with this chapter or the county
28 may file a new application under this subsection.

29 (b) The budget agency, after review by the budget committee, shall
30 approve a county's application for reimbursement under this chapter if
31 the budget agency determines either of the following:

32 (1) The county has purchased or will purchase a new voting
33 system or an upgrade or expansion of an existing voting system
34 to comply with HAVA that would be eligible for reimbursement
35 under HAVA and this chapter from any fund account.

36 (2) The county purchased a new voting system or an upgrade or
37 expansion of the county's existing voting system after January 1,
38 1998, and before July 1, 2001, that would not qualify for
39 reimbursement from federal funds received under HAVA, and the
40 new voting system or upgrade or expansion of the county's
41 existing voting system enhanced all of the following:

42 (A) Reliability of the county's voting system.

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1 (B) Efficiency of the county's voting system.
 2 (C) Ease of use of the county's voting system by voters.
 3 (D) Public confidence in the county's voting system.
 4 SECTION 50. IC 3-11-6.5-5, AS AMENDED BY P.L.164-2006,
 5 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 5. (a) If a county's application is approved
 7 under section 4 of this chapter, the secretary of state ~~with the consent~~
 8 ~~of the co-directors of the election division~~ shall, subject to this section,
 9 reimburse the county from the fund an amount to be determined by the
 10 secretary of state. ~~with the consent of the co-directors of the election~~
 11 ~~division.~~
 12 (b) Payment of money from the fund is subject to the availability of
 13 money in the fund and the requirements of this chapter and HAVA.
 14 (c) It is the intent of the general assembly that a county eligible for
 15 reimbursement under section 4 of this chapter be reimbursed from
 16 federal money received by the state to the maximum extent permitted
 17 by federal law.
 18 SECTION 51. IC 3-11-6.5-7.1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) This
 20 section applies to money received under Section 102 of HAVA (42
 21 U.S.C. 15302) and deposited in the account established under section
 22 2 of this chapter for those funds.
 23 (b) Money deposited in the account must be used for the purposes
 24 set forth in Section 102 of HAVA (42 U.S.C. 15302).
 25 (c) As permitted under 42 U.S.C. 15302, a county may apply to
 26 receive reimbursement from the fund.
 27 (d) To receive reimbursement or voting systems under this section,
 28 a county must file an application with the election division in the form
 29 required by the election division. The secretary of state ~~with the~~
 30 ~~consent of the co-directors of the election division,~~ shall review the
 31 application and make a recommendation to the budget committee
 32 regarding the application. If a county filed an application under section
 33 3 of this chapter (repealed) not later than January 31, 2003, the
 34 application may be amended to comply with this chapter or the county
 35 may file a new application under this subsection.
 36 (e) The budget agency, after review by the budget committee, shall
 37 approve a county's application for reimbursement if the budget agency
 38 determines that the county has purchased a voting system to comply
 39 with Section 102 of HAVA and is eligible for reimbursement under this
 40 section.
 41 (f) The budget agency, after review by the budget committee, shall
 42 approve a county's application for disbursement of voting systems to

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1 the county if the budget agency determines that the county is entitled
2 to receive voting systems under this section to comply with Section 102
3 of HAVA.

4 (g) If a county's application for reimbursement is approved under
5 this section, the secretary of state shall, subject to subsection (h),
6 reimburse the county from the fund in an amount not more than the
7 amount determined by STEP TWO of the following formula:

8 STEP ONE: Determine the number of precincts in the county that
9 used a voting machine voting system or a punch card voting
10 system at the November 7, 2000, general election.

11 STEP TWO: Multiply the number determined in STEP ONE by
12 four thousand dollars (\$4,000).

13 (h) Payment of money from the fund under this section is subject to
14 the availability of money in the fund and the requirements of this
15 chapter and HAVA.

16 SECTION 52. IC 3-11-6.5-8 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section
18 applies to money received under Section 101 of HAVA (42 U.S.C.
19 15301) and deposited in the account established under section 2 of this
20 chapter for those funds.

21 (b) Money deposited in the account must be used in accordance with
22 the requirements applicable under Section 101 of HAVA (42 U.S.C.
23 15301).

24 (c) The money may be used ~~with the approval of the co-directors of~~
25 ~~the election division~~ for the following purposes:

26 (1) By the secretary of state for any purpose authorized by this
27 title and permitted under 42 U.S.C. 15301.

28 (2) To reimburse counties for the purchase of new voting systems
29 eligible for reimbursement under section 7.1 of this chapter, to the
30 extent that money received and deposited under section 7.1 of this
31 chapter is insufficient to replace all voting machine systems and
32 punch card voting systems in Indiana.

33 (3) To reimburse counties for the upgrade or expansion of
34 existing voting systems to comply with HAVA.

35 (d) As permitted under 42 U.S.C. 15301, a county may apply to
36 receive reimbursement under subsection (c).

37 (e) To receive reimbursement under this section, a county must
38 make an application to the election division in the form required by the
39 election division. If the county filed an application under section 3 of
40 this chapter (repealed) not later than January 31, 2003:

41 (1) the application may be amended to comply with this chapter;
42 or

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1 (2) the county may file a new application under this section.
2 The secretary of state ~~with the consent of the co-directors of the~~
3 ~~election division~~ shall review the application and make a
4 recommendation to the budget committee regarding the application.

5 (f) The budget agency, after review by the budget committee, shall
6 approve a county's application for reimbursement under this section if
7 the budget agency determines that the application complies with the
8 requirements for reimbursement under subsection (c)(2) or (c)(3).

9 (g) If a county's application is approved under subsection (c)(2), the
10 secretary of state ~~with the consent of the co-directors of the election~~
11 ~~division~~ shall, subject to subsection (i), pay the county from the fund
12 an amount not more than the amount determined by STEP TWO of the
13 following formula:

14 STEP ONE: Determine the number of precincts in the county that
15 used a voting machine voting system or a punch card voting
16 system at the November 7, 2000, general election that cannot be
17 replaced with funds available under section 7.1 of this chapter.

18 STEP TWO: Multiply the number determined in STEP ONE by
19 four thousand dollars (\$4,000).

20 (h) If a county's application is approved under subsection (c)(3), the
21 secretary of state ~~with the consent of the co-directors of the election~~
22 ~~division~~ shall, subject to subsection (i), pay the county from the fund
23 in an amount to be determined by the secretary of state. ~~with the~~
24 ~~consent of the co-directors of the election division.~~

25 (i) Payment of money from the fund under this section is subject to
26 the availability of money in the fund and the requirements of this
27 chapter and HAVA.

28 SECTION 53. IC 3-11-8-6.5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) Not later
30 than twenty-nine (29) days before election day, the county executive
31 shall file a report with the ~~co-directors of the~~ election division listing
32 each precinct of the county for which the county executive was unable
33 to secure an accessible facility for election day. The report must
34 include any other information required by the ~~co-directors.~~ **election**
35 **division.**

36 (b) If the ~~co-directors determine~~ **election division determines** that
37 there are no accessible facilities the county executive can secure for a
38 precinct polling place, the ~~co-directors~~ **election division** shall authorize
39 the county executive to designate at least one (1) special polling place
40 in the county.

41 (c) A special polling place must:
42 (1) be located in an accessible facility; and

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1 (2) operate under all other requirements for precincts and polls
 2 under this title.
 3 (d) A precinct polling place located in an accessible facility may be
 4 used as a special polling place for the county under subsection (c).
 5 (e) The circuit court clerk shall assign a special polling place to an
 6 elderly voter or a voter with disabilities:
 7 (1) whose regular precinct polling place is not located in an
 8 accessible facility; and
 9 (2) who submits an application on a form prescribed by the
 10 commission not later than ten (10) days before election day.
 11 Applications may be submitted under subdivision (2) by mail or in
 12 person at the circuit court clerk's office.
 13 (f) The precinct election board at a special polling place shall do the
 14 following:
 15 (1) Provide each elderly voter or voter with disabilities assigned
 16 to the special polling place under subsection (e) a ballot that
 17 includes all offices and public questions to be voted for in the
 18 voter's precinct of residence.
 19 (2) Prepare a separate poll list for the elderly voters and the voters
 20 with disabilities assigned to the special polling place.
 21 (g) Votes cast at a special polling place shall be counted and
 22 reported in the same manner as votes cast at a precinct under this title.
 23 SECTION 54. IC 3-14-3-14 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. A printer of the
 25 ballots for an election, or person employed in printing the ballots, who
 26 knowingly:
 27 (1) delivers a ballot to a person other than ~~the co-directors or an~~
 28 authorized representative of the ~~election division or a county~~
 29 election board for which the ballots are being printed;
 30 (2) prints a ballot in any form other than the one prescribed by
 31 law; or
 32 (3) prints a ballot containing any names, spellings, or
 33 arrangements other than as authorized by the ~~commission or a~~
 34 county election board;
 35 commits a Class D felony.
 36 SECTION 55. IC 9-24-2.5-8 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The
 38 ~~co-directors of the~~ election division shall provide the commission with
 39 a list of the current addresses and telephone numbers of the ~~offices of~~
 40 ~~the circuit court clerk or board of county voter~~ registration ~~office~~ in
 41 each county. The commission shall promptly forward the list and each
 42 revision of the list to each license branch.

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1 (b) The ~~co-directors of the~~ election division shall provide the
 2 commission with pre-addressed packets for the commission to transmit
 3 applications under section 6(1) or 6(2) of this chapter.

4 SECTION 56. IC 9-24-2.5-10 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The
 6 ~~co-directors of the~~ election division shall notify the commission of the
 7 following:

8 (1) The scheduled date of each primary, general, municipal, and
 9 special election.

10 (2) The jurisdiction in which the election will be held.

11 (3) The date when registration ceases under IC 3-7-13-10 before
 12 each primary, general, municipal, and special election.

13 SECTION 57. IC 9-24-2.5-11 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The
 15 commission shall provide the ~~co-directors of the~~ election division with
 16 a list stating the following:

17 (1) The address and telephone number of each license branch.

18 (2) The name of the manager of the license branch and any
 19 employee designated by the manager to be responsible for
 20 performing voter registration duties under this chapter.

21 SECTION 58. IC 9-24-2.5-12 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. As required
 23 under 42 U.S.C. 15483, the secretary of state (~~with the consent of the~~
 24 ~~co-directors of the election division~~) and the commission shall enter
 25 into an agreement to match information in the computerized list
 26 established under IC 3-7-26.3 with information in the data base of the
 27 commission to enable the election division and the commission to
 28 verify the accuracy of the information provided on voter registration
 29 applications.

30 SECTION 59. IC 12-14-1.5-8 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The
 32 ~~co-directors of the~~ election division shall provide the division with a
 33 list of the current addresses and telephone numbers of the offices of the
 34 circuit court clerk or board of registration in each county. The division
 35 shall promptly forward the list and each revision of the list to each
 36 county office.

37 (b) The ~~co-directors~~ **election division** shall provide the division
 38 with pre-addressed packets for county offices to transmit applications
 39 under section 6(1) or 6(2) of this chapter.

40 SECTION 60. IC 12-14-1.5-10 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The
 42 ~~co-directors of the~~ election division shall notify each county director of

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1 the following:

2 (1) The scheduled date of each primary, general, municipal, and
3 special election.

4 (2) The jurisdiction in which the election will be held.

5 SECTION 61. IC 12-14-1.5-11 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The division
7 shall provide the ~~co-directors of the~~ election division with a list stating
8 the following:

9 (1) The address and telephone number of each county office.

10 (2) The name of each county director and any employee
11 designated by the director to be responsible for performing voter
12 registration duties under this chapter.

13 SECTION 62. IC 12-14-22-8 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person
15 who solicits, discloses, receives, makes use of, or authorizes,
16 participates in, or acquiesces in the use of a list or name kept under this
17 chapter for commercial or political purposes commits a Class B
18 misdemeanor.

19 (b) The division shall notify the ~~co-directors of the~~ election division
20 if a violation of this section concerns confidential voter registration
21 records under IC 3-7-15.

22 SECTION 63. IC 12-14-25-7 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The
24 ~~co-directors of the~~ election division shall provide the division with a
25 list of the current addresses and telephone numbers of the ~~offices of the~~
26 ~~circuit court clerk or board of county voter~~ registration ~~office~~ in each
27 county. The division shall promptly forward the list and each revision
28 of the list to each county office.

29 (b) The ~~co-directors~~ **election division** shall provide the division
30 with pre-addressed packets for food stamp offices to transmit
31 applications under section 5(1) or 5(2) of this chapter.

32 SECTION 64. IC 12-14-25-9, AS AMENDED BY P.L.145-2006,
33 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 9. (a) The ~~codirectors of the~~ election division
35 shall notify the division of family resources and the department of child
36 services of the following:

37 (1) The scheduled date of each primary, general, municipal, and
38 special election.

39 (2) The jurisdiction in which the election will be held.

40 SECTION 65. IC 12-14-25-10 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The division
42 shall provide the ~~co-directors of the~~ election division with a list stating

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1 the following:

- 2 (1) The address and telephone number of each food stamp office.
 3 (2) The name of each employee designated by the director to be
 4 responsible for performing voter registration duties under this
 5 chapter.

6 SECTION 66. IC 12-15-1.5-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A county
 8 director or designated employee may use any of the following methods
 9 to transmit voter registration applications or declinations under section
 10 4 or 5 of this chapter:

- 11 (1) Hand delivery to the ~~circuit court clerk or board of county~~
 12 **voter registration office**.
 13 (2) Certified mail, return receipt requested.
 14 (3) Electronic transfer, after approval by the ~~co-directors of the~~
 15 election division.

16 SECTION 67. IC 12-15-1.5-8, AS AMENDED BY P.L.145-2006,
 17 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 8. (a) The ~~codirectors of the~~ election division
 19 shall provide the division of family resources and the department of
 20 child services with a list of the current addresses and telephone
 21 numbers of the ~~offices of the circuit court clerk or board of county~~
 22 **voter registration office** in each county. The division of family
 23 resources and the department of child services shall promptly forward
 24 the list and each revision of the list to each county office.

25 (b) The ~~codirectors election division~~ shall provide the division of
 26 family resources and the department of child services with
 27 pre-addressed packets for county offices to transmit applications under
 28 section 6(1) or 6(2) of this chapter.

29 SECTION 68. IC 12-15-1.5-10 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The
 31 ~~co-directors of the~~ election division shall notify each county director of
 32 the following:

- 33 (1) The scheduled date of each primary, general, municipal, and
 34 special election.
 35 (2) The jurisdiction in which the election will be held.

36 SECTION 69. IC 12-15-1.5-11 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The division
 38 shall provide the ~~co-directors of the~~ election division with a list stating
 39 the following:

- 40 (1) The address and telephone number of each county office.
 41 (2) The name of each county director and any employee
 42 designated by the director to be responsible for performing voter

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1 registration duties under this chapter.
 2 SECTION 70. IC 16-35-1.6-9 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The
 4 ~~co-directors of the~~ election division shall provide the commissioner
 5 with a list of the current addresses and telephone numbers of the ~~offices~~
 6 ~~of the circuit court clerk or board of county voter~~ registration office in
 7 each county. The commissioner shall promptly forward the list and
 8 each revision of the list to each WIC office.
 9 (b) The ~~co-directors~~ **election division** shall provide the
 10 commissioner with pre-addressed packets for WIC offices to transmit
 11 applications under section 7(1) or 7(2) of this chapter.
 12 SECTION 71. IC 16-35-1.6-11 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The
 14 ~~co-directors of the~~ election division shall notify the commissioner of
 15 the following:
 16 (1) The scheduled date of each primary, general, municipal, and
 17 special election.
 18 (2) The jurisdiction in which the election will be held.
 19 SECTION 72. IC 16-35-1.6-12 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The
 21 commissioner shall provide ~~the co-directors of~~ the election division
 22 with a list stating the following:
 23 (1) The address and telephone number of each WIC office.
 24 (2) The name of each employee designated by the commissioner
 25 to be responsible for performing voter registration duties under
 26 this chapter.
 27 SECTION 73. IC 33-42-4-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following
 29 may subscribe and administer oaths and take acknowledgments of all
 30 documents pertaining to all matters where an oath is required:
 31 (1) Notaries public.
 32 (2) Justices and judges of courts, in their respective jurisdictions.
 33 (3) The secretary of state.
 34 (4) The clerk of the supreme court.
 35 (5) Mayors, clerks, clerk-treasurers of towns and cities, and
 36 township trustees, in their respective towns, cities, and townships.
 37 (6) Clerks of circuit courts and master commissioners, in their
 38 respective counties.
 39 (7) Judges of United States district courts of Indiana, in their
 40 respective jurisdictions.
 41 (8) United States commissioners appointed for any United States
 42 district court of Indiana, in their respective jurisdictions.

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- 1 (9) A precinct election officer (as defined in IC 3-5-2-40.1) and
- 2 an absentee voter board member appointed under IC 3-11-10, for
- 3 any purpose authorized under IC 3.
- 4 (10) A member of the Indiana election commission, ~~a co-director~~
- 5 **the director** of the election division, or an employee of the
- 6 election division under IC 3-6-4.2.
- 7 (11) County auditors, in their respective counties.
- 8 (12) Any member of the general assembly anywhere in Indiana.
- 9 SECTION 74. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 10 UPON PASSAGE]: IC 3-6-4.2-3.2; IC 3-6-4.2-5; IC 3-6-4.2-6;
- 11 IC 3-6-4.2-7.
- 12 SECTION 75. [EFFECTIVE UPON PASSAGE] (a) **The definitions**
- 13 **in IC 3-5-2 apply throughout this SECTION.**
- 14 (b) **The individual serving as chair of the commission on May**
- 15 **15, 2007, serves as the initial vice chair of the commission until a**
- 16 **vice chair is designated under IC 3-6-4.1-6, as amended by this act.**
- 17 (c) **The office of co-director of the election division is abolished.**
- 18 **Except as otherwise provided by this act, the individual and joint**
- 19 **powers, duties, functions, rights, and responsibilities of the**
- 20 **co-directors are transferred to the director of the election division.**
- 21 (d) **The individual serving as co-director on May 15, 2007, who**
- 22 **was nominated under IC 3-6-4.2 by the major political party whose**
- 23 **candidate for secretary of state received the highest number of**
- 24 **votes cast at the 2006 general election for that office serves as the**
- 25 **initial director of the election division.**
- 26 (e) **The individual serving as co-director on May 15, 2007, who**
- 27 **was nominated under IC 3-6-4.2 by the major political party whose**
- 28 **candidate received the second highest number of votes cast at the**
- 29 **2006 general election for that office serves as the initial assistant**
- 30 **director designated under IC 3-6-4.2-8, as amended by this act.**
- 31 (f) **A reference to a co-director of the election division or the**
- 32 **co-directors of the election division in any statute or rule shall be**
- 33 **treated as a reference to the director of the election division.**
- 34 (g) **This SECTION expires January 1, 2013.**
- 35 SECTION 76. **An emergency is declared for this act.**

COPY

